



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, NOVEMBER 21, 2013**

**Invocation:** Apostol Marivel Reyes, Pastor, Iglesia El Shaddai

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, November 21, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council discussion meeting of November 5, 2013 and regular meeting of November 7, 2013.  
**The minutes from the City Council discussion of November 5, 2013 and regular meeting of November 7, 2013 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
2. Approve an ordinance authorizing acceptance of \$1,170,000 in grant funds from the DUFFIELD FAMILY FOUNDATION; and amending the Fiscal Year 2013-2014 Animal Services Office Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$1,170,000 for the enhancement of existing programs to sustain the City's No-Kill goal.  
**Ordinance No. 20131121-002 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
3. Authorize execution of amendments to two existing contracts with ATMOS ENERGY CORPORATION for natural gas pipeline transportation services for Austin Energy, to extend the contracts for 24 months for an estimated aggregate amount of \$2,000,000. Recommended by the Electric Utility Commission.  
**The motion authorizing the execution of amendments to two existing contracts with Atmos Energy Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
4. Approve Service Extension Request No. 3298 for water service to a 46.348 acre tract on W US 290 Highway located entirely within the Drinking Water Protection Zone and in the City's 2-mile extraterritorial jurisdiction. Approved by the Water and Wastewater Commission on a 4-2-0-1 vote with Commissioners Faust and Ohueri voting against. Related to Item #5.  
**The motion to approve the service extension request number 3298 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

5. Approve Service Extension Request No. 3299 for wastewater service to a 46.348 acre tract on W US 290 Highway located entirely within the Drinking Water Protection Zone and in the City's 2-mile extraterritorial jurisdiction. Approved by the Water and Wastewater Commission on a 4-2-0-1 vote with Commissioners Faust and Ohueri voting against. Related to Item #4.  
**The motion to approve the service extension request number 3299 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
6. Authorize negotiation and execution of two interlocal agreements between the City and the Capital Area Emergency Communication District (CAECD) related to the City's participation in the enhanced 9-1-1 emergency telephone system as follows: CAECD reimbursement in an amount not to exceed \$626,030 for maintenance of the 9-1-1 database on a county-wide basis for a 13 month term and reimbursement from CAECD in an amount not to exceed \$25,000 for a 13 month term to maintain Public Safety Answering Points, upgrade and maintain equipment and purchase supplies.  
**The motion authorizing the negotiation and execution of two interlocal agreements between the City and the Capital Area Emergency Communication District (CAECD) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
7. Authorize negotiation and execution of new co-sponsorship agreement with Austin/Travis County Reentry Roundtable to increase the City of Austin's sponsorship in the amount of \$5,000, for a total agreement amount not to exceed \$40,000 annually.  
**The motion authorizing the negotiation and execution of new co-sponsorship agreement with Austin Travis County Reentry Roundtable was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
8. Authorize execution of a construction contract with R.S. ELLIS, INC. DBA SOUTHWEST CORPORATION, for the Balcones Canyonlands Preserve Shop and Barn in the amount of \$393,858 plus a \$39,385 contingency, for a total contract amount not to exceed \$433,243. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Enterprise Procurement Program) by meeting the goals with 12.47% MBE and 2.60% WBE subcontractor participation.)  
**The motion authorizing the execution of a construction contract with R.S. Ellis, Inc. doing business as Southwest Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
9. Authorize execution of a construction contract with LEWIS CONTRACTORS INC., for the Bryker Woods Concrete Pressure Pipe Repairs Project in the amount of \$481,225, plus a \$48,122.50 contingency, for a total contract amount not to exceed \$529,347.50. (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 2.58% MBE and 4.00% WBE subcontractor participation.)  
**The motion authorizing the execution of a construction contract with Lewis Contractors Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
10. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION, LTD, for the Elroy Road Water Rehabilitation - Phase 2 project in the amount of \$943,911.50, plus a \$94,391.15 contingency, for a total contract amount not to exceed \$1,038,302.65. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Enterprise Procurement Program) by meeting the goals with 49.19% MBE prime participation; and 4.13% MBE and 2.20% WBE subcontractor participation.)

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

11. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC., for the South Austin Sanitary Sewer Overflow Project in the amount of \$1,083,500.08 plus a \$108,350.01 contingency, for a total contract amount not to exceed \$1,191,850.09. (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 92.32% MBE prime participation; 5.44% MBE and 1.66% WBE subcontractor participation.)

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

12. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligation in the amount of \$4,525,000 for the purchase of land located off of Johnny Morris Road to be used for various city facilities.

**This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 13 was pulled for discussion.**

14. Authorize negotiation and execution of Amendment # 3 to the social services contract with AUSTIN TRAVIS COUNTY INTEGRAL CARE to add funding to the contract to support a part time resource assistant to work for the Community Action Network in an amount not to exceed \$22,500, for the period of October 1, 2013 and ending on September 30, 2014, for a total contract amount of \$192,967.

**The motion authorizing the negotiation and execution of amendment number three to the social services contract with Austin Travis County Integral Care was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

15. Approve a resolution confirming the re-appointment of Gary Cobb to the Firefighters', Police Officers' and Emergency Medical Services Personnel Civil Service Commission for a three year term expiring  
**Resolution No. 20131121-015 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

16. Authorize negotiation and execution of a legal services agreement with the Law Firm of Tydings and Rosenberg, LLP to provide legal services related to the Minority/Women/Disadvantaged Business Enterprise availability and disparity study and legal advice on implementation of study recommendations in an amount not to exceed \$150,000.00

**The motion authorizing the negotiation and execution of a legal services agreement with the Law Firm of Tydings and Rosenberg, LLP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

17. Authorize the negotiation and execution of Amendment #1 to the Fiscal Year 2013-2014 Service Agreement with the Austin Housing Finance Corporation to fund rehabilitation and relocation of homes on Rainey Street in an amount not to exceed \$500,000.

**The motion authorizing the negotiation and execution of amendment number one to the fiscal year 2013-2014 service agreement with the Austin Housing Finance Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 18 was pulled for discussion.**

19. Approve an ordinance amending the Fiscal Year 2013-2014 Parks and Recreation Department Capital Budget (Ordinance No. 20130909-002) to appropriate \$315,109 for repairs to the Morris Williams Maintenance Building.

