

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 22, 2013**

Invocation: Rev. Edward Garcia, Pastor, Emmanuel United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 22, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:03 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of August 6, 2013 and regular meeting of August 8, 2013.
The minutes from the City Council work session of August 6, 2013 and regular meeting of August 8, 2013 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
2. Approve an ordinance amending the Fiscal Year 2012-2013 Austin Resource Recovery Department Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$60,000 from the Fiscal Year 2012-2013 Austin Resource Recovery Department Operating Budget (Ordinance No. 20120910-001) for the Compressed Natural Gas Facility Improvements Project and \$219,000 for the FM 812 Landfill Gas to Energy Project.
Ordinance No. 20130822-002 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 3 was pulled to be heard after the related Executive Session item.

4. Authorize the City Clerk to negotiate and execute an agreement with Travis County for the City's use of Travis County's voting equipment and for the County Clerk to administer the City's elections. Funding will be available in the Fiscal Year 2013-2014 Operating Budget of the Office of the City Clerk.
The motion authorizing the City Clerk to negotiate and execute an agreement with Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
5. Authorize execution of an amendment to the interlocal agreement with Travis County and the Austin Travis County Integral Care Center (ATCIC) to use ATCIC as a Substance Abuse Management Service

Organization, by adding funds from Travis County's Parenting in Recovery Grant funds in the amount of \$33,827, for a new total funding amount of \$1,648,391.

The motion authorizing the execution of an amendment to the interlocal agreement with Travis County and the Austin Travis County Integral Care Center was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

6. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County and the Austin Travis County Integral Care Center (ATCIC) extending the term of the agreement to use ATCIC as a Substance Abuse Management Service Organization to provide care for indigent and other qualified recipients, public health education and information related to mental health, and substance abuse services for the term October 1, 2013 to September 30, 2014, for a total contract amount not to exceed \$465,921, and to amend the agreement's work statement.

The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with Travis County and the Austin Travis County Integral Care Center was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

7. Authorize negotiation and execution of an interlocal agreement with the Austin Travis County Integral Care Center for the Road to Recovery program which provides substance abuse and mental health services for offenders with a history of repeated contact with the criminal justice system, for the term October 1, 2013 to September 30, 2014 for a total contract amount not to exceed \$393,427.

The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Travis County Integral Care Center was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

8. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION, LTD (MBE/MH - 63.85%), for the Oak Valley Road/Old Manchaca Road Waterline Rehabilitation Project in the amount of \$312,499, plus a \$31,249.90 contingency, for a total contract amount not to exceed \$349,748.90. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.93% MBE and 2.96% WBE subcontractor participation; and 63.85% MBE prime participation.)

The motion authorizing the execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

9. Authorize execution of a construction contract with PROTA CONSTRUCTION, INC. & PROTA, INC. - JV, for Davis Sludge Processing Improvements in the amount of \$1,772,374 plus a \$177,237.40 contingency, for a total contract amount not to exceed \$1,949,611.40. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program) by meeting the goals with 37.02% MBE and 2.18% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Protta Construction, Inc. & Protta, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

10. Authorize negotiation and execution of a professional services agreement with AECOM TECHNICAL SERVICES, INC., or one of the other qualified responders to RFQ Solicitation No. CLMP129, to provide engineering services for the ABIA eALP and Utility Mapping Project in an amount not to exceed \$450,000. (Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 20.00% DBE subconsultant participation.) August 14, 2013 – Approved by the Austin Airport Advisory Commission on a 4-2-1 vote with Commissioners Murphy and Lee abstaining.

The motion authorizing the negotiation and execution of a professional services agreement with AECOM Technical Services, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

11. Authorize negotiation and execution of an amendment to the professional services agreement with ALAN PLUMMER ASSOCIATES, INC. to develop drought management options for a water resources planning study in an amount not to exceed \$200,000, for a total contract amount not to exceed \$892,445. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 14.40% MBE and 13.60% WBE subconsultant participation to date.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Alan Plummer Associates, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

12. Authorize negotiation and execution of an amendment to the professional services agreement with CH2M HILL INC., for programming, configuration, and additional construction phase and services for the Water Distribution Control System and Lift Station Telemetry Supervisory Control and Data Acquisition (SCADA) System Improvements in the amount of \$1,110,237.35 for a total contract amount not to exceed \$2,100,902.63 (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.58% MBE and 1.23% WBE subconsultant participation to date.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with CH2M Hill Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

13. Authorize negotiation and execution of an amendment to the professional services agreement with AECOM TECHNICAL SERVICES, INC. (AECOM), for design and bidding engineering services for the Davis & Ullrich Water Treatment Plant Raw Water Hydraulic and Energy Efficiency Improvements in the amount of \$1,100,000 for a total contract amount not to exceed \$1,550,000. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 9.79% MBE and 1.01% WBE subconsultant participation to date.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with AECOM Technical Services, Inc. (AECOM) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

14. Authorize execution of a construction contract with QUEST CIVIL CONSTRUCTORS, LLC for the Barton Springs Pool - General Grounds Improvements Project in the amount of \$2,727,272 plus a \$272,727.20 contingency, for a total contract amount not to exceed \$2,999,999.20. Related to Item #29. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of good faith efforts with 30.22% MBE and 23.12% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Quest Civil Constructors, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

15. Authorize execution of change order #6 to the construction contract with DENUCCI CONSTRUCTORS, LLC, for the Group 17 - 8th Street from Congress Avenue to West Avenue Street Reconstruction and Utility Adjustments Project, which is an ACCELERATE AUSTIN PROJECT, in the amount of \$658,873.17 plus \$91,000 additional contingency, for a total contract amount not to exceed \$6,437,012.53. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 2.29% MBE and 2.08% WBE subcontractor participation to date including this change order.)

The motion authorizing the execution of change order number six to the construction contract with Denucci Constructors, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 16 was pulled to be heard after related item 122.

Items 17 and 18 were pulled for discussion.

