



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 17, 2013**

Invocation: Lt. Col. Henry Gonzalez, Austin Area Commander, Salvation Army

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, October 17, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:35 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session meeting of October 1, 2013 and regular meeting of October 3, 2013.
The minutes from the Austin City Council work session meeting of October 1, 2013 and regular meeting of October 3, 2013 were approved on consent on Council member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

Items 2 and 3 were set for a time certain of 6:30 p.m.

4. Approve an ordinance repealing Exhibits A, B, C, D and G of Ordinance No. 20130808-007B ordering the November 2013 special municipal election, and replacing them with new exhibits that adopt changes to election day and early voting polling places, and list election day judges; and declaring an emergency.
Ordinance No. 20131017-004 was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.
5. Authorize the negotiation and execution of a construction contract with MATOUS CONSTRUCTION, LTD. for the Davis Water Treatment Plant Chemical Feed System Improvements Bid Package 2: Lime Slaker/Lime Slurry Feed System Improvements in the amount of \$1,995,000 plus a \$199,500 contingency, for a total contract amount not to exceed \$2,194,500. (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 achievements of good faith efforts with 7.32% MBE and 0.20% WBE subcontractor participation.)
The motion authorizing the negotiation and execution of a construction contract with Matous Construction, Ltd. was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

6. Authorize the negotiation and execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., for the Local Area Traffic Management and Intersection Improvement Program, in the amount of \$3,459,035 plus a \$172,951.75 contingency, for a total contract amount not to exceed \$3,631,987. (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 77.88% MBE prime participation; 5.81% MBE and 1.89% WBE subcontractor participation.)
The motion authorizing the negotiation and execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
7. Approve an ordinance authorizing acceptance of \$326,250 in grant funds from the Capital Area Council of Governments; amending the Fiscal Year 2013-2014 Fleet Services Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate these funds; and amending the Fiscal Year 2013-2014 Fleet Services Capital Budget (Ordinance No. 20130909-002) to transfer in and appropriate \$326,250 from the Fiscal Year 2013-2014 Fleet Services Operating Budget Special Revenue Fund to replace Austin Water Utility vehicles with diesel-powered vehicles with lower emissions.
Ordinance No. 20131017-007 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
8. Authorize negotiation and execution of a contract for Child Care Voucher Services with YOUNG WOMEN'S CHRISTIAN ASSOCIATION GREATER AUSTIN in the amount of \$283,272 and for three contract renewal options in the amount of \$283,272 each for a total contract amount not to exceed \$1,133,088.
The motion authorizing the negotiation and execution of a contract with Young Women's Christian Association Greater Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
9. Approve an ordinance authorizing acceptance of \$65,770 in grant funds from the TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, 78744 COMMUNITY YOUTH DEVELOPMENT GRANT, and amending the Fiscal Year 2013-2014 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$65,770 for the delivery of recreational services.
Ordinance No. 20131017-009 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
10. Approve an ordinance accepting \$1,397 in grant funds from the Austin Community Foundation; and amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$1,397 to provide a polka festival as part of the Parks Global Music Series at the Elisabet Ney Museum.
Ordinance No. 20131017-010 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 11 was pulled for discussion.

12. Authorize payment of the City's annual membership dues for Fiscal Year 2013-2014 in the Lone Star Rail District, in an amount not to exceed \$49,500.
The motion authorizing the payment of the City's annual membership dues to the Lone Star Rail District was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
13. Authorize payment of membership fees for Fiscal Year 2013-2014 to the Greater Austin-San Antonio Corridor Council in an amount not to exceed \$100,000.

The motion authorizing the payment of membership fees to the Greater Austin-San Antonio Corridor Council was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 14 was set for a time certain of 4:00 p.m.

15. Authorize award and execution of a 36-month requirements supply contract with RESITECH INDUSTRIES, INC., to provide traffic signal cables for the Transportation Department in an amount not to exceed \$454,479, with three 12-month extension options in an amount not to exceed \$151,493 for each extension option, for a total contract amount not to exceed \$908,958. (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 Resitech Industries, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

16. Authorize award and execution of a contract with HILL COUNTRY FENCE, INC., for the purchase and installation of fencing for the Balcones Canyonlands Preserve at Lime Creek, Park West and Coldwater tracts in an amount not to exceed \$296,488. (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 Hill Country Fence, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

17. Authorize award and execution of a 12-month requirements services contract with NATIONAL WORKS, INC., (WBE/FW) to provide cleaning, televising and point repair of sanitary sewer collection systems pipe for the Austin Water Utility in an amount not to exceed \$977,050, with two 12-month extension options in an amount not to exceed \$977,050 per extension option, for a total contract amount not to exceed \$2,931,150. (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 services contract with National Works, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

18. Authorize award and execution of a 24-month requirements service contract with OPEN TEXT CORPORATION to provide electronic conversion of paper-based records for the Aviation Department in an amount not to exceed \$500,000. (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 and execution of a requirements service contract with Open Text Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