**Ordinance No. 20131121-019 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 20 was pulled to be heard after the related item.**

21. Authorize award and execution of a 24-month requirements supply agreement with HD SUPPLY WATERWORKS for the supply of water meter lids and boxes for the Austin Water Utility in an amount not to exceed \$631,438, two 12-month extension options in an amount not to exceed \$315,719 per extension option for a total contract amount not to exceed \$1,262,876. (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 agreement with HD Supply Waterworks was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

22. Authorize award and execution of two 24-month requirements supply contracts with CENTEX MATERIALS LLC, for ready mix concrete for the Austin Water Utility in an amount not to exceed \$42,080, with three 12-month extension options in an amount not to exceed \$21,040 per extension option for a total contract amount not to exceed \$105,200 and CUSTOM CRETE in an amount not to exceed \$6,294, with three 12-month extension options in an amount not to exceed \$3,147 per extension option for a total contract amount not to exceed \$15,735. (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 Centex Materials LLC and Custom Crete was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

23. Authorize award and execution of a contract with WWATERTECH SERVICES, INC., for the purchase of two phase separator dewatering dumpsters for the Austin Water Utility in a total contract amount of \$65,882. (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 Wwatertech Services, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

24. Authorize award and execution of a 36-month requirements service agreement with PIPELINE VIDEO INSPECTION, LLC, to provide for the hydro-blast cleaning of filter plates for the Austin Water Utility in an amount not to exceed \$42,189, with three 12-month extension options in an amount not to exceed \$14,063 per extension option, for a total contract amount not to exceed \$84,378. (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 Pipeline Video Inspection, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

25. Authorize award and execution of Amendment No. 1 to the contract with MILLER UNIFORMS & EMBLEMS INC, for public safety and security uniforms and related services, to increase the funding on the current contract term in an amount not to exceed \$400,000, and increase the extension option in an amount not to exceed 600,000, for a revised total contract amount not to exceed \$6,625,235. (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 this contract.)  
**The motion authorizing the award and execution of amendment number one to the contract with Miller Uniforms & Emblems Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
26. Authorize negotiation and execution of a 36-month contract with SMARTEBUILDING, for software subscription and support services for an information management system, designed to reduce customer energy consumption, in an amount not to exceed \$1,060,000, with three 12-month extension options in an amount not to exceed \$353,333 per extension option, for a total contract amount not to exceed \$2,120,000. (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.) Recommended by the Electric Utility Commission and the Resource Management Commission.  
**The motion authorizing the negotiation and execution of a contract with Smartebuilding was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
27. Authorize negotiation and execution of a contract with AIR-TRANSPORT IT SERVICES, INC. ("AirIT") to purchase AirIT's Airport Operational Database, Resource Management System, and additional EASE software licenses for expansion of the Shared Use Passenger Processing Systems at Austin-Bergstrom International Airport and implementation, maintenance, and support in an amount not to exceed \$1,257,255. (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 negotiation and execution of a contract with Air-Transport It Services, Inc. ("AirIT") was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
28. Authorize award, negotiation, and execution of a 12-month professional service contract with AIRPORT COUNCIL INTERNATIONAL to provide measurement of customer satisfaction and benchmarking based on passenger surveys for the Aviation Department in an amount not to exceed \$42,900, with four 12-month extension options in an amount not to exceed \$42,900 per extension option, for a total contract amount not to exceed \$214,500. (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, negotiation and execution of a professional service contract with Airport Council International was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
29. Authorize award, negotiation and execution of a 36 month requirements service contract with TIBH INDUSTRIES, INC. for temporary personnel services in an amount not to exceed \$1,373,800, with three 12-month extension options in an amount not to exceed \$457,933 per extension option, for a total contract amount not to exceed \$2,747,600. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is exempted under Chapter 122, Title 8, Human Resources Code, of the Texas Government Code and no goals were established for this contract.) Recommended by the Electric Utility Commission.

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

30. Authorize award and execution of a 36-month requirements service contract with UNITED ROTARY BRUSH CORP, or one of the other qualified bidders for IFB-BV JRD0102, to provide replacement brooms and accessories for City owned street sweepers in a total amount not to exceed \$352,775 with three 12-month extension options in a total amount not to exceed \$129,339 for the first extension option, \$135,706 for the second extension option, and \$142,391 for the third extension option, for a total contract amount not to exceed \$760,211. (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.) Approved by the Zero Waste Advisory Commission on a 5-0-0 vote with Commissioner Jeff Paine absent.

**The motion authorizing the award and execution of a requirements service contract with United Rotary Brush Corp was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

31. Authorize negotiation and execution of a 24-month requirements contract with GENERATOR & MOTOR SERVICES OF PENNSYLVANIA or one of the other qualified offerors to RFP No. DKC0047, to provide aero-derivative generator maintenance services for Decker Creek Power Station and Sand Hill Energy Center, in an amount not to exceed \$3,000,000, with two 24-month extension options in an amount not to exceed \$2,000,000 per extension option, for a total contract amount not to exceed \$7,000,000. (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.) Recommended by the Electric Utility Commission.

**The motion authorizing the negotiation and execution of a requirements contract with Generator & Motor Services of Pennsylvania was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

32. Authorize award and execution of a 36-month requirements supply contract with LEIF JOHNSON FORD DBA LEIF JOHNSON FORD II LTD LTD to provide Parts and Repair Services for Ford Light Duty Vehicles in a total amount not to exceed \$630,348, with three 12-month extension options in a total amount not to exceed \$231,367 for the first extension option, \$242,886 for the second extension option, and \$254,980 for the third extension option, for a total contract amount not to exceed \$1,359,581. (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 Leif Johnson Ford doing business as Leif Johnson Ford II Ltd was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

33. Authorize award and execution of a 36-month requirements supply contract with CYCLE MART, LP DBA CENTRAL TEXAS POWERSPORTS to provide OEM Parts and Repair Services for Kawasaki Police Motorcycles in a total amount not to exceed \$324,250, with three 12-month extension options in a total amount not to exceed \$118,763 for the first extension option, \$124,551 for the second extension option, and \$130,628 for the third extension option, for a total contract amount not to exceed \$698,192. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D of the (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 Cycle Mart, LP doing business as Central Texas Powersports was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