19. Authorize the negotiation and execution of a 24-month lease renewal for horse stable and arena facilities located at 8011 East Parmer Lane, Manor, Texas, for use by the Austin Police Department's Mounted Patrol Unit, from Glenn and Britta M. Herzog, in an amount not to exceed \$108,000.
The motion authorizing the negotiation and execution of a lease renewal from Glenn and Britta M. Herzog was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
20. Approve the negotiation and execution of a 36-month lease renewal for hangar space for three helicopters, and approximately 1,200 square feet of office space for the Air Operations Unit of the Austin Police Department, located at 4309 Emma Browning Avenue, from ATLANTIC AVIATION, in an amount not to exceed \$88,200.
The motion authorizing the negotiation and execution of a lease renewal from Atlantic Aviation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
21. Approve the negotiation and execution of a 60-month lease for 5,000 square feet of warehouse space for the Austin Police Department's Organized Crime Division, located at 6014 Techni Center Drive, Building 2, from TECHNI-CENTER PARTNERS LTD., in an amount not to exceed \$161,892.
The motion authorizing the negotiation and execution of a lease from Techni-Center Partners Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
22. Authorize the negotiation and execution of an encroachment agreement to permit Kevin Burns the limited right to the long-term encroachment of private structures into a portion of the public right-of-way, constituting approximately 219 square feet of land, being a portion of West avenue, an eighty (80) foot wide right-of-way out of and a part of Outlot No. 11, Division "Z," situated in the City of Austin, Travis County, Texas, and adjoining a called 2.148 acre tract of land, located at 801 West 5th Street.
The motion authorizing the negotiation and execution of an encroachment agreement was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
23. Authorize the negotiation and execution of an encroachment agreement to permit WALLER CREEK ELEVEN, LTD. the limited right to the long-term encroachment of private structures into a portion of the public right-of-way, constituting approximately 6,130 square feet land, being a portion of Sabine Street (80' Right-of-Way) and East Cesar Chavez Street (80' Right-of-Way), adjoining Block 11, Original City of Austin, Travis County, Texas, adjacent to 101 Red River Street.
The motion authorizing the negotiation and execution of an encroachment agreement was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
24. Authorize the negotiation and execution of an encroachment agreement to permit WC 4th & COLORADO, LP the limited right to the long-term encroachment of private structures into a portion of public right-of-way along West 4th Street, comprising two areas consisting of approximately 480 square feet of land and 232 square feet of land, more or less, both being a portion of the West 4th Street right-of-way and being adjacent to Lots 7 and 8 of Block 29 of the Original City of Austin, Texas, said Lots 7 and 8 being conveyed by Deed to WC 4th and Colorado LP, a Texas limited partnership, as recorded in

Document Number 2011090550 of the Official Public Records of Travis County, Texas and both being inside of the south right-of-way of 4th Street at 117 West 4th Street, in Austin, Travis County, Texas.

The motion authorizing the negotiation and execution of an encroachment agreement was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

25. Authorize the negotiation and execution of an encroachment agreement to permit WESAUS, LLC the limited right to the long-term encroachment of private structures into a portion of public right-of-way, constituting approximately 0.050-acre tract of land, being a portion of the East 5th Street (80' R.O.W.) Right-of-Way, adjoining Lots 1-3, Block 58 of the Original City of Austin, adjacent to 310 East 5th Street, in Austin, Travis County, Texas.

The motion authorizing the negotiation and execution of an encroachment agreement was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

26. Authorize the negotiation and execution of an encroachment agreement to permit COUSINS 3rd & COLORADO, LLC the limited right to the long-term encroachment of private structures into approximately 121 square feet of right-of-way along Colorado Street and approximately 100 square feet along West 3rd Street, adjacent to Lots 11-12, Block 29, Original City of Austin, at 311 Colorado Street, in Austin, Travis County, Texas.

The motion authorizing the negotiation and execution of an encroachment agreement was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

27. Approve an ordinance amending Ordinance No. 20120910-003, the City's fee ordinance, related to establishing fees and other costs for permanent encroachments in the public right-of-way allowed under City Code Chapter 14-11.

Ordinance No. 20130822-027 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

28. Authorize negotiation and execution of an interlocal agreement with the Texas Facilities Commission for the City to accept custodial possession of the Juneteenth Memorial Monument to be displayed on the East grounds of the George Washington Carver Museum and Cultural Center, 1165 Angelina Street, Austin Texas for a term of 99 years. The estimated project budget for construction is \$100,000.

The motion authorizing the negotiation and execution of an interlocal agreement with the Texas Facilities Commission was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

29. Approve an ordinance amending the Fiscal Year 2012-2013 Financial Services Department Capital Budget (Ordinance No. 20120910-002) to transfer \$640,000 to the Parks and Recreation Department Capital Budget; and amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to appropriate the \$640,000 transfer for the Barton Springs Pool General Grounds Improvements project. Related to Item #14.

Ordinance No. 20130822-029 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

30. Authorize negotiation and execution of any and all documents necessary to assign the rights of the remaining term of the five-year Co-Sponsorship Agreement executed with RunTex Foundation to organize the Trail of Lights event, to the Trail of Lights Foundation.

The motion authorizing the negotiation and execution of any and all documents necessary to assign the rights of the remaining term of the five-year co-sponsorship agreement executed with RunTex Foundation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 31 and 32 were pulled for discussion.

Item 33 was pulled to be heard after related item 122.

34. Approve an ordinance waiving development fees for the construction of accessible ramps for existing single-family and duplex residential dwelling units built by qualifying non-profit entities for income-eligible individuals.
Ordinance No. 20130822-034 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
35. Authorize the negotiation and execution of an interlocal agreement with Texas State University - San Marcos to reimburse costs of law enforcement services for the Texas Tobacco Enforcement Program for a total reimbursement not to exceed \$26,025.
The motion authorizing the negotiation and execution of an interlocal agreement with Texas State University was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
36. Approve a resolution authorizing the acceptance of \$61,110 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Austin Police Services for Victims of Domestic Violence Project.
Resolution No. 20130822-036 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
37. Approve a resolution authorizing the acceptance of \$113,090.22 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Coverdell Project.
Resolution No. 20130822-037 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
38. Approve a resolution authorizing the acceptance of \$406,147 in grant funding from the Texas Automobile Burglary and Theft Prevention Authority to implement the Austin Police Department Automobile Burglary and Theft Interdiction Project.
Resolution No. 20130822-038 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
39. Approve a resolution authorizing the acceptance of \$75,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Regional Training Project. Related to Item #40.
Resolution No. 20130822-039 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
40. Approve an ordinance accepting \$75,000 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division; and amending the Fiscal Year 2012-2013 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$75,000 for the Austin Police Department Regional Training Project. Related to Item #39.
Ordinance No. 20130822-040 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
41. Approve a resolution authorizing the application for and acceptance of \$16,282 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Juvenile Justice Project. Related to Item #42.
Resolution No. 20130822-041 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