19. Authorize award and execution of a contract with PRIESTER-MELL & NICHOLSON INC., for the purchase of a pad-mount automatic transfer operation switchgear for Austin Energy, in an amount not to exceed \$126,000. (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 Priester-Mell & Nicholson Inc. was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

- 20. Authorize award and execution three 24-month requirement supply contracts for ductile iron fittings and pipe joint restraints for the Austin Water Utility with KLP COMMERCIAL, LLC, (WBE/FN), in an amount not to exceed \$63,428, with two 12-month extension options in an amount not to exceed \$31,714 per extension option, for a total contract amount not to exceed \$126,856; TECHLINE PIPE, LP, in an amount not to exceed \$29,196, with two 12-month extension options in an amount not to exceed \$14,598 per extension option, for a total contract amount not to exceed \$58,392; and with FERGUSON WATERWORKS, in an amount not to exceed \$26,752, with two 12-month extension options in an amount not to exceed \$13,736, for a total contract amount not to exceed \$53,504. (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 three requirement supply contracts with KLP Commercial, LLC; Techline Pipe, LP; and Ferguson Waterworks was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

Item 21 was pulled for discussion.

- 22. Authorize award and execution of a 36-month requirements service contract with SAN ANTONIO BRAKE & CLUTCH SVC, INC. DBA LONE STAR BRAKE & CLUTCH, to provide parts and repair services for custom hitches, trailers, and accessories in a total amount not to exceed \$94,270 with three 12-month extension options in a total amount not to exceed \$34,414 for the first extension option, \$36,034 for the second extension option, and \$37,736 for the third extension option, for a total contract amount not to exceed \$202,454. (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 withdrawn on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

- 23. Authorize award and execution of a 12-month requirements supply contract with ATLANTIC AVIATION SERVICES, Austin, TX for the purchase of Jet A Fuel for the Austin Police Department in an amount not to exceed \$150,000, with three 12-month extension options in an amount not to exceed \$175,000 for the first extension option, and \$200,000 for the second and third year extension option, for a total contract amount not to exceed \$725,000. (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 Atlantic Aviation Services was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

- 24. Authorize award and execution of a contract with SHUR-RIG LLC, for suspension trusses for Palmer Events Center in an amount not to exceed \$93,679. (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 Shur-Rig LLC was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

25. Authorize award, negotiation, and execution of five 12-month service contracts with WEBB & WEBB, PAMELA LANCASTER, OLIVIA B. RUIZ, SHERRY WETSCH, and DONNA HALL KEITH to provide protest hearing officer services in an amount not to exceed \$45,000 each and combined, with two 12-month options not to exceed \$45,000 each for a total estimated contract amount not to exceed \$135,000 each and combined. (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 five service contracts with Webb & Webb; Pamela Lancaster; Olivia B. Ruiz; Sherry Wetsch; and Donna Hall Keith was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
26. Authorize award and execution of a 36-month requirements service contract with BIG BOYS COLLISION CENTER, INC., to provide vehicle painting and refurbishment services for vehicles and equipment in a total amount not to exceed \$248,338, with three 12-month extension options in an amount not to exceed \$91,192 for the first extension option, \$95,752 for the second extension option, and \$100,539 for the third extension option, for a total contract amount not to exceed \$535,821. (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 Big Boys Collision Center, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
27. Authorize award and execution of a 36-month requirements supply contract with ROUND ROCK TOYOTA to provide original equipment manufacturer parts and repair services for Toyota Vehicles in a total amount not to exceed \$395,486, with three 12-month extension options in a total amount not to exceed \$145,124 for the first extension option, \$152,331 for the second extension option, and \$159,897 for the third extension option, for a total contract amount not to exceed \$852,838. (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 supply contract with Round Rock Toyota was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
28. Authorize award and execution of a 36-month requirements service agreement with VOIANCE LANGUAGE SERVICES, LLC, to provide interpretation services for the Austin Police, Health and Human Services, Aviation, and Building Services Departments in an amount not to exceed \$281,028, with three 12-month extension options in an amount not to exceed \$93,676 per extension option, for a total contract amount not to exceed \$562,056. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (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 Voiance Language Services, LLC 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 City Code Title 4 to add Chapter 4-15 relating to special events and high-capacity venues, repealing and replacing Chapter 14-8 relating the right-of-way closures for special events; amending Section 10-3-96 relating to temporary food establishments; repealing Section 14-6-3 relating to closures for street festivities; initiating code amendments related to temporary signs during a special event; and creating a penalty.

This item was postponed on consent to October 24, 2013 on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

- 30. 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

Downtown Commission

Owen Snell
Lindsey Sokol
(representative – Austin Music Commission)

Council Member Spelman
Council Member Riley

Hispanic/Latino Quality of Life Resource Advisory Commission

Yolanda Padilla
SolAna Renteria

Council Member Riley
Council Member Spelman

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Gina Benner and Aleksandra Gajdeczka on the Animal Advisory Commission. The waiver includes absences through today’s date.

Items 31 and 32 were pulled for discussion.