34. Authorize award and execution of a 36-month requirements service contract with FUSION SERVICES LTD dba. AUTO GATE; COMPOUND SECURITY SPECIALISTS to provide on-site automatic gates maintenance and repair services for various City Departments, in an amount not to exceed \$783,163.86, with three 12-month extension options in an amount not to exceed \$261,054 per extension option, a total contract amount not to exceed \$1,566,327. (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 Fusion Services Ltd doing business as Auto Gate; Compound Security Specialists was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
35. Authorize award, negotiation and execution of a 20-month requirements service contract with IBM CORPORATION for COPLINK software and support in an amount not to exceed \$173,144. (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, negotiation and execution of a requirements service contract with IBM Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
36. Authorize award and execution of a 12 -month requirements supply agreement with AMERICAN EUROCOPTER CORPORATION to provide component parts for the Austin Police Department's EC120 helicopter in an amount not to exceed \$150,000 with three 12-month extension options in an amount not to exceed \$150,000 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 2-9D (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 a requirements supply agreement with American Eurocopter Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
37. Authorize award and execution of a 36-month requirements supply agreement with TASER INTERNATIONAL, INC. to provide tasers and accessories in an amount not to exceed \$1,182,656 with three 12-month extension options in an amount not to exceed \$394,219 per extension option, for a total contract amount not to exceed \$2,365,313. (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 a requirements supply agreement with Taser International, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 38 was pulled for discussion.**

39. Authorize negotiation and execution of a 12-month interlocal agreement between the City and the Capital Area Council of Governments to provide funding and extend the City's involvement in clean air programs, in an amount not to exceed \$80,000.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Capital Area Council of Governments was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

40. Approve an ordinance to amend City Code Chapter 6-1 to align the Code with revised language in 30 Texas Administrative Code Section 114.512 relating to control requirements for motor vehicle idling. Related to Item #41.  
**Ordinance No. 20131121-040 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
41. Approve renewal of an anti-idling memorandum of agreement between the City and the Texas Commission on Environmental Quality to continue enforcement of heavy vehicle idling. Related to Item #40.  
**The motion to approve a renewal of an anti-idling memorandum of agreement between the City and the Texas Commission on Environmental Quality was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
42. Approve an ordinance amending City Code Chapter 13-2 to add a new section establishing regulations for the operation of hotel shuttles and hotel courtesy vehicles.  
**Ordinance No. 20131121-042 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
43. Approve an ordinance authorizing the issuance of City of Austin 4.5% Hotel Occupancy Tax Revenue Refunding Bonds, Series 2013, in an amount not to exceed \$30,000,000, in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees. These funds will be used to refund the City of Austin Hotel Occupancy Tax Revenue Refunding Bonds Series 2004. These bonds will be refunded if the refund will result in present value savings meeting or exceeding the City's target guideline of 4.25%.  
**Ordinance No. 20131121-043 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Action was taken on item 44 but was reconsidered later in the meeting. See below.**

45. Approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures under City Code Chapter 14-8 for the 2014 3M Half Marathon which is to be held on Sunday, January 19, 2014. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)  
**The motion to approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures for the 2014 3M Half Marathon was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Items 46-49 were pulled for discussion.**

50. Approve a resolution endorsing the Community Health Improvement Plan (CHIP) and directing the City Manager to pursue strategies with its CHIP partners to implement the Community Health Improvement Plan. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)  
**Resolution No. 20131121-050 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 51 was pulled for discussion.**

52. Approve a resolution directing the City Manager to work with the Urban Land Institute to develop recommendations for the Request for Proposals for the Seaholm Intake Facility redevelopment project. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)

**Resolution No. 20131121-052 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Items 53 and 54 were pulled for discussion.**

55. Approve an ordinance reimbursing certain fees for the World Food Day event sponsored by March Against Monsanto Austin which was held Saturday, October 12, 2013 at the Oswaldo A.B. Cantu/Pan American Recreation Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)

**Ordinance No. 20131121-055 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

56. Approve a resolution directing the City Clerk to form a Task Force that will provide recommendations on a transition plan for boards and commissions under district representation. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)

**Resolution No. 20131121-056 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

57. Approve a resolution inducting Jesse Taylor, Nemecio Camarillo Carmona, Ermant "Junior" Franklin, A.C. Littlefield, and Randall "Poodie" Locke into the Austin Music Memorial as recommended by Austin Music Commission. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)

**Resolution No. 20131121-057 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

58. Approve an ordinance reimbursing certain fees and requirements for the 2013 Travis County 13th Annual Co-Ed Softball Tournament for their Combined Charities Campaign which was held on Saturday, November 9, 2013 at Krieg Fields. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)

**Ordinance No. 20131121-058 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

59. Approve a resolution directing the City Manager to work with stakeholders to explore opportunities for the City to benefit from the Immigrant Investor Program administered by the United States Citizenship and Immigration Services Department. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

**Resolution No. 20131121-059 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

60. Approve a resolution directing the City Manager to improve the City of Austin's climate resilience by analyzing climate change projections, determining how departmental planning efforts integrate future impacts of climate change and could be enhanced moving forward, identifying a process for performing departmental vulnerability assessments, and recommending next steps to develop, prioritize, and implement departmental strategies to increase resilience, and provide a report to City Council by May 1, 2014. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)

**Resolution No. 20131121-060 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 61 was pulled for discussion.**

62. Approve an ordinance amending City Code Section 2-1-169 (D), setting a new date for abolishing the Robert Mueller Municipal Airport Plan Implementation Advisory Commission based on the date of expiration or termination of the Master Development Agreement with Catellus Austin, LLC to develop the former Robert Mueller Municipal Airport site. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)  
**Ordinance No. 20131121-062 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
63. Approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures under City Code Chapter 14-8 for the 2014 Austin Marathon & Half Marathon and Paramount 5K which is to be held on Sunday, February 16, 2014. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)  
**The motion to approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closures for the 2014 Austin Marathon & Half Marathon and Paramount 5K was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
64. Set a public hearing to consider an ordinance regarding floodplain variances for the remodeling and construction of an addition to an existing single-family residence at 4508 Speedway as requested by the owner of the property. The property is entirely in the 25-year and 100-year floodplains of Waller Creek. (Suggested date and time: December 12, 2013, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).  
**The public hearing was set on consent for December 12, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
65. Set a public hearing to 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. (Suggested date and time: December 12, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for December 12, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
66. Set a public hearing to consider an ordinance amending the Imagine Austin Comprehensive Plan. (Suggested date and time: December 12, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for December 12, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
111. Set a public hearing to consider a resolution regarding local consent to a proposed correctional facility (parole office) to be constructed by the Texas Department of Criminal Justice at 3928 Promontory Point Drive. (Suggested date and time: December 12, 2013, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for December 12, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

Items 67 through 72 were items with closed public hearings.