42. Approve an ordinance accepting \$16,282 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division; and amending the Fiscal Year 2012-2013 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$16,282 for the Austin Police Department Juvenile Justice Project. Related to Item #41.
Ordinance No. 20130822-042 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
43. Approve a resolution authorizing the acceptance of \$62,090 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Air Support Central Receiver Site Project. Related to Item #44.
Resolution No. 20130822-043 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
44. Approve an ordinance accepting \$62,090 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2012-2013 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$62,090 for the Austin Police Department Air Support Central Receiver Site Project. Related to Item #43.
Ordinance No. 20130822-044 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
45. Approve a resolution authorizing the acceptance of \$70,186 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Air Support Video Communications Project. Related to Item #46.
Resolution No. 20130822-045 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
46. Approve an ordinance accepting \$70,186 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2012-2013 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$70,186 for the Austin Police Department Air Support Video Communications Project. Related to Item #45.
Ordinance No. 20130822-046 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
47. Authorize award and execution of fifteen contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with: KIRBY-SMITH MACHINERY, for the purchase of 10 Multiquip V304EH Walk-Behind Rollers and one Multiquip Power Buggy WBH-16EF in an amount not to exceed \$134,782; RDO EQUIPMENT, for the purchase of one John Deere 670G Motor Grader, one John Deere 35D Mini Excavator, one John Deere 410TJ T/L/B, Cab/Air, Wain Roy Swinger Coupler w/ 24" Bucket, one John Deere 333DT Rubber-Track LDR, Cab/Air, 84" BKT, Backhoe, Shredder, and one John Deere 85D Excavator Quick-Attach Bucket in an amount not to exceed \$633,487; WAUKESHA-PEARCE INDUSTRIES, INC., for the purchase of one Gradall XL3100 IV 4X2 Truck Mounted Excavator and one Gradall XL4100 IV 6X4 Truck Mounted Excavator in an amount not to exceed \$676,776; KINLOCH EQUIPMENT & SUPPLY, INC., for the purchase of one Vactor RamJet F-Series Sewer Cleaner, one Vactor 2103 Sewer Cleaner Body, and one Vactor 2100 plus Combination Sewer Cleaner Body in an amount not to exceed \$492,678; COOPER EQUIPMENT, for the purchase of four Schwarze A8000CNG Freightliner M2 112 High Dump Street Sweeper, one HAMM HD 12 VT Combo Roller, two HAMM HD 12 VV 47" Double Drum Asphalt Rollers, and one Schwarze A7000 FREIGHTLINER M2 Street Sweeper in an amount not to exceed \$1,800,585; RUSH TRUCK CENTER, for the purchase of one Peterbilt/MRL Striper in an amount not to exceed \$266,202; LONGHORN INTERNATIONAL, for the purchase of 13 Crane Carrier LET2-45 Cab & Chassis for Commercial Body (brown) and two Crane Carrier LET2-45 Cab & Chassis for Commercial Body (blue) in an amount not to exceed \$2,896,831; TEXAN WASTE EQUIPMENT, dba HEIL OF TEXAS, for the purchase of 15 Heil Commercial 25 Yard High Compaction Rear Loaders and two Heil F-4000N Narrow 11 Yard High Compaction Rear Loaders

in an amount not to exceed \$2,591,884; CHASTANG ENTERPRISES, INC., for the purchase of two Autocar Diesel-Powered Cab & Chassis for Dead End Refuse Bodies in an amount not to exceed \$201,100; VERMEER EQUIPMENT OF TEXAS, INC., dba VERMEER TEXAS-LOUISIANA, for the purchase of two Vermeer BC1000XL 12" Brush Chippers and one Vermeer BC1500 15" Brush Chipper in an amount not to exceed \$94,299; AUSTIN TRUCK & EQUIPMENT, INC. LTD, dba FREIGHTLINER OF AUSTIN, for the purchase of one Freightliner/ALTEC M2-106 Tree Truck and one Freightliner/ALTEC M2-106 Service Truck in an amount not to exceed \$379,959; CENTRAL TEXAS EQUIPMENT, DBA CENTRAL TEXAS HEAVY EQUIPMENT, for the purchase of six Doosan P185WJD-T41 185 Portable Air Compressor and one Doosan P250@JD-T4I 250 Portable Air Compressor in an amount not to exceed \$159,729; EQUIPMENT SOUTHWEST, for the purchase of one PD L-150-CT Loader attachment in an amount not to exceed \$59,527; JOHN DEERE COMPANY, for the purchase of one 6X4, Diesel, John Deere TH Gator, one 4x2, Electric, John Deere TE Gator, one John Deere 6115D Tractor, one John Deere CX20 Batwing Cutter, one John Deere 5055E Tractor with John Deere MX8 Shredder, and one John Deere 5045E with attachments in an amount not to exceed \$152,110; CLARK EQUIPMENT COMPANY, dba BOBCAT COMPANY, for the purchase of one Bobcat S750 Skid Steer Loader in an amount not to exceed \$97,457. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) August 19, 2013 – Unanimously approved by the Electric Utility Commission on a 5-0 vote.

The motion authorizing the award and execution of fifteen contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Kirby-Smith Machinery; RDO Equipment; Waukesha-Pearce Industries, Inc.; Kinloch Equipment & Supply; Cooper Equipment; Rush Truck Center; Longhorn International; Texan Waste Equipment doing business as Heil of Texas; Chastang Enterprises, Inc.; Vermeer Equipment of Texas, Inc. doing business Vermeer Texas-Louisiana; Austin Truck & Equipment, Inc. Ltd. doing business as Freightliner of Austin; Central Texas Equipment doing business as Central Texas Heavy Equipment; Equipment Southwest; John Deere Company; and Clark Equipment Company doing business as Bobcat company was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

48. Authorize the award and execution of a contract with OLYMPUS TECHNOLOGIES, INC. for the purchase of three sludge heat exchangers and accessories for the Austin Water Utility for a total contract amount not to exceed \$125,700. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Olympus Technologies, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

49. Authorize award and execution of a 36-month requirements service contract with LBS ENTERPRISES, LLC. dba, ALLSTATES COATINGS, CO. to provide airfield traffic paint for the Aviation Department, in an amount not to exceed \$360,000, with three 12-month extension options in an amount not to exceed \$120,000 per extension option, a total contract amount not to exceed \$720,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with LBS Enterprises LLC doing business as Allstates Coatings, Co. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

50. Authorize award and execution of a 36-month contract with THYSSENKRUPP AIRPORT SYSTEMS to provide passenger boarding bridge tires for the Aviation Department in an amount not to exceed \$180,000, with three 12-month extension options in an amount not to exceed \$60,000 per extension

option, for a total contract amount not to exceed \$360,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Thyssenkrupp Airport Systems was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

51. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PROFESSIONAL TURF PRODUCTS, LP for the purchase of five medium-duty mowers in an amount not to exceed \$72,066. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Professional Turf Products, LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

52. Authorize award, negotiation and execution of a contract with MEGGER, Dallas, TX for the purchase of a SMRT36 Three Phase Relay Test System for maintenance and repairs on 15kv substation/distribution equipment at Austin Water Utility treatment facilities in an amount not to exceed \$64,022. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award, negotiation and execution of a contract with Megger was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

53. Authorize award and execution of a contract with LAKESIDE EQUIPMENT CORPORATION, for the purchase screening cartridge for the Austin Water Utility in a total contract amount of \$92,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Lakeside Equipment Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

54. Authorize award, negotiation, and execution of a 24-month requirements service agreement with EMERGE KNOWLEDGE DESIGN INC., or one of the other qualified offerors to RFP No. SDC0010 to design, develop and maintain a secure Web-based data collection and reporting system for Austin Resource Recovery in an amount not to exceed \$200,000, with four 12-month extension options in an amount not to exceed \$100,000 per extension option for a total contract amount not to exceed \$600,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

This item was postponed on consent to September 26, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

55. Authorize award and execution of a contract with WABASH NATIONAL TRAILER CENTER, San Antonio, TX for the purchase of two Aluminum Tandem Hydraulic Dump Semi-Trailers for Austin Water Utility in an amount not to exceed \$238,090. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement

Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Wabash National Trailer Center was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

56. Authorize award, negotiation, and execution of Amendment No. 11 to an Interlocal Agreement with the TRAVIS COUNTY SHERIFF'S OFFICE for security and loss prevention services provided to the Combined Transportation, Emergency, & Communications Center (CTECC) to increase the third extension option in an amount not to exceed \$113,013, to increase the 4th extension option in an amount not to exceed \$130,497 and to add three additional 12-month extension options in amounts not to exceed \$1,329,456 for the 5th option, \$1,409,224 for the sixth option and \$1,493,777 for the 7th option for a total revised contract amount not to exceed \$14,979,604. The City of Austin share is \$ 3,744,901. The remaining cost will be reimbursed by the CTECC partners. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of amendment number eleven to an interlocal agreement with the Travis County Sheriff's Office was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

57. Authorize negotiation and execution of an Interlocal Agreement with WILLIAMSON COUNTY, TEXAS to allow for cooperative procurement of goods and services. (Notes: Contracts under this agreement will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program).)