- 33. Approve an ordinance waiving certain rental fees for the Homeless Memorial Sunrise Service event sponsored by House the Homeless, which is to be held on Sunday, November 17, 2013, at the Fannie Davis Gazebo on Auditorium Shores. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo)
Ordinance No. 20131017-033 was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.
- 34. Approve an ordinance waiving certain temporary vending permit fees required under City Code Chapter 10 for the 15th Annual Green Corn Project Fundraiser which is to be held on Sunday, October 27, 2013 at Boggy Creek Farm. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)
Ordinance No. 20131017-034 was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.
- 35. Approve a resolution directing the City Manager to provide City Council a financing plan for the City's share of Project Connect including, but not limited to, the use of value capture revenue; to develop interlocal agreements to fund Project Connect; and retain any revenue sources in a restricted fund. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO2: Mayor Lee Leffingwell)
Resolution No. 20131017-035 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 designating the 600 to 900 blocks of Red River Street as the Red River Cultural District and directing the City Manager to address parking and loading and unloading issues in the area

and to investigate the State process used to designate an area as a cultural district. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)
Resolution No. 20131017-036 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 directing the City Manager to report to Council on the regulatory authorities that provide safeguards for marine animals that are maintained in an aquarium. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
Resolution No. 20131017-037 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 directing the City Manager to develop a plan for a universal city wide translation service protocol to serve persons with Limited English Proficiency. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Resolution No. 20131017-038 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
39. Approve an ordinance waiving certain fees and requirements for the Austin Civic Wind Ensemble event sponsored by Austin Civic Wind Ensemble, which is to be held on Saturday, October 19, 2013 at the George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)
Ordinance No. 20131017-039 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 waiving certain fees and requirements for the 26th annual AIDS Walk Austin event, sponsored by AIDS Services of Austin, which is to be held on Sunday, October 20, 2013. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20131017-040 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 directing the City Manager not to allow the removal of personal items placed on burial plots, to investigate best practices regarding cemetery maintenance and grave ornamentation, and to involve the Parks Board and other interested parties in the stakeholder process regarding cemetery maintenance and grave ornamentation. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 42 was pulled for discussion.

43. Set a public hearing to consider an ordinance amending City Code Title 25 to allow temporary staging of equipment, for City of Austin and utility projects, on non-City-owned property. (Suggested date and time: November 21, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 21, 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.
44. Set a public hearing regarding ATMOS Energy Corporation's proposal to increase customer rates (Suggested date and time: October 24, 2013, 4:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for 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.

Items 45 through 46 were action items with Closed Public Hearings

Items 47 through 51 were Executive Session items.

Items 52 through 72 were zoning items set for 2:00 p.m.

Items 73 through 81 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

- 31. Approve an ordinance ending the pilot program which allowed biking on trails on a 24-hour basis by repealing Ordinance No. 20130131-028 and Ordinance No. 20130228-033. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Kathie Tovo)

This item was postponed to October 24, 2013 with direction and friendly amendment as follows on Council Member Riley’s motion, Council Member Spelman’s second on a 7-0 vote. Direction was given to the City Manager to work with the Austin Police Department and the Neighborhood Connectivity staff within Public Works to identify particular trails that may remain open for 24 hours in spite of the curfew.

There was a friendly amendment made by Mayor Leffingwell to amend the above direction to the City Manager by directing him to look into possible exceptions from the trail ban rather than working with the staff. The amendment was accepted by the maker of the motion and Council Member Spelman, who made the second.

Additional direction was given to staff to provide a fiscal note for any changes made.

- 11. Approve an ordinance amending City Code Section 8-1-72 related to boating concessions, amending City Code Chapter 8-5 to add the definition of inflatable flotation device, and a prohibition on swimming and the use of inflatable devices along a portion of the Colorado River.

Ordinance No. 20131017-011 was approved on Council Member Martinez’ motion, Council Member Morrison’s second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

- 21. Authorize award and execution of a 12-month requirements service contract with SYNAGRO OF TEXAS - CDR, INC., to provide biosolids hauling and land application for the Austin Water Utility in an amount not to exceed \$4,652,000 with two 12-month extension options in an amount not to exceed \$4,652,000 per extension option for a total contract amount not to exceed \$13,956,000. (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 contract with Synagro of Texas-CDR, Inc. was approved on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 6-0 vote. Council Member Tovo was off the dais.

- 32. Approve a resolution initiating amendments to City Code Chapter 25-2 to make the Rainey Street Subdistrict eligible to participate in the Downtown Density Bonus Program and to address other density regulations affecting the Rainey Street Subdistrict; and directing the City Manager to process the amendments. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to approve the resolution with option four as follows

Option 4: Retain Rainey Density Bonus Program(DBP) requirement of 5% affordable units up to floor to area ratio(FAR) of 12:1; eliminate Rainey DBP “point system”; Downtown Austin Plan(DAP) DBP Gatekeeper kicks in at 8:1, and other DAP DBP requirements kick in at 12:1 FAR.

There was a substitute motion made by Mayor Pro Tem Cole and seconded by Council Member Riley to approve Resolution No. 20131017-032. The motion passed on a vote of 5-2. 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.