Item 73 was an eminent domain item.

Items 74 and 75 were briefing items set for 10:30 a.m.

Items 76 through 79 were Executive Session items.

Items 80 through 101 were zoning items set for 2:00 p.m.

Item 102 was an AHFC item set for 3:00 p.m.

Items 103 through 110 were public hearing items set for 4:00 p.m.

Items 111 and 112 were addendum items.

### **DISCUSSION CONTINUED**

13. Authorize negotiation and execution of Amendment #5 to the Agreement with AFRICAN AMERICAN MEN AND BOYS HARVEST FOUNDATION, Inc., Austin, TX to increase funding in an amount not to exceed \$181,430 for programs that enhance the quality of life for African American youth and families for the period October 1, 2013 through September 30, 2014, for a total contract amount not to exceed \$613,430.

**The motion authorizing the negotiation and execution of amendment number five to the agreement with African American Men and Boys Harvest Foundation, Inc. was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

18. Approve an ordinance vacating approximately 6,215 square feet of alley right-of-way in the City of Austin, Travis County, Texas, being a portion of a twenty (20) foot wide alley located in Block 2, Driskill's and Rainey's Subdivision of a part of Outlots 72 and 73, Division E, Austin, Texas, known as "South East End", a Subdivision of record in Book 1, Page 22 of the Plat Records of Travis County, Texas to AUSTIN RAINEY STREET D/E/P.

**The first reading of the ordinance was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

38. Approve an ordinance amending City Code Chapters 2-9A, 2-9B, 2-9C and 2-9D extending the Minority-Owned and Women-Owned Business Enterprise Procurement Program and revising the sunset date.

**Ordinance No. 20131121-038 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

61. Approve a resolution adopting the proposed public and non-profit sites for the Google Fiber Community Connection Program. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley)

**This item was postponed to December 12, 2013 on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 7-0 vote.**

44. 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 Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

#### **Board/Nominee**

Commission on Immigrant Affairs

Nancy Lira

Community Development Commission

#### **Nominated by**

Council Member Martinez

Roberto Perez, Jr.

Council Member Martinez

Electric Utility Commission

Brent Heidebrecht

Mayor Pro Tem Cole

Hispanic/Latino Quality of Life Resource Advisory Commission

Martha Cotera

Council Member Tovo

Travis Central Appraisal District Board of Directors

Approve a resolution reappointing Kristoffer Lands to the Travis Central Appraisal District Board of Directors.

### Waivers

There are no waivers scheduled for today.

**A motion to reconsider item 44 was approved with the following amendments on Mayor Pro Tem Cole's motion, Council Member Spelman's second.**

**There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Morrisonto amendthe appointments byadding Alicia Del Rio to the Hispanic/Latino Quality of Life Resource Advisory Commission as Mayor Pro Tem Cole's nomination. The motion passed on a vote of 7-0.**

### MORNING BRIEFINGS

- 74. Project Connect Central Corridor Update.  
**This item was withdrawn without objection.**
- 75. Online Message Board System Briefing.  
**The presentation was made by Stephen Elkins, Chief Information Officer, Jannette Goodall, City Clerk and Matthew Esquibel, Manager, Communications and Technology Management Department.**

### CITIZEN COMMUNICATIONS: GENERAL

Gus Peña - Happy Veterans Day. 1.) Please remember and thank all Veterans past and present for their service, sacrifices and dedication to our beloved U.S.A. and other countries freedom safety and democracy. We gave it our all. 2.) Happy birthday to our United States Marine Corps on our 238th birthday. We were born on November 10, 1775. Semper Fidelis. Remember and thank all current Military Personnel. They need jobs, mental health treatment, PTSD treatment, housing, re-entry counseling. 3.) Support our female Veterans both single and female Vets head of household with children. 4.) Show your appreciation and thanks every day but also especially on Veterans Day and at the parade. 5.) We have too many homeless Vets especially Vietnam Vets. God bless America.

Kasie Joseph - Traffic circles and fear

Richard Viktorin - Formula One: Continuing fraud at the Major Events Trust Fund (CELOC)

Chasity Larios - Quiet zones on train crossing in East Austin

Guadalupe Q. Sosa - Independent Citizens Redistricting Commission – **Not present when name was called.**

Angelica Noyola - Urban Farm ordinance

Ronnie Refferseed - Stop the killing. Let's choose peace.

CAROLANNROSEKENNEDY - COPEE ACADEMY 101: GRADUATION WITHOUT HONORS

Carlos León - 1.) 10/28/13 Chemtrails over Austin, Chemtrails are wrong 2.) Truth squashes lies 3.) Fear God; Focus on the LORD, Fight the enemy, Finish the race.

Paul Robbins – City and Budget Issues

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:32 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.**

76. Discuss legal issues related to Open Government matters (Private consultation with legal counsel-Section 551.071 of the Government Code)
77. 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.**
78. Discuss legal issues related to Austin Fire Department hiring process (Private consultation with legal counsel - Section 551.071 of the Government Code).
79. Discuss legal issues related to the July 26, 2013 officer-involved shooting (Private consultation with legal counsel-Section 551.071 of the Government Code).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:34 p.m.**

### **ZONING CONSENT ITEMS**

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

82. C14-2013-0027 - Kincheon Neighborhood Commercial Center - Approve second and third readings of 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 office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, as amended. First Reading approved on October 24, 2013. Vote: 7-0. Owner/Applicant: Shelby Michael Minns and Katherine T. Minns. City Staff: Wendy Rhoades, 512-974-7719.  
**Ordinance No. 20131121-082 for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, as amended was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**
83. C14-2013-0045 - Huber Family Tract - Approve third reading 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. Second Reading approved on September 26, 2013. Vote: 7-0. Applicant: Brian Huber. Agent: Land Answers (Jim Wittliff). City Staff: Clark Patterson, (512) 974-7691.

**Ordinance No. 20131121-083 for single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

84. C14-2013-0048 - Westlake Zoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3715 Westlake Drive (Lake Austin Watershed) from lake austin (LA) to single family residence-standard lot (SF-2) district zoning. First reading approved on August 22nd 2013. Vote 6-1. Council Member Tovo voted nay. Second reading approved on October 24th, 2013. Vote 7-0. Applicant: John Mayes. Agent: Permit Partners, Inc. (David Cancialosi) City Staff: Clark Patterson, (512) 974-7691.