The motion authorizing the negotiation and execution of an interlocal agreement with Williamson County, Texas was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

58. Authorize award and execution of a 36-month requirements service contract with JTSM INC., DBA EAGLE TRANSMISSION SERVICES or one of the other qualified Bidders for IFB-BV LPW0001, for automatic transmission repair services for light and medium-duty vehicles for the Fleet Services Department in an amount not to exceed \$812,725, with three 12-month extension options in an amount not to exceed \$297,606 for the first extension option, \$312,077 for the second extension option, and \$327,270 for the third extension option, for a total contract amount not to exceed \$1,749,678. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with JTSM Inc. doing business as Eagle Transmission Services was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

59. Authorize award and execution of two 24-month requirement supply contracts for the purchase of various hydrant repair parts for the Austin Water Utility with HD SUPPLY WATERWORKS LTD in an amount not to exceed \$140,308 with two 12-month extension options in an amount not to exceed \$70,154 per extension option for a total contract amount not to exceed \$280,616; and with HYDRAFLO, INC. in an amount not to exceed \$127,962 with two 12-month extension options in an not to exceed \$63,981 for a total contract amount not to exceed \$255,924. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of two requirement supply contracts with HD Supply Waterworks Ltd. and Hydraflo, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

60. Authorize award and execution of two 36-month requirements supply contracts for the purchase of copper and polyethylene pipe for the Austin Water Utility with FERGUSON ENTERPRISES, INC. dba FERGUSON WATERWORKS, in an amount not to exceed \$51,660, with two 12-month extension options in an amount not to exceed \$17,220 per extension option, for a total contract amount not to exceed \$86,100; and with HD SUPPLY WATER WORKS in an amount not to exceed \$43,665, with two 12-month extension options in an amount not to exceed \$14,555 per extension option, for a total contract amount not to exceed \$72,775. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)
The motion authorizing the award and execution of two requirements supply contracts with Ferguson Enterprises, Inc. doing business as Ferguson Waterworks and HD Supply Water Works was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
61. Authorize award and execution of a contract with AGILENT TECHNOLOGIES, INC., for the purchase of Inductively Coupled Plasma Mass Spectrometry System (ICP-MS) for the Austin Water Utility in a total contract amount of \$143,026. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)
The motion authorizing the award and execution of a contract with Agilent Technologies, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
62. Authorize award and execution of two 24-month requirements supply contracts for the purchase of calcium chloride and calcium hypochlorite for the Austin Water Utility with LESLIE'S POOLMART, INC., in an amount not to exceed \$126,476 with two 12-month extension options in an amount not to exceed \$63,238 per extension option for a total contract amount not to exceed \$252,952; and with CHEMRITE INC., in an amount not to exceed \$9,276 with two 12-month extension options in an amount not to exceed \$4,638 per extension option, for a total contract amount not to exceed \$18,552. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)
The motion authorizing the award and execution of two requirements supply contracts with Leslie's Poolmart, Inc. and Chemrite Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
63. Authorize award and execution of a 24-month requirements supply contract with HD SUPPLY WATERWORKS, LTD, for various types and sizes of PVC wastewater line fittings for the Austin Water Utility in an amount not to exceed \$294,044 with three 12-month extension options in an amount not to exceed \$147,022 per extension, for a total contract amount not to exceed \$735,110. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements supply contract with HD Supply Waterworks, Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
64. Authorize award and execution of a 36-month requirements supply contract with LINDE, LLC for the purchase of liquid carbon dioxide for the Austin Water Utility in an amount not to exceed \$913,500, with

two 12-month extension options in an amount not to exceed \$304,500 per extension option, for a total contract amount not to exceed \$1,522,500. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Linde, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

65. Authorize award and execution of a 24-month requirements supply contract with HILL COUNTRY ELECTRIC SUPPLY, for the purchase of transformers and circuit breakers for use by Austin Water Utility at the South Austin Regional Wastewater Treatment Plant in an amount not to exceed \$250,616, with three 12-month extension options in an amount not to exceed \$125,308 per extension option, for a total contract amount not to exceed \$626,540. (Notes: This contract will be awarded in compliance with City Code Chapter 2-D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Hill Country Electric Supply was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

66. Authorize award and execution of a 12-month requirements service agreement with NESCO, LLC, for the rental of aerial devices and digger derricks for Austin Energy in an amount not to exceed \$200,000, with two 12-month extension options in an amount not to exceed \$200,000 per extension option, for a total contract amount not to exceed \$600,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service agreement with Nesco, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

67. Approve ratification of a contract with AFFILIATED POWER SERVICES LP to provide repair services for the heat recovery steam generator at Austin's Energy's Sand Hill Energy Center in an amount not to exceed \$729,015. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion to ratify a contract with Affiliated Power Services LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

68. Approve ratification of Amendment No. 3 to the contract with GRUENE ENVIRONMENTAL CONSTRUCTION LLC, for an emergency response to and remediation of a diesel oil release at the Decker Creek Power Station in an amount not to exceed \$260,000, for a total revised contract amount not to exceed \$1,767,615. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)

The motion to ratify amendment number three to the contract with Gruene Environmental Construction LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

69. Approve ratification of a contract with JOHNSON CONTROLS, INC. for repair services of a chiller at an Austin Energy Downtown District Cooling Plant in an amount not-to-exceed \$197,036. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is

exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)

The motion to ratify a contract with Johnson Controls, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

70. Authorize award and execution of Amendment No. 1 to a contract with RECORDED BOOKS for downloadable digital magazines to increase the term by 36 months and to increase the contract by an amount not to exceed \$135,000 for a revised contract term of 48-months with a total estimated contract amount not to exceed \$165,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of amendment number one to a contract with Recorded Books was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

71. Authorize Amendment No. 7 to a contract with CIMS GLOBAL TECHNOLOGY SOLUTIONS, for the purchase of tuberculosis case management software and hardware, to increase Option No. 4 in an amount not to exceed \$60,000 for a total contract amount not to exceed \$415,756. (Notes: This contract was awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for the contract.)

The motion authorizing amendment number seven to a contract with CIMS Global Technology Solutions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 72 was pulled for discussion.

73. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GRAPEVINE DODGE CHRYSLER JEEP, LLC for the purchase of three light-duty vehicles in an amount not to exceed \$66,139. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Grapevine Dodge Chrysler Jeep, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

74. Authorize award and execution of a 36-month requirements supply contract with REALM COMMUNICATIONS GROUP, INC., to provide fiber optic cable for the Transportation Department, in an amount not to exceed \$375,000, with three 12-month extension options in an amount not to exceed \$125,000 per extension option, for a total contract amount not to exceed \$750,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Realm Communications Group, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

75. Authorize negotiation, award, and execution of Amendment No. 22 to the contract with IBM CORPORATION for implementation services for the development of a meter data system software interface with the Customer Care and Billing System, in an amount not to exceed \$700,000, for a total revised contract amount not to exceed \$61,739,728. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement

Program) with 15.70% MBE and 11.70% WBE subcontractor participation to date.) August 19, 2013 – Not approved by the Electric Utility Commission on a 3-2 vote with Commissioner Fath and Vice Chair Hadden voting against.

The motion authorizing the negotiation, award and execution of amendment number twenty two to the contract with IBM Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

76. Authorize Amendment No. 4 to a contract with EMA INC., for the purchase of software licenses to support the deployment of Maximo Work Order and Maintenance Management System in Public Works Street & Bridge Operations in an amount not to exceed \$231,225 for a total contract amount not to exceed \$1,863,085. (Notes: This contract was awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for the contract.)

The motion authorizing amendment number four to a contract with EMA Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

77. Authorize award and execution of an 8-month initial-term service contract through Education Service Center Region 19 Allied States Cooperative with FLEETCARD, INC dba IMPAC FLEET, for the purchase of fuel credit card services in an amount not to exceed \$498,333, with four 12-month extension options in an amount not to exceed \$859,625 for the first extension option, \$988,569 for the second extension option, \$1,136,854 for the third extension option, and \$1,307,382 for the fourth extension option for a total contract amount not to exceed \$4,790,763. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of an initial-term service contract through Education Service Center Region 19 Allied States Cooperative with Fleetcard, Inc. doing business as Impac Fleet was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

78. Authorize award and execution of a nine-month requirements supply contract with GT DISTRIBUTORS, INC., for the purchase of Arc-Rated pants for Austin Energy personnel exposed to energized equipment and arc flash hazards, in an amount not to exceed \$107,157. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with GT Distributors, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

79. Authorize award of Amendment No. 1 to a contract with MARSH USA, Inc., for administration services of the Rolling Owner Controlled Insurance Program (ROCIP VI) allowing the City to make insurance premium and loss payments directly to the selected insurance carrier, Liberty Mutual Insurance Group in an amount not to exceed \$5,750,000, for a total contract amount not to exceed \$7,330,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award of amendment number one to a contract with Marsh USA, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

80. Authorize the negotiation and execution of a cooperative agreement with the ALLIED STATES EDUCATION SERVICE CENTER REGION 19 allowing the City to participate in this agency's

cooperative purchasing program to purchase various goods and services. (Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the negotiation and execution of a cooperative agreement with the Allied States Education Service Center Region 19 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

81. Approve an ordinance amending City Code Chapter 13-2 relating to ground transportation passenger services.

Ordinance No. 20130822-081 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

82. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

Human Rights Commission

Jonathan Luu

Council Member Spelman

Planning Commission

Alfonso Hernandez

Jean Stevens

Council Member Martinez

Council Member Tovo

Urban Forestry Board

Len Newsom

Council Member Spelman

83. Approve a resolution adopting certain criteria for creating a list of proposed public or non-profit sites to receive free Google Fiber broadband Internet service; directing the City Manager to include that criteria when reviewing and assessing applications for the sites, and establishing a process and an intended timeline for creating the list of sites. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Lee Leffingwell)

Resolution No. 20130822-083 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

84. Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with the University of Texas for assignment of AmeriCorps VISTA and VISTA VetCorps members to the City of Austin. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)

Resolution No. 20130822-084 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 85 was pulled for discussion.

86. Approve a resolution supporting Huston-Tillotson University's initiative to create a wellness center for east Austin and directing the city manager to keep council apprised of opportunities to partner with Huston-Tillotson University in this endeavor. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

Resolution No. 20130822-086 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

87. The City Manager is directed to enter into a nine month contract in the amount of \$50,000 to begin September 1, 2013, with the Austin Independent Business Alliance for managing and supporting IBIZ districts. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman)
The motion authorizing the City Manager to enter into a nine month contract with the Austin Independent Business Alliance was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
88. Set a public hearing to consider an ordinance amending Ordinance No. 20130627-107 granting floodplain variances for the remodeling of an existing single-family residence at 4518 Avenue D to add floodplain variances for construction of an addition to the existing structure as requested by the owner of the property. The property is partially in the 25-year and 100-year floodplains of Waller Creek. (Suggested date and time: August 29, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street).
The public hearing was set on consent for August 29, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
89. Set public hearings for the full purpose annexation of the following annexation areas:
Ace Auto Salvage (approximately 6 acres in northwestern Travis County north of Spicewood Springs Road approximately 250 feet west of the intersection of Spicewood Springs Road and Yaupon Drive)
Avaña-Spillar (approximately 337 acres in southwestern Travis County and northeastern Hays County approximately one and one quarter miles south of the intersection of State Highway 45 and Escarpment Blvd);
Goodnight Ranch South (approximately 455 acres in southern Travis County approximately 670 feet east of the intersection of East Slaughter Lane and Old Lockhart Road);
Landmark Conservancy (approximately 23 acres in southwestern Travis County south of Old Bee Caves Road approximately 130 feet east of the intersection of State Highway 71 and Old Bee Caves Road)
Marbella (approximately 131 acres in southern Travis County east of IH 35 South approximately 3,400 feet north of the intersection of IH 35 and Slaughter Lane);
Morse Tract (approximately 180 acres in Travis County east of the intersection of Ed Bluestein Blvd and US 290 East and west of Springdale Road/Manor Road);
Preserve at Thomas Springs Road (approximately 13 acres in southwestern Travis County south of Thomas Springs Road approximately three tenths of a mile west of the intersection of State Highway 71 and Thomas Springs Road);
Prosperity Business Park (approximately 13 acres in southern Travis County south of Slaughter Lane approximately 280 feet east of the intersection of IH 35 South and Oak Hill Lane);
State Highway 71 East (approximately 407 acres in southeastern Travis County south of State Highway 71 east at the southeast corner of the intersection of State Highway 71 and State Highway 130);
Wildhorse Ranch (approximately 2,380 acres in eastern Travis County south of US Highway 290 East at the intersection of State Highway 130 and US Highway 290 East);
Suggested dates and times: September 26, 2013 and October 3, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearings were set on consent for September 26, 2013 and October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
90. Set public hearings regarding a proposed Strategic Partnership Agreement (SPA) between the City of Austin and Shady Hollow Municipal Utility District (approximately 451 acres in southwestern Travis County located along Brodie Lane approximately eight tenths of a mile south of the intersection of Slaughter Lane and Brodie Lane), and regarding future full purpose annexation of the MUD. (Suggested

dates and times: September 26, 2013 and October 3, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearings were set on consent for September 26, 2013 and October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

91. Set public hearings for the full purpose annexation of the Cascades annexation area (approximately 135 acres in southern Travis County east of IH 35 South approximately four tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway). (Suggested dates and times: October 17, 2013 and October 24, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearings were set on consent for October 17, 2013 and October 24, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

92. Set a public hearing to receive public comment on the City of Austin Fiscal Year 2013-2014 Proposed Budget. (Suggested date and time: August 29, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for August 29, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 93 was a briefing item set for 10:30 a.m.