- 42. Approve a resolution directing the City Manager to implement a policy allowing ornamentation within the boundaries of a burial plot, subject to applicable laws allowing removal for health and/or safety reasons, and pending the outcome of a stakeholder process and final policy direction from the City Council. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)
Resolution No. 20131017-042 was approved on Council Member Tovo’s motion, Council Member Martinez’ second on a 7-0 vote.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

- 45. Approve second and third readings of an ordinance amending City Code Section 25-2-921 to allow properties that are primarily used for certain civic uses to obtain temporary use permits for public assembly. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON APRIL 25, 2013.
This item was postponed to October 24, 2013 without objection.

CITIZEN COMMUNICATIONS: GENERAL

Ronnie Reefersseed - Peace, liberty and the end of tiereny here at home.

Paul Robbins - City and budget issues

Ellen Witt Ortiz - City of Austin's water supply

John Goldstone - The Affordable Housing Bond

Justin Hyatt - Town Lake project- incorrect statements made about my company on October 3, 2013 Council meeting

Julian Reyes - Shiner Bock police accountability

Jo Karr Teddler - Drought- Central Texas Water Coalition, Inc., Pres

Marla Schmitz - 401 W. St. Johns **Not present when name was called.**

Jere Locke - Drought and water

Will McLeod - 1. Ted Cruz for President 2016 2. Austin signle-use bag ordinance 3. TBD

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:35 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.

47. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code)
This item was withdrawn.
48. 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.
49. Discuss legal issues related to Austin Fire Department hiring process (Private consultation with legal counsel - Section 551.071 of the Government Code)
50. Discuss legal issues related to White Lodging Services Corp. v. City of Austin et al, No. A:13 CV0825 SS; In the United States District Court for the Western District of Texas, Austin Division (Private consultation with legal counsel - Section 551.071 of the Government Code)
51. Discuss legal issues related to the Petition of North Austin Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District, and Wells Branch Municipal Utility District from the Ratemaking Actions of the City of Austin and Request for Interim Rates; TCEQ Docket No. 2013-065-UCR; SOAH Docket No. 582-134617 (Private consultation with legal counsel - Section 551.071 of the Government Code)
This item was postponed to October 24, 2013.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:07 p.m.

ZONING CONSENT ITEMS

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

52. C814-2012-0160 - 211 South Lamar Boulevard Planned Unit Development - Approve third 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. Second Reading approved on August 22, 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.
Ordinance No. 20131017-052 for planned unit development (PUD) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was off the dais.
53. C14-2013-0041 - Fort Dessau-GR - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1602 Fish Lane (Harris Branch) from single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning to multi-family residence-medium density (MF-3) district zoning. First Reading approved on September 26, 2013. Vote:

7-0. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.

Ordinance No. 20131017-053 for multi-family residence-medium density (MF-3) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

54. C14-2013-0042 - Fort Dessau-P - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 13826 Dessau Road (Harris Branch) from single family residence-standard lot-conditional overlay combining (SF-2-CO) district zoning to public (P) district zoning. First Reading approved on September 26, 2013. Vote: 7-0. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20131017-054 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
55. C14-2013-0043 - Fort Dessau-SF-6 - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 13826 Dessau Road (Harris Branch) from neighborhood commercial (LR) district zoning to townhouse & condominium residence (SF-6) district zoning. First reading on September 26, 2013. Vote: 7-0. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.
Ordinance No. 20131017-055 for townhouse & condominium residence (SF-6) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
56. C14-2013-0060 - Bluff Springs Food Mart - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7101 Bluff Springs Road (Onion Creek Watershed) from single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First Reading approved on September 26, 2013. Vote: 7-0. Owner/Applicant: Bluff Springs Food Mart, Inc. (Tariq Majeed). Agent: Moncada Consulting (Phil Moncada). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to October 24, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
57. NPA-2013-0010.01 - 2416 East Sixth Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 20011213-43, the Holly 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 2416 East 6th Street (Lady Bird Lake Watershed) from Industry to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To be reviewed on October 22, 2013. Owner/Applicant: 2416 East Sixth Street (Timothy Clark). Agent: Big Red Dog Engineering - Austin, L.L.C. (Bob Brown). Agent: City Staff: Maureen Meredith, 512-974-2695.
This item was postponed on consent to December 12, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
58. C14-2013-0083 - 2416 E. 6th Street - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2416 East 6th Street (Lady Bird Lake Watershed) from limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining

district zoning. Planning Commission Recommendation: To be reviewed on October 22, 2013. Owner: 2416 East Sixth Street LP (M. Timothy Clark). Applicant: Big Red Dog - Austin, LLC (Bob Brown). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to December 12, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