**This item was postponed on consent to December 12, 2013 at staff's request on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

86. C14-2013-0064 - Limerick Center - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First Reading approved on October 24, 2013. Vote: 6-1. Council Member Tovo voted nay. Owner/Applicant: First Networth Realty (Son Thai). City Staff: Sherri Sirwaitis, (512) 974-3057.

**Ordinance No. 20131121-086 for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

87. C14-2013-0086 - RKS Springfield Zoning - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 6605 and 6801 East William Cannon Drive, and 7300 McKinney Falls Parkway (Marble Creek Watershed, Cottonmouth Creek Watershed) from single family residence-standard lot (SF-2) district zoning, single family residence-small lot (SF-4A) district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-medium density (MF-3) district zoning, neighborhood commercial (LR) district zoning and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to single family residence-small lot (SF-4A) district zoning for Tract 1, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 3, with conditions. First Reading approved with conditions on October 24, 2013. Vote: 7-0. Owner/Applicant: RKS Texas Investments, L.P. (Rick Sheldon). Agent: Coats Rose (John M. Joseph). City Staff: Wendy Rhoades, (512) 974-7719.

**Ordinance No. 20131121-087 for single family residence-small lot (SF-4A) district zoning for Tract 1, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 3, with conditions was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

88. NPA-2013-0012.01 - 4505 N. I.H.-35 Northbound Service Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek 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 4505 North IH-35 Service Road Northbound (Boggy Creek Watershed) from Single Family to Office use. Staff Recommendation: To grant office land use. Planning Commission Recommendation: To grant office land use. Owner/Applicant: Saeed Moshfegh. Agent: A.J. Ghaddar, P.E. City Staff: Maureen Meredith, (512) 974-2695.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20131121-088 to change the land use designation on the future land use map (FLUM) to office**

land use was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

89. C14-2013-0094 - 4505 N. IH 35 Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4505 North IH-35 Service Road Northbound (Upper Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning, with conditions. Owner: Saeed Moshfegh. Applicant: AJ Ghaddar, P.E. & Associates (AJ Ghaddar). City Staff: Heather Chaffin, 512-974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20131121-089 for limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

90. NPA-2013-0019.01 - 710 East 41st Street (Commodore Perry Estate) - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-056, the Central Austin 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 710 East 41st Street (Waller Creek Watershed) from Civic to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Perry Estate, L.L.C. (Clark Lyda). Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P. (David Hartman). City Staff: Maureen Meredith, (512) 974-2695.

**This item was postponed on consent to December 12, 2013 at the neighborhood's request on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

91. C14-2013-0040 - Commodore Perry Estate - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 710 East 41st Street (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 1 and 2, and community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district zoning for Tract 1A. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 1 and 2, and community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district zoning for Tract 1A. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 1 and 2, and community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district zoning for Tract 1A. Applicant: Perry Estate, L.L.C. (Clark Lyda). Agent: Smith, Robertson, Elliot, Glen, Klein & Douglas, L.L.P. (David Hartman). City Staff: Clark Patterson, (512) 974-7691.

**This item was postponed on consent to December 12, 2013 at the neighborhood's request on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

92. 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 withdrawn on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote**

93. 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 withdrawn on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote**
94. 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 withdrawn on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote**
95. 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 withdrawn on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote**
96. C14-2013-0101 - Upscale Woman's Boutique - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 501 Oakland Avenue (Lady Bird Lake Watershed) from limited office-vertical mixed use building-neighborhood plan (LO-V-NP) combining district zoning to community commercial-vertical mixed use building-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-vertical mixed use building-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-vertical mixed use-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning. Applicant: Stacy C. Smith. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Clark Patterson, (512) 974-7691.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20131121-096 for community commercial-vertical mixed use-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

97. C14-2013-0104 - Shelly Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1700 West Avenue (Shoal 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. Planning Commission Recommendation: To be reviewed December 10, 2013. Applicant: Blue Dragon, Ltd. (Lance Farrell). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Clark Patterson, (512) 974-7691.  
**This item was postponed on consent to January 23, 2014 at the staff's request on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**
98. C14-2013-0109 - River Place Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10819 FM 2222 Road (Bull Creek Watershed, Panther Hollow Watershed) from community commercial (GR) district zoning and limited office (LO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on November 19, 2013. Applicant: Capella Commercial-Riverplace, L.L.C. (Todd Daily). Agent: Jones & Carter, Inc. (Darren Webber). City Staff: Clark Patterson, (512) 974-7691.  
**This item was postponed on consent to December 12, 2013 at the staff's request on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**
99. C14-2013-0111 - 9th Red River, L.L.C. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 805 Neches Street (Lady Bird Lake Watershed) from downtown mixed use-conditional overlay (DMU-CO) combining district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use (DMU) district zoning. Planning Commission Recommendation: To grant downtown mixed use (DMU) district zoning. Applicant: 9th Red River, L.L.C. (Sam Kumar). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, (512) 974-7691.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20131121-099 for downtown mixed use (DMU) district zoning was approved on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**
100. C14-2013-0123 - Onion Creek Fire Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11112 Old San Antonio Road (Onion Creek Watershed) from community commercial-mixed use-conditional overlay (GR-MU-CO) combining 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. Owner/Applicant: Riddell Family Limited Partnership by WJR GP LLC (James Henry). Agent: City of Austin, Public Works Department (Craig Russell). City Staff: Wendy Rhoades, (512) 974-7719.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20131121-100 for public (P) district zoning was approved on consent on Council Member Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**
101. C14H-2013-0005 - Old Judges Hill Local Historic District - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property generally between West 18th Street to the north, West Avenue to the east, West 15th Street to the south, and San Gabriel Street to the west from family residence (SF-3) district zoning; family residence-historic landmark (SF-3-H) combining district zoning; multi-family residence-medium density (MF-3) district zoning; multi-family residence-moderate high density (MF-4) district zoning; limited office (LO) district zoning; limited office-historic landmark (LO-H) combining district zoning; general office (GO) district zoning; general office-historic landmark (GO-H) combining district zoning; and neighborhood office-historic landmark-conditional overlay (NO-H-CO) combining district zoning to family residence-historic area (SF-3-HD) combining district zoning; family residence-historic landmark-historic area (SF-3-H-HD) combining district zoning; multi-family

residence-medium density-historic area (MF-3-HD) combining district zoning; multi-family residence-moderate-high density-historic area (MF-4-HD) combining district zoning; limited office-historic area (LO-HD) combining district zoning; limited office-historic landmark-historic area (LO-H-HD) combining district zoning; general office-historic area (GO-HD) combining district zoning; general office-historic landmark-historic area (GO-H-HD) combining district zoning; and neighborhood office-historic landmark-conditional overlay-historic area (NO-H-CO-HD) combining district zoning. Staff Recommendation: To grant the historic area combining district for the subject area with revisions to the Local Historic District Design Standards. Historic Landmark Commission Recommendation: To grant the historic area combining district for the subject area with revisions to the Local Historic District Design Standards. Planning Commission Recommendation: To be reviewed on December 10, 2013. Applicant: Mark Seeger. City Staff: Alyson McGee, 512-974-7801.