Items 94 through 97 were Executive Session items.

Items 98 through 112 were zoning items set for 2:00 p.m.

Items 113 through 126 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

17. Authorize negotiation and execution of a design and commission agreement with Ned Michael Kahn for artwork for the Austin Energy Art in Public Places Project, in an amount not to exceed \$200,700.

The motion authorizing the negotiation and execution of a design and commission agreement with Ned Michael Kahn was approved on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

72. Authorize negotiation, award, and execution of a 24-month contract with CULTURAL STRATEGIES, INC., (MBE/MH), or one of the other qualified offerors to RFP No. EAD0112 to provide a strategic media advertisement plan and campaign for the Public Works Department in an amount not to exceed \$262,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore; no goals were established for this solicitation.)

The motion authorizing the negotiation, award and execution of a contract with Cultural Strategies, Inc. was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-1 vote. Mayor Leffingwell voted nay.

85. Approve a resolution directing the City Manager to review and analyze recently enacted State laws relating to Public-Private Partnership proposals and identify any needed adjustments to City policies and procedures. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

Resolution No. 20130822-085 was approved with following friendly amendment on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

There was a friendly amendment made by Mayor Pro Tem Cole to have the resolution read:

“Whereas, recent State legislation has provided additional clarity regarding Public-Private Partnership proposals through the passage of multiple Senate and House Bills including Senate Bill 211, Senate Bill 1871, House Bill 1675, Senate Bill 894 and Senate Bill 1023; and

Whereas, City Council passed Resolution No 20121206-064 on December 06, 2012 to clarify and give direction on city policies and procedures, including public hearings and notification, regarding proposals governed under Texas Government Code 2267 (Public and Private Facilities Infrastructure Act); and

Whereas, SB 211 allows cities to review proposals for compliance with existing zoning, land use ordinances and other city regulations and state objections and suggests certain modifications within established time frames;

Now, Therefore,

Be It Resolved By The City Council Of The City Of Austin:

The City Manager is directed to review and analyze recently enacted State laws relating to Public-Private Partnership proposals and provide a publicly-accessible memorandum analyzing the impact of the new state legislation as enrolled; and

Be It Further Resolved, the City Manager is directed to identify any needed changes in City policies and procedures relating to the proposals including routine requests for a “development plan” from the State, reviewing proposals to meet new state law deadlines for cities reviewing zoning and land use compliance of proposed projects, and to report back to Council in 90 days.”

BRIEFINGS

93. Briefing on City Code Chapter 245.

The presentation was made by Greg Guernsey, Director of Planning and Development Review Department.

Mayor Pro Tem Cole recessed the meeting at 11:51 a.m. without objection.

Mayor Pro Tem Cole called the meeting back to order at 12:00 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Roy Cavanaugh - Andy Mormon cooperation closing junkyard Spicewood Spgs Rd.

Vara Keathley - Austin Energy. **Not present when name was called.**

CAROLANNEROSE FROM THE DEAD KENNEDY - INCESSANT ARGUING WITH BOLOGNA SANDWICHES. **Not present when name was called.**

Patrice Mallard - Residential Permitting.

Steven McIntyre - Council must pass resolution to enter development agreement with Roy Cavanaugh.

Robert Young - Closing junk yard on Spicewood Springs Road.

Claude Welch - Redevelopment of ACE Auto Salvage on Spicewood Springs Road. **Not present when name was called.**

Skip Cameron - Roy Cavanaugh's junk yard.

Ricky Martin - The Police Department.

Dan Walker - Commercial zoning on Red Bluff.

Mayor Pro Tem Cole recessed the Council Meeting to go into Executive Session at 12:22 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss item number 3 on the regular agenda during Executive Session.

94. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
95. Discuss legal issues related to the transition to electing the council from single-member districts (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
96. Discuss legal issues related to Austin Fire Department hiring processes (Private consultation with legal counsel - Section 551.071 of the Government Code).
97. Evaluate the performance of and consider the compensation and benefits for the City Manager (Personnel matters- Section 551.074 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:20 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

98. C14-2013-0047 - JDJ Family Holdings, Ltd. (Slaughter 25 Rezoning) - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 913 West Slaughter Lane (Slaughter Creek Watershed) from development reserve (DR) district zoning and single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First Reading approved on August 8, 2013. Vote: 7-0. Owner/Applicant: JDJ Family Holdings, Ltd. (Kirby H. Jackson, Jr.). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20130822-098 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent with the following change on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote. The change is to have part 2D of the ordinance read, "Development of the Property may not exceed an average of 9 residential units per acre."

99. C814-2012-0160 - 211 South Lamar Boulevard Planned Unit Development - Approve second reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 211 South Lamar Boulevard (Lady Bird Lake Watershed) from general commercial services (CS) district zoning and general commercial services-vertical mixed use building (CS-V) combining district zoning to planned unit development (PUD) district zoning. First Reading approved on August 8, 2013. Vote: 5-2, Council Members Morrison and Tovo voted nay. Owner: Post Paggi, LLC (Jason Post). Applicant: Winstead PC (Stephen O. Drenner). City Staff: Lee Heckman, 512-974-7604.
The second reading of the ordinance for planned unit development (PUD) district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.
100. C14-2013-0045 - Huber Family Tract - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4200 Rivercrest Drive (Lake Austin Watershed) from Lake Austin residence (LA) district zoning to single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. First reading approved on June 27, 2013. Vote 5-1, Council Member Morrison voted nay. Council Member Spelman was off the dais. Applicant: Brian Huber. Agent: Land Answers (Jim Wittliff). City Staff: Clark Patterson, 512-974-7691.
This item was postponed on consent to August 29, 2013 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
102. NPA-2013-0025.01 - 5816 Harper Park Drive (Harper Park Residential) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 5816 Harper Park Drive (Barton Creek Watershed-Barton Springs Zone) from Office land use to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To be reviewed on September 10, 2013. Owner: Harper Park Two LP (Gail M. Whitfield). Applicant/Agent: The Whitfield Company (Marcus Whitfield). City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to September 26, 2013 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
103. C14-2013-0005 - Harper Park Residential - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5816 Harper Park Drive (Barton Creek Watershed-Barton Springs Zone) from limited office (LO) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed on September 10, 2013. Owner: Harper Park Two, L.P. (Gail M. Whitfield). Applicant: The Whitfield Company (Marcus Whitfield). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to September 26, 2013 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
104. C14-86-077(RCA) - Harper Park Residential RCA - Conduct a public hearing to amend a restrictive covenant on property locally known as 5816 Harper Park Drive (Barton Creek Watershed-Barton Springs Zone). Staff Recommendation: To grant the restrictive covenant amendment to incorporate necessary conditions of an associated rezoning request. Planning Commission Recommendation: To be reviewed on September 10, 2013. Owner: Harper Park Two, L.P. (Gail M. Whitfield). Applicant: The Whitfield Company (Marcus Whitfield). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to September 26, 2013 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