59. NPA-2013-0015.01 - 1137 & 1139 Airport Boulevard and 1138 Gunter Street (Airport Café) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 the East MLK 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 1137 and 1139 Airport Boulevard, and 1138 Gunter Street (Boggy Creek Watershed) from Single Family to Civic land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner: R & J Partners, LLC (Ron Meyeres). Applicant/Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, 512-974-2695.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131017-059 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
60. C14-2013-0055 - Airport Café - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1137 and 1139 Airport Boulevard, and 1138 Gunter Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, with added prohibited land uses provided by neighborhood association. Owner: R & J Partners LLC (Ronnie and Joellen Meyeres). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131017-060 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, with added prohibited land uses provided by neighborhood association was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
64. C14-2013-0027 - Kincheon Neighborhood Commercial Center - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7905 Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from neighborhood office-conditional overlay (NO-CO) combining district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood commercial (LR) district zoning. Owner/Applicant: Shelby Michael Minns and Katherine T. Minns. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719.
This item was postponed on consent to October 24, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
65. C14-2013-0056 - 2505 & 2507 Bluebonnet Lane - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2505 and 2507 Bluebonnet Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence-

low density-conditional overlay (MF-2-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning with conditions. Owner: 2505 Bluebonnet, LLC (Scott Turner). Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 512-974-7604.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131017-065 for multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

68. C14-2013-0095 -9405 Fourteen Tee Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 9405 Fourteen Tee Drive (Bull Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning and rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To deny single family residence-large lot (SF-1) district zoning. Owner/Applicant: Balcones Country Club Membership Association (David Dew). Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to November 21, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
69. C14-2013-0096 - 11512 Spicewood Parkway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11512 Spicewood Parkway (Bull Creek Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To deny single family residence-large lot (SF-1) district zoning. Owner/Applicant: Balcones Country Club Membership Association (David Dew). Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to November 21, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
70. C14-2013-0097 - 11300 Spicewood Parkway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11300 Spicewood Parkway (Bull Creek Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To deny single family residence-large lot (SF-1) district zoning. Owner/Applicant: Balcones Country Club Membership Association (David Dew). Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to November 21, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.
71. C14-2013-0098 -9900 Mandeville Circle - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900 Mandeville Circle (Bull Creek Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To deny single family residence-large lot (SF-1) district zoning. Owner/Applicant: Balcones Country Club Membership Association (David Dew).

Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to November 21, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

72. C14-2013-0099 - Dessau Business Park Zonings - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Tracts 1A & 1B: 13301-13409 Dessau Road; Tract 2: 13500 Lazyridge Drive; Tract 3: 13513 Lazyridge Drive; Tract 4: 1800 Gregg Lane and 2100 Gregg Lane; Tract 5: 13313 Old Gregg Lane; Tract 6: 13321, 13405, 13419, 13500, 13501, 13505, 13514, 13610, 13611, 13620, 13621, 13630, 13631, 13641, 13710, 13711, 13720, 13730, 13740, 13800, 13815, 13816 Immanuel Road, 2201, 2212, 2215, 2300, 2301, 2309 Investment Drive, 2201, 2208, 2218, 2219, 2226, 2300, 2310, 2319, 2320, 2330, 2337, 2340, 2349, 2350, 2400, 2401, 2410, 2411, 2420 Patterson Industrial Drive; Tract 7: Immanuel Road and 2222 Gregg Lane (Gilleland Creek Watershed, Harris Branch Watershed) from interim-rural residence (RR) district zoning and interim-single family-standard lot (I-SF-2) district zoning to multi-family residence-moderate-high density (MF-4) district zoning for Tract 1A, community commercial-mixed use (GR-MU) combining district zoning for Tract 1B, community commercial-mixed use (GR-MU) combining district zoning for Tract 2, public (P) district zoning for Tract 3, general commercial services-conditional overlay (CS-CO) combining district zoning for Tracts 4 and 7, rural residence (RR) district zoning for Tract 5 and limited industrial service (LI) district zoning for Tract 6. Staff Recommendation: To grant multi-family residence-moderate-high density (MF-4) district zoning for Tract 1A, community commercial-mixed use (GR-MU) combining district zoning for Tract 1B, community commercial-mixed use (GR-MU) combining district zoning for Tract 2, public (P) district zoning for Tract 3, general commercial services-conditional overlay (CS-CO) combining district zoning for Tracts 4 and 7, rural residence (RR) district zoning for Tract 5 and limited industrial service (LI) district zoning for Tract 6. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high density (MF-4) district zoning for Tract 1A, community commercial-mixed use (GR-MU) combining district zoning for Tract 1B, community commercial-mixed use (GR-MU) combining district zoning for Tract 2, public (P) district zoning for Tract 3, general commercial services-conditional overlay (CS-CO) combining district zoning for Tracts 4 and 7, rural residence (RR) district zoning for Tract 5 and limited industrial service (LI) district zoning for Tract 6. Applicant: City of Austin-Planning and Development Review Department (Sherri Sirwaitis). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131017-072 for multi-family residence-moderate-high density (MF-4) district zoning for Tract 1A, community commercial-mixed use (GR-MU) combining district zoning for Tract 1B, community commercial-mixed use (GR-MU) combining district zoning for Tract 2, public (P) district zoning for Tract 3, general commercial services-conditional overlay (CS-CO) combining district zoning for Tracts 4 and 7, rural residence (RR) district zoning for Tract 5 and limited industrial service (LI) district zoning for Tract 6 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS CONTINUED