**This item was withdrawn on consent on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

### **DISCUSSION ITEMS CONTINUED**

51. Approve a resolution directing the City Manager to work with partners and stakeholders in the community to gather and prepare data, solicit recommendations, and report to the Public Health and Human Services Council Committee, City Council, and other commissions and stakeholders on how to fulfill the CHIP priority goal to establish a Healthy Food Zone ordinance. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez)

**There was a motion made by Council Member Morrison and seconded by Council Member Martinez to approve the resolution. 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 Spelman and Riley.**

53. Approve a resolution initiating a code amendment related to dwelling unit occupancy and directing the City Manager to process the code amendment; requesting that the Codes and Ordinances Subcommittee Stealth Dorm Working Group convene additional meetings concerning stealth dorm issues, best practices, and potential amendments to development regulations; requesting that the City Manager provide support to the Working Group and bring recommendations back to Council. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)

**Resolution No. 20131121-053 was approved with the following friendly amendments on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.**

**A friendly amendment was made by Council Member Riley to amend the second Be It Resolved to read "The Codes and Ordinances Subcommittee Stealth Dorm working group ("Working Group") is requested to convene additional meetings with the purpose of incorporating feedback from additional stakeholders and to continue its review of issues related to stealth dorms and best practices for enforcement, including: (1) expanding the City's "Repeat Offender" program to include violations of City Code Section 25-2-511 (*Dwelling Unit Occupancy Limit*) and other laws related to quality of life; and (2) requiring "affidavits of occupancy". The amendment was accepted by the maker of the motion and Council Member Riley, who made the second.**

**A friendly amendment was made by Council Member Spelman to insert after the third Whereas the following: "Whereas, the tenants of group houses include not just university students and young adults, but also recent immigrants, returning ex-offenders, and others of low to moderate income who have limited housing options; and". The amendment was accepted by the maker of the motion and Council Member Riley, who made the second.**

**A friendly amendment was made by Council Member Spelman to after the fourth Whereas, insert the following: "Whereas, realizing there could be unintended consequences such as any reduction in the dwelling unit occupancy limit could reduce the number of affordable housing units for both**

student and non-student populations, and could increase rents for many of those who continue to live in group housing; and Whereas, nuisance violations such as noise disturbances and overflowing garbage cans could persist, even if the dwelling unit occupancy limit is changed". The amendment was not accepted by the maker of the motion.

A motion was made by Council Member Spelman to insert after the fourth Whereas, the following: Whereas, realizing there could be unintended consequences such as any reduction in the dwelling unit occupancy limit could reduce the number of affordable housing units for both student and non-student populations, and could increase rents for many of those who continue to live in group housing; and Whereas, nuisance violations such as noise disturbances and overflowing garbage cans could persist, even if the dwelling unit occupancy limit is changed". The motion failed for lack of a second.

A friendly amendment was made by Council Member Spelman to amend the ninth current Whereas clause as follows: "Whereas, the working group could benefit from hearing the perspectives of additional stakeholders, including students, recent immigrants, returning ex-offenders, and other tenants of group housing". The amendment was accepted by the maker and Council Member Riley, who made the second.

A friendly amendment was made by Council Member Spelman to make the current second Resolved clause the first and revise the current first Resolved clause to read as follows: "The Council requests that the Codes and Ordinances Stealth Dorm subcommittee, the Codes and Ordinances committee, and the Planning Commission consider alternatives for addressing the problem of persistent nuisance violations at group homes, including but not limited to: reducing the maximum number of unrelated adults who may reside in structures allowed on single-family zoned property; improving compliance with nuisance codes and enforcement of nuisance violations typically associated with group homes; and whether any such policy changes should be enacted city-wide or limited to neighborhoods where the problem is greatest;". The amendment was accepted by the maker of the motion and Council Member Riley, who made the second. This amendment was later withdrawn by Council Member Spelman.

A friendly amendment was made by Council Member Spelman to amend the fourth Resolved clause as follows: "The City Manager is directed to support these additional meetings and to bring the recommendations to Council, including any code amendments, on or before March 31, 2014. The amendment was not accepted by the maker of the motion.

A friendly amendment was made by Council Member Spelman to amend the first Be It Resolve to read "The Council initiates a code amendment related to dwelling unit occupancy that will set the maximum number of unrelated adults who may reside in structures allowed on single-family zoned property at four and directs the City Manager to process the code amendment and bring it to Council on or before January 30, 2014. The Planning Commission may elect to recommend a different maximum; it may also recommend that the code amendment be limited to some parts of the city, or be offered as a tool available to Neighborhood Planning Teams, rather than as a provision that applies to the entire city. The amendment was accepted by the maker and Council Member Riley, who made the second.

**Items 47 and 48 were acted on in a combined motion.**

47. Approve an ordinance amending City Code Chapter 4-14 establishing a pilot program requiring rental registration for multi-family rental properties in East Riverside/Oltorf Combined Neighborhood (EROC); establishing a penalty; and establishing pilot program evaluation criteria. (Notes: SPONSOR: Council Member Tovo CO1: Council Member Mike Martinez)  
This item was postponed indefinitely on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

48. Approve an ordinance amending City Code Chapter 4-14 to establish a pilot program requiring rental registration for multi-family properties and certain single-family and duplex properties in certain central Austin areas; establishing a penalty; and establishing pilot program evaluation criteria. (Notes: SPONSOR: Council Member Tovo CO1: Council Member Mike Martinez)  
**This item was postponed indefinitely on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.**
46. Approve an ordinance amending City Code Chapter 4-14 establishing a pilot program requiring rental registration for multi-family rental properties in the general area in and around the North Austin Civic Association (NACA) and "Restore Rundberg" area; establishing a penalty; and establishing pilot program evaluation criteria. (Notes: SPONSOR: Council Member Kathie Tovo CO1: Council Member Mike Martinez)  
**This item was postponed indefinitely on Council Member Tovo's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Cole recused herself.**
54. Approve an ordinance amending City Code Chapter 15-9 relating to deferred payment agreements and restoration of utility service. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)  
**This item was postponed to the December 5, 2013 for a Special Called Meeting of the Council. Direction was given to staff to post this item for action at the Special Meeting for emergency passage.**

**Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:56 p.m. See separate minutes.**

**Mayor Leffingwell called the Council Meeting back to order at 4:57 p.m.**

#### **EMINENT DOMAIN**

**This vote applies to all units of property (Item 73) to be condemned.**

73. Approve a resolution authorizing the filing of eminent domain proceedings for the North Acres Final Conveyance Project for approximately 445 square feet of land for a permanent wastewater easement out of the J. Applegait Survey No. 58, Abstract No. 29, Travis County, Texas, being a portion of Lot 12, Block G, North Acres Section Four, a subdivision of record in Volume 46, Page 95 of the Plat Records of Travis County, Texas, conveyed to Robert T. Acosta in Document No. 2013083163 of the Official Public Records of Travis County, Texas in the amount of \$532. The owner of the needed property interests is ROBERT T. ACOSTA. The property is located at 10623 Denell Circle, in Austin, Travis County, Texas 78753. The general route covered by this project includes the area south of Ash and north of Floradale Drive, east of Interstate 35 Service Road at Braker and west of Dessau Road.  
**Resolution No. 20131121-073 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

49. Approve a resolution creating a Council Special Committee on the Special Events Ordinance to hold public meetings and compile and report findings; establishing the members of the Committee; and requesting that the City Manager provide staff. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)  
**This item was withdrawn without objection.**

#### **ACTION ON ITEM(S) WITH CLOSED PUBLIC**

67. Approve second and third readings of an ordinance to annex the Morse Tract area for full purposes (approximately 178 acres in Travis County east of the intersection of Ed Bluestein Blvd and US 290 East and west of Springdale Road/Manor Road); and approve a service plan. THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON SEPTEMBER 26, 2013 AND OCTOBER 3, 2013  
**This item was withdrawn without objection.**
68. Approve an ordinance adopting the Morse Annexation and Development Agreement, concerning annexation and development of approximately 165 acres in Travis County east of the intersection of Ed Bluestein Blvd and US 290 East and west of Springdale Road/Manor Road. THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON SEPTEMBER 26, 2013 AND OCTOBER 3, 2013.  
**Ordinance No. 20131121-068 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**
69. Approve second and readings of an ordinance to annex the Wildhorse Ranch area for full purposes (Approximately 2,164 acres in eastern Travis County south of US Highway 290 East at the intersection of State Highway 130 and US Highway 290 East); and approve a service plan. THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON SEPTEMBER 26, 2013 AND OCTOBER 3, 2013.  
**This item was withdrawn without objection.**
70. Approve second and third readings of an ordinance adopting a Strategic Partnership Agreement between the City of Austin and Shady Hollow Municipal Utility District (MUD), regarding future full purpose annexation of the MUD (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). THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON SEPTEMBER 26, 2013 AND OCTOBER 3, 2013.  
**Ordinance No. 20131121-070 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**
72. 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.  
**There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Spelman to deny the ordinance. The motion passed on a vote of 7-0.**
112. Approve second and third readings of an ordinance to annex the Wildhorse Ranch area for full purposes (approximately 2,164 acres in eastern Travis County south of US Highway 290 East at the intersection of State Highway 130 and US Highway 290 East); and approve a service plan. THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON SEPTEMBER 26, 2013 AND OCTOBER 3, 2013.  
**Ordinance No. 20131121-112 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTIONS**

106. 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 December 12, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

#### **ACTION ON ITEM(S) WITH CLOSED PUBLIC CONTINUED**

71. Approve first reading of an ordinance to annex the Cascades at Onion Creek area for full purposes (approximately 136 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 HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON OCTOBER 17, 2013 AND OCTOBER 24, 2013.  
**The first reading of the ordinance was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-1 vote. Council Member Martinez voted nay.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED**

**Items 103, 104 and 108 were acted on in a combined motion.**

103. Conduct a public hearing and consider an ordinance amending Title 25 to allow placement of Americans with Disabilities Act compliant ramps in required yards setback.  
**This item was postponed to December 12, 2013 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.**
104. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow temporary staging of equipment for municipal and utility projects on non-City-owned property.  
**This item was postponed to February 13, 2014 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.**
108. 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 December 12, 2013 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

80. NPA-2013-0025.01, 5816 Harper Park Drive (Harper Park Residential) - Approve second reading of 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. First reading approved on October 17, 2013. Vote: 6-1, Council Member Morrison voted Nay. Owner/Applicant: Harper Park Two LP (Gail M. Whitfield). Agent: The Whitfield Company (Marcus Whitfield). City Staff: Maureen Meredith, (512) 974-2695.  
**The second reading of the ordinance was approved to change the land use designation on the future land use map (FLUM) to Mixed Use Office land use on Council Member Tovo's motion, Council Member Spelman's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Martinez was off the dais.**
81. C14-2013-0006 - Harper Park Residential - Approve second reading of 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, with conditions. First Reading approved on October 17, 2013. Vote 6-1. Council Member Morrison voted nay. 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 second reading of the ordinance was approved with the following additional conditions on Council Member Tovo's motion, Council Member Spelman's second on a 5-1 vote. Council Member Morrison voted nay. Council Member Martinez was off the dais. The additional**

conditions were: 1) limiting the allowed residential buildings to detached homes; 2) establishing a minimum 75 foot building set back along the eastern property line and prohibiting roads, driveways and alleys within the 75 foot setback; 3) preserving a minimum undisturbed 25 foot vegetative buffer along the western and eastern property lines.