105. C14-2013-0057 - City of Austin - Austin Water Utility - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3500 West 35th Street (Taylor Slough North Watershed, Huck's Slough Watershed) from family residence (SF-3) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin-Public Works Department (Imane Mrini). Agent: AECOM (Allison Kennaugh). City Staff: Clark Patterson, 974-7691.
The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
106. C14-2013-0062 - Sutton-Lakeshore Addition - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3909 Westlake Drive (Lake Austin Watershed) from Lake Austin residence (LA) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on September 3, 2013. Applicant: Glenn Sutton. Agent: Law Office of Terrence L. Irion. (Terry Irion). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to September 26, 2013 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
107. C14-2013-0063 - Slaughter Lane Commercial - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701-1715 West Slaughter Lane (Slaughter Creek Watershed) from community commercial (GR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Westco Development #29, L.L.C. (Michael M. Caldwell). Agent: Austin Civil Engineering (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130822-107 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
108. C14-2013-0065 - Parkside Community School - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 of the Austin City Code by zoning property locally known as 3207 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from interim-rural residence (I-RR) district zoning to neighborhood office (NO) district zoning. Staff Recommendation: To grant neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office (NO) district zoning. Owner/Applicant: Parkside Community School (Joseph E. Bruno); Alarife (Logan Wagner). Agent: Thompson Land Engineering, LLC (Ric Thompson). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130822-108 for neighborhood office (NO) district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
112. C14-2013-0067 - 3906 Manchaca Road - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3906 Manchaca Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning district zoning. Planning Commission Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Owner/Applicant: Prelude Dynamics, LLC (Richard Tieken). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130822-112 for limited office-mixed use (LO-MU) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

18. Approve a resolution amending the City personnel policies establishing a voluntary leave bank which would provide for paid time off to be available to eligible employees with approved FMLA leave and a system of prioritization for leave-takers accessing the leave bank.

There was a motion made by Council Member Spelman and seconded by Council Member Martinez to approve an amended resolution with the following amendments. This motion was later withdrawn by Council Member Spelman.

The amendments were as follows:

Replace the words "Member" or Members" with the words "Employee" or Employees" accordingly.

(3) Leave Bank should read,

A voluntary leave bank, administered by the Human Resources Department, consists of accrued sick and vacation leave donated by employees and awarded to eligible, qualifying regular and part-time employees.

All employees in regular, budgeted positions who have exhausted all paid leave and who qualify for FMLA leave can request donations from the City of Austin's Leave Bank, except those employees whose terms and conditions of employment with the city are negotiated through a collective bargaining or meet and confer agreement. Requests for donations will be prioritized with higher priority given to employees who are not eligible for the Parental Leave Benefit described in Section III.B.1.c. Requests will be reviewed and acted upon by the Leave Bank Committee.

(4) Donating Accrued Leave should read,

Strike the first paragraph

Donations will be requested through the annual Benefit Open Enrollment period. Each employee must complete a form verifying his/her willingness to donate leave on a voluntary basis. Leave Donations will be solicited actively each year during open enrollment, employees will be educated about the Leave Bank during benefits presentations, and human resources staff will engage in innovative marketing of the program to employees. Employees may also donate accrued leave to the bank when they leave city employment without regard to whether Open Enrollment is occurring.

One additional enrollment period may be scheduled annually at the discretion of the Human Resources Director. Leave Bank hours will be available to employees beginning in January following the Benefit Open Enrollment period. All donations are strictly voluntary.

Donations may only be made from accrued sick or vacation hours. The Human Resources Department will develop a procedure to establish the donation process.

Donated hours cannot be returned to the donor.

(5) Applying for Donations, the first paragraph should read,

The Human Resources Department will develop a procedure and application process so that employees can meet with their department FMLA coordinator to apply for donations from the Leave Bank program.

(6) Receiving Donations, the first paragraph should read,

A Leave Bank Committee, composed of a representative from the Human Resources Department, Financial Services Department, and the Employee Benefits Advisory Committee, will review and evaluate the applications to determine the number of Leave Bank hours, if any, to be awarded. The Leave Bank Committee will develop a set of specific criteria to guide decisions and prioritize leave bank requests.

There was a friendly amendment made by Mayor Leffingwell to leave fiscal impact for the amended resolution has been determined or to postpone. The maker accepted tabling the item until the afternoon.

Resolution No. 20130822-018 was approved with the following amendment on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote. The amendment was to add language to the resolution to allow employees to become a member between enrollment periods on an emergency basis.

3. Approve an ordinance amending Chapter 2-5 of the City Code setting a beginning date for the regular term of a council member; providing an end date for the terms of sitting council members; and providing a method for staggering the terms of council members elected from districts.

Ordinance No. 20130822-003 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamation at 5:21 p.m.

LIVE MUSIC

Emily Bell

PROCLAMATIONS

Certificates of Congratulations -- Business Success Skills Graduates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- Global Children's Vision & Learning Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Jennifer Idoni

Proclamation -- KAZI's 31st Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Leah Mercer

Distinguished Service Award -- retirement -- Martin Aleman -- to be presented by Council Member Chris Riley and to be accepted by the honoree

Mayor Leffingwell called the Council Meeting back to order at 6:55 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

Items 123 and 124 were acted on in a combined motion.

123. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-2 and 25-12 relating to the regulation of short-term rental residential uses and other regulated lodging establishments; authorizing the limited refund or credit for certain fees paid; and waiving the review requirement of Section 25-1-502. Related to Item #124.
This item was postponed to September 26, 2013 on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was off the dais.
124. Conduct a public hearing and consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2012 International Property Maintenance Code and local amendments. Related to Item #123.
This item was postponed to September 26, 2013 on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was off the dais.
126. Conduct a public hearing and consider an ordinance amending City Code Chapter 25 relating to the granting of special exceptions for existing residential structures.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130822-126 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was off the dais.
119. Conduct a public hearing and consider an ordinance regarding floodplain variances to allow construction of a retaining wall and fill at 101 Red River Street (proposed Fairmont Hotel) within the 25-year and 100-year floodplains of Waller Creek.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130822-119 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was off the dais.
121. Conduct a public hearing and consider an ordinance adopting local standards of care for the Parks and Recreation Department's Youth Recreation Programs.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130822-121 was approved on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was off the dais.
125. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district.
The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved with the following additional changes on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote. The additional changes were:
 - 1) In Part 2, Section 25-2-765(C), line 22, revise the percentage from 40% to 30%.**
 - 2) Add " Projects Qualifying for the University Neighborhood Overlay Affordable Housing Trust Funds, those projects shall receive 100% fee waivers as set forth in the S.M.A.R.T. Housing Policy" to the ordinance.**
 - 3) Direct the City Manager to consider bringing forth an emergency rule implementing and administrating the University Neighborhood Overlay S.M.A.R.T. Housing program.**

DISCUSSION ITEMS CONTINUED

31. Approve an ordinance amending Ordinance No. 20080228-118 which granted an SOS limited adjustment; adopting a site-specific amendment to City Code Section 25-8-514 (Save Our Springs Initiative) and variances to City Code Sections 25-8-482 and 25-8-483 for property generally located at 5707 Southwest Parkway; and waiving City Code Sections 25-1-502 and 25-8-41 regarding processing of amendments and variances. This action concerns land located in the Barton Springs Zone. Related to Item #32.
There was a motion made by Council Member Spelman and second by Council Member Morrison to deny the ordinance. The motion passed on a vote of 6-1. Mayor Leffingwell voted nay.