46. Approve second and third readings of an ordinance to repeal and replace City Code Chapters 25-7 and 30-4 relating to drainage; (b) amend sections of City Code Chapters 25-8, Subchapter A and 30-5 relating to water quality; (c) amend sections of City Code Titles 25 and 30 relating to environmental protection; and (d) establish water supply and riparian zone mitigation funds. This ordinance will amend Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative). **THE PUBLIC HEARING ON THIS ITEM WAS HELD AND CLOSED ON OCTOBER 3, 2013.**

There was a motion made by Mayor Leffingwell and second by Council Member Spelman to approve the ordinance with the following amendment. The amendment was to change the trigger

for requiring water quality controls from 5,000 to 8,000 feet trigger in Part 29, section 25-8-211 (B) and (E); Part 108, section 30-5-211 (B) and (E); Part 61, section 25-8-516 (D); Part 140, section 30-5-516 (D); Part 15, section 25-8-65 (C); and Part 98, section 30-5-65 (C).

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to approve the ordinance with amendments listed as the following friendly amendments. The motion was later withdrawn by the maker.

The following friendly amendments were made by Council Member Morrison. The amendments were accepted by the maker of the motion and Council Member Spelman, who made the second.

Part 8, section 25-8-26 should read,

“(A) This section applies to property located in the Barton Springs Zone that has existing commercial development if:

- (1) No unpermitted development occurred on the site after January 1, 1992, and
- (2) The property owner files a site plan application and an election for the property to be governed by this section.

(E) The requirements of this subchapter do not apply to the redevelopment of property if the redevelopment meets all of the following conditions:

- (1) The redevelopment may not increase the existing amount of impervious cover on the site.
- (2) The redevelopment may not increase non-compliance, if any, with Article 7, Division 1 (Critical Water Quality Zone Restrictions), Section 25-8-281 (Critical Environmental Features), Section 25-8-282 (Wetland Protection), or Section 25-8-482 (Water Quality Transition Zone).
- (3) The redevelopment must comply with construction phase environmental requirements in effect at the time of construction, including Chapter 25-8, Article 5 (Erosion and Sedimentation Control; Overland Flow) and Section 25-8-234 (Fiscal Security in the Barton Springs Zone).
- (4) The water quality controls on the redevelopment site must provide a level of water quality treatment that is equal to or greater than that which was previously provided.
- (5) For a commercial or multifamily redevelopment, the owner or operator must obtain a permit under Section 25-8-233 (Barton Springs Zone Operating Permit) for both sedimentation/filtration ponds and SOS ponds.
- (6) For a site with more than 40 percent net site area impervious cover, the redevelopment must have:
 - (a) sedimentation/filtration ponds for the site; or
 - (b) SOS ponds for a portion of the site, and sedimentation/filtration ponds for the remainder of the redeveloped site.
- (7) For a site with 40 percent or less net site area impervious cover, the redevelopment must have SOS ponds for the entire site.
- (8) The property owner must mitigate the effects of the redevelopment, if required by and in accordance with Subsection (H).
- (9) Redevelopment may not be located within the Erosion Hazard Zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.

(F) City Council approval of a redevelopment in accordance with Subsection (G) is required if the redevelopment:

- (1) includes more than 25 dwelling units;
- (2) is located outside the City’s zoning jurisdiction;
- (3) is proposed on property with an existing industrial or civic use;
- (4) is inconsistent with a neighborhood plan; or
- (5) will generate more than 2,000 vehicle trips a day above the estimated traffic level based on the most recent authorized use on the property.”

The first paragraph of part 35, section 25-8-261 should read, "In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone under this Division shall be revegetated and restored within the limits of construction as prescribed by the Environmental Criteria Manual."

The first paragraph of part 114, section 30-5-261 should read, "In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone under this Division shall be revegetated and restored within the limits of construction as prescribed by the Environmental Criteria Manual."

Part 17, section 25-8-92(A) and (2) should read,

"(A) In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs zone, a critical water quality zone is established along each waterway classified under Section 25-8-91 (Waterway Classifications)."

"(2) Notwithstanding the provisions of Subsections (A)(1)(a), (b), and (c), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right of way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition, as prescribed in the Environmental Criteria Manual."

Part 100, section 30-5-92(A) and (2) should read,

"(A) In the water supply rural watersheds, water supply suburban watersheds, and Barton Springs zone, a critical water quality zone is established along each waterway classified under Section 30-5-91 (Waterway Classifications)."

"(2) Notwithstanding the provisions of Subsections (A)(1)(a), (b), and (c), a critical water quality zone does not apply to a previously modified drainage feature serving a public roadway right of way that does not possess any natural and traditional character and cannot reasonably be restored to a natural condition, as prescribed in the Environmental Criteria Manual."

There was a friendly amendment made by Council Member Morrison to amend the ordinance by amending the roadway deduction in section 25-8-65 rather than deleting it. The amendment was not accepted by the maker of the motion.