**Mayor Leffingwell recessed the Council Meeting at 5:29 p.m.**

### **LIVE MUSIC**

The Nightowls

### **PROCLAMATIONS**

Distinguished Service Award and Installation into Public Service Employee Memorial -- Michael Matus - to be presented by Mayor Lee Leffingwell and to be accepted by family members

Proclamation -- Great American Smokeout -- to be presented by Mayor Lee Leffingwell and to be accepted by Carlos Rivera and Dr. Phil Huang

Proclamation -- Adoption Month -- to be presented by Council Member Kathie Tovo and to be accepted by Denise Hyde

Distinguished Service Award -- Gail Rice, SafePlace -- to be presented by Council Member Laura Morrison and to be accepted by the honoree

Proclamation -- Diabetes Month -- to be presented by Council Member Laura Morrison and to be accepted by Shannon Jones and Michelle Peacock

Proclamation -- Pancreatic Cancer Month -- to be presented by Council Member Laura Morrison and to be accepted by Jamie Smith

Proclamation -- Buy Local for the Holidays -- to be presented by Council Member Laura Morrison and to be accepted by Rebecca Melancon

Proclamation -- Rededication of the Restored Greetings from Austin Mural -- to be presented by Council Member Kathie Tovo and to be accepted by a representative of Roadhouse Relics

**Mayor Leffingwell called the Council Meeting back to order at 7:12 p.m.**

### **ZONING DISCUSSION ITEMS CONTINUED**

85. C14-2013-0060 - Bluff Springs Food Mart - Approve second and 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, (512) 974-7719. A valid petition has been filed in opposition to this rezoning request.

**There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Morrison to deny the zoning request.**

A substitute motion was made by Council Member Riley and seconded by Mayor Leffingwell to approve the ordinance on second reading. The motion failed on a vote of 2-4. Those voting aye were: Mayor Leffingwell and Council Member Riley. Those voting nay were: Mayor Pro Tem Cole and Council Members Spelman, Morrison and Tovo. Council Member Martinez was off the dais.

The zoning request was denied on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 4-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Spelman, Morrison and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Riley. Council Member Martinez was off the dais.

#### **PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED**

107. Conduct a public hearing and approve a resolution to nominate eBay, Inc. for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Zone Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act").

**The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20131121-107 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.**

109. Conduct a public hearing and consider an ordinance regarding the Austin Downtown Public Improvement District 2014 assessment roll and authorize the levying of 2014 assessments.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131121-109 as amended was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was off the dais.**

**The amendment was to authorize staff to amend the 2014 Assessment Roll to accurately reflect all historic designated properties and to authorize the levying of the 2014 assessments.**

110. Conduct a public hearing and consider an ordinance regarding the East Sixth Street Public Improvement District 2014 assessment roll and authorize the levying of 2014 assessments.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131121-110 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.**

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

105. Conduct a public hearing and consider an ordinance amending City Code Title 25 regarding regulations related to urban farms. Related to Item #20.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131121-105 with following amendments was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**A motion to adopt the staff recommendation for Section 25-2-863 (D) and amend the section to read "The maximum number of dwellings allowed on a site will follow the base zoning district, up to two" was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Riley voted nay.**

**A motion to adopt the Planning Commission recommendation for Section 25-2-863(I) to read "Agricultural and value-added agricultural products raised by the farmer or produced within the State of Texas may be sold from the site or distributed off-site to buyers. Agricultural products and value-added agricultural products produced off-site by someone other than the farmer cannot**

exceed 20% of the retail space by area” was approved on Council Member Spelman’s motion, Council Member Riley’s second on a 7-0 vote.

A motion to adopt the staff recommendation for Section 25-2-865(B) to read “For a single-family (SF) district: (1) the use is a permitted use on a site that is located: (a) in the desired development zone; and (b) outside the 25-year floodplain; or (2) the use is a conditional use on a site that is located: (a) in the drinking water protection zone; or (b) in a 25-year floodplain” was approved on Council Member Tovo’s motion, Council Member Spelman’s second on a 6-1 vote. Council Member Riley voted nay.

A motion to adopt the Planning Commission recommendation “allows any urban farm, regardless of zoning or number of expected attendees, to apply for a temporary use permit” was made by Council Martinez and seconded by Council Member Riley.

A substitute motion to adopt the Planning Commission recommendation that “allows any urban farm, regardless of zoning or number of expected attendees, to apply for a temporary use permit” and set a maximum limit of four temporary use permits per year was approved with the following friendly amendment on Council Member Morrison’s motion, Mayor Leffingwell’s second on a 7-0 vote. The friendly amendment was to set the maximum limit to six temporary use permits per year. The amended was accepted by the maker of the motion and Mayor Leffingwell, who made the second.

There was a motion made by Council Member Spelman to adopt the Planning Commission recommendation for the creation of a new use of “Market Garden” as Section 25-2-866. The motion was later withdrawn by Council Member Spelman.

A motion to amend the Planning Commission’s recommendation for Section 25-2-866(D) to require a dwelling on the property was approved on Council Member Tovo’s motion, Council Member Morrison’s second on a 7-0 vote.

A motion to amend Part 3, Section 25-2-863(F) to read “Raising, processing, and composting of fowl, rabbits, and aquatic foods using an aquaponic system is permitted in accordance with Chapter 3-2 (Restrictions on Animals) of the City Code for properties zoned commercial. One animal (either fowl or rabbit) may be processed per 1/10<sup>th</sup> of an acre per week. Composting or processing of animals must take place at least 50 feet from the nearest residential structure other than the structure associated with the use. Processing animals must take place out of public view. For a property zoned single family, raising of fowl, rabbits and aquatic foods using an aquaponic system is permitted in accordance with Chapter 3-2 (Restrictions on Animals) of the City Code. Processing of aquatic food is permitted in single family residence zoning districts.” Processing of fowl and rabbits, and composting of animal parts is prohibited in single family zoning districts was approved on Mayor Pro Tem Cole’s motion, Mayor Leffingwell’s second on a 6-1 vote. Council Member Martinez voted nay.

A motion to make the effective date of the ordinance to be sixty days from date of approval was approved with the following friendly amendment on Mayor Pro Tem Cole’s motion, Mayor Leffingwell’s second on a 7-0 vote. There was a friendly amendment made by Mayor Pro Tem Cole to change “sixty days” to four months. The amendment was accepted by Mayor Leffingwell who seconded the motion.

20. Approve an ordinance amending City Code Chapters 3-12, 10-3, and 14-7 relating to regulations for urban farms. Related to Item #105.

**Ordinance No. 20131121-020 was approved as amended on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. The amendment was to delete the phrase "Urban Farms with Facilities for Gatherings" from Section 14-7-41.**

**Mayor Leffingwell adjourned the meeting at 11:05 p.m. without objection.**

**The minutes were approved on this the 12th day of December, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**