32. Approve an ordinance granting a site-specific amendment to City Code Section 25-8-514 (Save Our Springs Initiative) and variances to City Code Sections 25-8-281 and 25-8-483 for property generally located at 3712 Ben Garza Lane; and waiving City Code Section 25-1-502 and 25-8-41 regarding processing of amendments and variances. This action concerns land located in the Barton Springs Zone. Related to Item #31.
The first reading of the ordinance was approved on Council Member Spelman's motion, Council Member Martinez second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole, and Council Members Martinez, Riley and Spelman. Those voting nay were Council Members Morrison and Tovo. Direction was given to staff to calculate how much water would be running off from the additional impervious cover or a certain storm size and to pick a few typical storm sizes to get a range.
16. Approve a resolution creating a permanent Music Venue Assistance Program, which is a microloan program designed to assist qualifying music venues with implementation of sound mitigation devices and technologies for improving the acoustic environment inside and outside of the venue in an effort to reduce the sound levels that impact nearby residents. Related to Items #33 and #122.
Resolution No. 20130822-016 was approved on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.
33. Approve an ordinance amending City Code Chapter 9-2 relating to permitting, operational and enforcement requirements for amplified sound, and creating a penalty. Related to Items #16 and #122.
Ordinance No. 20130822-033 was approved on Council Member Martinez' motion, Spelman's second on a 7-0 vote.
122. Conduct a public hearing and consider an ordinance amending Article 1 of City Code Chapter 25-12, the Building Code, to address noise mitigation for high rise residential Group R structures. Related to Items #16 and #33.
There was a motion made by Council Member Martinez and second by Mayor Pro Tem Cole to deny the ordinance. The motion passed on a vote of 7-0.

ZONING DISCUSSION ITEMS

101. C14-2013-0053 - Still Waters - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 515 East Slaughter Lane (Onion Creek Watershed) from multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to multi-family residence-medium density (MF-3-CO) combining district zoning, with conditions. First Reading approved on August 8, 2013. Vote: 7-0. Owner/Applicant: Westwood Residential 48 LP (Jeff Lindsey). Agent: Jones & Carter, Inc. (James M. Schissler). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and there was a motion made by Council Member Riley and seconded by Mayor Pro Tem Cole to close the public hearing and adopt the ordinance ~~No. 20130822-101~~ for multi-family residence-medium density (MF-3-CO) combining district zoning, with conditions.
- There was a friendly amendment made by Council Member Morrison to allow emergency access only to Narrow Glen. The amendment was not accepted by the maker of the motion.**
- There was a substitute motion made by Council Member Morrison and seconded by Council Member Tovo with the following friendly amendment to allow vehicular emergency access only to Narrow Glen and to approve on second reading. The motion failed on a vote of 3-4. Those voting aye were: Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. There was a friendly amendment made by Council Member Martinez to insert "only vehicular emergency access to**

Narrow Glen unless the median opening at Narrow Glen and Slaughter were reopened by the City and the intersection was signalized” into the ordinance. The amendment was accepted by the maker of the motion and by Council Member Tovo, who made the second.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130822-101 for multi-family residence-medium density (MF-3-CO) combining district zoning, with conditions was approved on Council Member Riley’s motion, Mayor Pro Tem Cole’s second on a 6-1 vote. Council Member Morrison voted nay. The condition was to limit the property to 517 dwelling units.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

117. Conduct a public hearing to receive public comments on growth-related projects within the Drinking Water Protection Zone to be included in the FY 2013-2014 Capital Budget.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
118. Conduct a public hearing to receive public comment on the proposed increase to the drainage fee of the Watershed Protection Department as part of the Fiscal Year 2013-14 Proposed Budget.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez’ motion, Council Member Spelman’s second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
120. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Austin Resource Recovery Department as part of the Fiscal Year 2013-2014 Proposed Budget.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez’ motion, Council Member Riley’s second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

ZONING DISCUSSION ITEMS CONTINUED

109. C14-2013-0031 - Clawson Patio Homes - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3907 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family residence (SF-5) district zoning. Staff Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning, with conditions. Planning Commission Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning with conditions. Owner: Dean Chen. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604.
The public hearing was conducted and the motion to close the public hearing and adopt the first and second reading of the ordinance for urban family residence-conditional overlay (SF-5-CO) combining district zoning with conditions was approved on Council Member Martinez’ motion, Council Member Spelman’s second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. The conditions were: A limit of 16 units between the properties located at 3907 Clawson Road and 3903 Clawson Road; a trip limit of 2,000 trips per day; and prior to the rezoning of the properties there is a restrictive covenant that commits the unit to the dedication of right-of-way necessary to meet 35 feet of right-of-way from the existing center line of Clawson Road.

There was a friendly amendment made by Council Member Tovo to limit impervious cover to 45% and units capped at 14. The amendment was not accepted by the maker of the motion.

There was a motion made by Council Member Tovo and second by Council Member Morrison to limit impervious cover to 45% and units capped at 14. The motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

110. C14-2013-0032 - Clawson Patio Homes II - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3903 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning, as amended. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Owner: Roy G. Crouse. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt the first and second reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. A limit of 16 units between the properties located at 3907 Clawson Road and 3903 Clawson Road; a trip limit of 2,000 trips per day; and prior to the rezoning of the properties there is a restrictive covenant that commits the unit to the dedication of right-of-way necessary to meet 35 feet of right-of-way from the existing center line of Clawson Road.

111. C14-2013-0048 - Westlake Zoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3715 Westlake Drive (Lake Austin Watershed) from lake austin (LA) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To forward to Council without a recommendation. Applicant: John Mayes. Agent: Permit Partners, Inc. (David Cancialosi). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for single family residence-standard lot (SF-2) district zoning was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-1 vote. Council Member Tovo voted nay.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

114. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2013-2014.
The public hearing was conducted and the public hearing was closed without objection.
115. Conduct a public hearing to receive public comment on the proposed rate and fee changes for Austin Energy as part of the Fiscal Year 2013-2014 Proposed Budget. August 19, 2013 – Not approved by the Electric Utility Commission on a 1-1-3 vote with Vice Chair Hadden voting for, Commissioner Fath voting against, and Chair Bernfeld and Commissioners Rai and Shaw abstaining.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was off the dais.
116. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2013-2014 Proposed Budget.

The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Riley was off the dais.

113. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2013-2014 Proposed Budget.

The public hearing was conducted and the motion to recess the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 12:20 a.m. without objection.

The minutes were approved on this the 29th day of August 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.