There was a motion made by Council Member Morrison and seconded by Council Member Martinez to amend the ordinance as follows. The motion failed on a vote of 4-3. 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.

The amendment were to 1) amend Part 14 to amend city code section 25-8-65 and amend Part 15 to renumber the new section as 25-8-66 and 2) amend Part 97 to amend city code section 30-5-65 and amend Part 98 to renumber the new section as 30-5-6.

Part 14

"(A) This section applies only in the Water Supply Rural, Water Supply Suburban and Barton Spring Zone watersheds.

(B) Except as otherwise provided in this section, impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.

(C) For development with an internal roadway, impervious cover calculations include the internal roadway, except that pavement width in excess of 44 feet is excluded. This does not reduce the requirements for stormwater detention facilities or water quality controls for run-off from the roadways.

(D) For development adjacent to a roadway built as a City Capital Improvements Program project after May 18, 1986, impervious cover calculations include one-half of the pavement width, up to a maximum of 44 feet, and the associated right-of-way.

(E) Application of this section shall not result in a reduction of allowable impervious cover over 25 percent."

Part 15

Renumber section 25-8-65 to read, “section 25-8-66 Commercial Impervious Cover”.

Part 97, section 30-5-65

“(A) This section applies only in the Water Supply Rural, Water Supply Suburban and Barton Spring Zone watersheds.

(B) Except as otherwise provided in this section, impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.

(C) For development with an internal roadway, impervious cover calculations include the internal roadway, except that pavement width in excess of 44 feet is excluded. This does not reduce the requirement for stormwater detention facilities or water quality controls for run-off from the roadways.

(D) For development adjacent to a roadway built as a City Capital Improvements Program project after May 18, 1986, impervious cover calculations include one-half of the pavement width, up to a maximum of 44 feet, and the associated right-of-way.

(E) Application of this section shall not result in a reduction of allowable impervious cover over 25 percent.

Renumber part 98, section 30-5-65 to read, “section 30-5-66 Commercial Impervious Cover”.

Ordinance No. 20131017-046 was approved with the amendment and friendly amendments listed above on Mayor Leffingwell’s motion, Council Member Spelman’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 3:09 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:07 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

- 74. Conduct a public hearing and consider an ordinance adopting the ninth plan modification to the East 11th and 12th Streets URBAN RENEWAL PLAN, which modifies the East 11th Street corridor to include the addition of commercial use as a permitted use for the property located at 901 Juniper Street. **The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131017-074 was approved on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**

ZONING DISCUSSION ITEMS

Items 66 and 67 were acted on in a combined motion.

- 66. C14-2013-0084 - Franklin BBQ Kitchen - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 901 Juniper Street (Waller Creek Watershed) from multi-family residence-medium density-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district zoning to community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district zoning. Staff Recommendation: To grant community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district zoning. Owner: Bens Long Branch BBQ, Inc. (Perry Lorenz). Applicant: LS Johnston Architects (Linda Johnston). City Staff: Heather Chaffin, 512-974-2122. **The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance for community commercial-mixed use-neighborhood conservation combining district-neighborhood plan (GR-MU-NCCD-NP) combining district zoning was approved on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**

67. C14-2013-0085 - Franklin BBQ Kitchen (NCCD Amendment) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 to allow food preparation as a conditional land use to the East 11th Street Neighborhood Conservation Combining District for the property locally known as 901 Juniper Street (Waller Creek Watershed). Staff Recommendation: To grant food preparation as a conditional land use. Planning Commission Recommendation: To grant food preparation as a conditional land use. Owner: Ben's Long Branch BBQ, Inc. (Perry Lorenz). Agent: LS Johnston Architects (Linda Johnston). City Staff: Heather Chaffin, 512-974-2122.
The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance to allow food preparation as a conditional land use was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

Items 76 and 80 were acted on in a combined motion.

76. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow commercial images to be temporarily projected onto building facades in the downtown area during certain special events and to establish permitting requirements.
This item was postponed to October 24, 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
80. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-1 and 25-5 relating to vested development rights under Chapter 245 and Section 43.002 of the Texas Local Government Code.
This item was postponed to November 7, 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Items 75 and 14 were acted on in a combined motion.

75. Conduct a public hearing and consider an ordinance amending City Code Title 25 regarding regulations related to urban farms. Related to Item #14.
This item was postponed to November 21, 2013 with direction to the City Manager on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
Direction was given to the City Manager as follows:
- in the interim to facilitate another stakeholder meeting and bring back to Council.
 - explore co-operative or City sponsored animal processing center together to make it available to everyone in order to alleviate the need to have them on-site
 - have a discussion with Council regarding the idea of building infrastructure for the food network
14. Approve an ordinance amending City Code Chapters 3-12, 10-3, and 14-7 relating to regulations for urban farms. Related to Item #75.
This item was postponed to November 21, 2013 with direction to the City Manager on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
Direction was given to the City Manager as follows:
- in the interim to facilitate another stakeholder meeting and bring back to Council.
 - explore co-operative or City sponsored animal processing center together to make it available to everyone in order to alleviate the need to have them on-site
 - have a discussion with Council regarding the idea of building infrastructure for the food network

- 77. Conduct a public hearing and consider an ordinance approving a consent agreement for the Cascades Municipal Utility District No. 1 ("MUD") subject to adoption of an ordinance approving a strategic partnership agreement between the City and the MUD.
This item was postponed to November 21, 2013 on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.
- 78. Conduct a public hearing 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).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison’s motion, Council Member Tovo’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamation at 5:25 p.m.

LIVE MUSIC

Hot Texas Swing Band

PROCLAMATIONS

Proclamation -- Richard Buckley's 10-year Anniversary with Austin Lyric Opera -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- 50th Anniversary of the UT Center for Transportation Research -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Chandra Bhat

Proclamation -- National Reuse Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Rebecca Stuch

Proclamation -- 60th Anniversary of the Battle of the Bell -- to be presented by Mayor Lee Leffingwell and to be accepted by Terry Bray

Proclamation -- National LGBT History Month -- to be presented by Council Member Laura Morrison and to be accepted by Carlos Rivera

Mayor Leffingwell called the Council Meeting back to order at 7:08 p.m.

ZONING DISCUSSION ITEMS CONTINUED

- 79. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-2, 25-7, and 25-8 relating to the review and approval of variance requests for projects within 1000 feet of the Lake Austin shoreline.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131017-079 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
- 61. 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 to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use/Office

land use. Owner: Harper Park Two LP (Gail M. Whitfield). Applicant/Agent: The Whitfield Company (Marcus Whitfield). City Staff: Maureen Meredith, 512-974-2695.

The public hearing was conducted and the motion to close the public hearing and approve first reading of the ordinance to change the land use designation on the future land use map (FLUM) to Mixed Use/Office land use was approved on Council Member Riley's motion, Council Member Martinez' second on a 6-1 vote. Council Member Morrison voted nay.

62. C14-2013-0006 - 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-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning with conditions. Owner: Harper Park Two, L.P. (Gail M. Whitfield). Applicant: The Whitfield Company (Marcus Whitfield). City Staff: Lee Heckman, 512-974-7604. A valid petition has been filed in opposition to this rezoning request.

The public hearing was conducted and the motion to close the public hearing and approve first reading of the ordinance for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning with conditions was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-1 vote. Council Member Morrison voted nay.

63. 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 grant the restrictive covenant amendment to incorporate necessary conditions of an associated rezoning request. Owner: Harper Park Two, L.P. (Gail M. Whitfield). Applicant: The Whitfield Company (Marcus Whitfield). City Staff: Lee Heckman, 512-974-7604.

The public hearing was conducted and the motion to close the public hearing and postpone the item to the November 7, 2013 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

81. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 relating to the use classifications of off-site accessory parking in the Limited Office zoning district.

The public hearing was conducted and the motion to close the public hearing and approve the ordinance was made by Council Member Riley and seconded by Council Member Spelman.

There was an amendment made by Council Member Riley and seconded by Council Member Spelman to amend the ordinance as follows. The amendment was approved on a vote of 5-2. 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 amendments were:

Amend Part 1, Section 25-2-491 to add:

Off-site Accessory Parking is a permitted use in a limited office (LO) when the primary use is located in general office (GO) or less restrictive zoning district and the accessory parking is located on an existing surface parking lot located in a LO zoning district and is directly adjacent to the site of the primary use.

Amend Part 2. Subsection (B) City Code Section 25-6-501 (Off-Site Parking) to add:

(2) the primary use is located in a general office or less restrictive zoning district and the accessory parking is located on an existing surface parking lot in a limited office (LO) zoning district which is directly adjacent to the site of the primary use.

Renumber the other sections accordingly.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131017-81 with the amendments listed above was approved on Council Member Riley's 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.

DISCUSSION ITEMS CONTINUED

- 73. Conduct a public hearing and receive public comment regarding the update of the City of Austin Water and Wastewater Impact Fee Land Use Assumptions and Capital Improvement Plan, including proposed amendments to impact fees. Related to Items #2 and #3.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.

- 2. Approve an ordinance amending Exhibit A to Ordinance No. 20130909-003, the Fiscal Year 2013-2014 Fees, Fines, and Other Charges to be set or charged by the City, to revise Austin Water Utility Impact Fees Collection Policy. Related to Items #3 and #73.
The motion to approve first reading of the ordinance with option 5 as listed below was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
Option 5: Use the maximum allowable fee rounded down to the nearest \$100, and using Austinspecific revenue credit.

- 3. Approve an ordinance amending the City's water and wastewater impact fee program by adopting updated Austin Water and Wastewater impact fee land use assumptions, capital improvements plan, and assessed fees including the impact fee service area amendments. Related to Items #2 and #73.
The motion to approve first reading of the ordinance was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 9:21 p.m. without objection.

The minutes were approved on this the 24th day of October 2013 on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.