

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 15, 2014**

Invocation: Pastor Trey Kent, Northwest Fellowship Church followed by Pastor Will Davis, Austin Christian Fellowship

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, May 15, 2014 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:08 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of April 29, regular meeting of May 1, 2014 and budget work session of May 8, 2014.
The minutes from the City Council work session of April 29, 2014, regular meeting of May 1, 2014 and budget work session of May 8, 2014 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
2. Authorize negotiation and execution of transactions for natural gas and wholesale electric power, related brokerage and credit agreements, and purchases of Electric Reliability Council of Texas congestion revenue rights, subject to the Policy for Energy Risk Management set forth in Resolution No. 20030522-08, for terms not to exceed five years, in an aggregate amount not to exceed \$316,000,000 of net expenditures in any fiscal year and not to exceed \$800,000,000 of net expenditures over a rolling 60-month forward period.
The motion authorizing the negotiation and execution of transactions for natural gas and wholesale electric power was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
3. Authorize execution of a construction contract with ALPHA PAVING INDUSTRIES, LLC, for the 2014 Miscellaneous Streets Fog Seal Project in an amount not to exceed \$423,607.50. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Owned Enterprise Procurement Program) by meeting the goals with 92.37% MBE prime participation and 0.87% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Alpha Paving Industries, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

4. Authorize execution of a construction contract with VIKING CONSTRUCTION, INC. for the 2014 Miscellaneous Streets Slurry Seal and Micro-Surfacing Project in an amount not to exceed \$1,170,435. (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 17.44% MBE and 0.29% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Viking Construction, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
5. Authorize execution of a construction contract with RAMMING PAVING COMPANY for the 2014 Miscellaneous Streets Overlay Project in an amount not to exceed \$2,203,089.68. (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 10.99% MBE and 2.02% WBE subcontractor participation.)
The motion authorizing the execution of a construction contract with Ramming Paving Company was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
6. Authorize negotiation and execution of a change order with TRC ENVIRONMENTAL CORPORATION, in the amount of \$154,873.88 to address the impact of additional, unforeseen asbestos discovered in Boiler 3 of the Holly Street Power Plant Demolition Project and to increase the original amount of the contract, inclusive of contingency, from \$12,059,743 to an amount not to exceed \$12,214,616. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 25.81% MBE and 11.23% WBE subcontractor participation to date.)
The motion authorizing the negotiation and execution of a change order with TRC Environmental Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 7 was pulled for discussion.

8. Approve an ordinance creating an economic development program for film, television and digital media projects as authorized by Chapter 380 of the Texas Local Government Code.
Ordinance No. 20140515-008 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 grant funds in the amount of \$7,941 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, COMMUNITY PREPAREDNESS SECTION and amending the Fiscal Year 2013-14 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001), to appropriate \$7,941 for the Public Health Emergency Preparedness Program Discretionary Fund Project.
Ordinance No. 20140515-009 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 10 and 11 were set for a time certain of 4:30 p.m.

12. Authorize the negotiation and execution of a lease amendment to lease an additional 7,697 square feet of office space, located at 1124 South Interstate Highway 35, from the HOUSING AUTHORITY OF THE CITY OF AUSTIN for Communications & Technology Management, for the remainder of the first renewal term and the entire second renewal term ending December 31, 2023, in an amount not to exceed \$1,505,904.

The motion authorizing the negotiation and execution of a lease amendment to lease an additional 7,697 square feet from Housing Authority of the City of Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

13. Approve an ordinance vacating approximately 300 square feet of unconstructed alley right-of-way, as shown on the plat of Bellvue Park Subdivision, a subdivision of record in Volume 1, Page 45, Travis County Plat Records, to Allen Ronald Thrower and Gwyn Leigh Thrower.
Ordinance No. 20140515-013 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
14. Approve an ordinance amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to accept and appropriate \$2,500 in grant funds from the Baylor University Institute for Oral History for the Community Oral History grant program.
Ordinance No. 20140515-014 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
15. Authorize award and execution of a 24-month requirements supply contract with TECHLINE, INC., for electrical distribution panel boards and circuit breakers, in an amount not to exceed \$78,882, with two 24 month extension options in an amount not to exceed \$78,882 per extension option, for an estimate contract amount not to exceed \$236,646. (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 Techline, 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, negotiation and execution of a 36 month requirements service contract with KIMLEY HORN & ASSOCIATES, INC for on-going enhancements and maintenance and support for their proprietary Advanced Transportation Management System that would assist bicycle riders safely across signaled intersections, in an amount not to exceed \$1,965,000, with two 12-month extension options in an amount not to exceed \$500,000 per extension option, for a total contract amount not to exceed \$2,965,000. (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, negotiation and execution of a requirements service contract with Kimley Horn & Associates, 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 36-month requirements service contract with EQUIPMENT DEPOT to provide aerial man lift preventative maintenance and repair services, in an amount not to exceed \$180,828, with three 12-month extension options in an amount not to exceed \$60,276 per extension option, for a total contract amount not to exceed \$361,656. (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 Equipment Depot 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 contract with TESCO - AN ADVENT DESIGN CO., for the purchase of 18-position mobile meter qualification boards for Austin Energy, in an amount not to exceed \$129,843. (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 Tesco – An Advent Design Co. 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 24-month requirements supply contract with BRENNTAG SOUTHWEST, INC. for sodium chloride (bulk) for the Austin Water Utility to be used at Water Treatment Plant 4, in and amount not to exceed \$292,800 with two 12-month extension options in an amount not to exceed \$146,400 per extension option for a total contract amount not to exceed \$585,600. (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 Brenntag Southwest, Inc. was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

20. Approve issuance of a street event permit under City Code Chapter 14-8 for the 10th Annual Bat Fest, a fee-paid event in the 100 to 300 blocks of Ann Richards Bridge/Congress Avenue Bridge between Cesar Chavez Street and Barton Springs Road which is to be held on Saturday, August 23, 2014.

The motion to approve the issuance of a street event permit for the 10th Annual Bat Fest was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

21. 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 Austin Community Court Advisory Committee

Keith Hines

Council Member Morrison

Waivers

There are no waivers scheduled for today.

22. Approve a resolution reaffirming the City's position that the proposed State Highway 45 Southwest toll road should not be a part of the Capital Area Metropolitan Planning Organization (CAMPO) 2035 Regional Transportation Plan, restating the City's support for full compliance with the Endangered Species Act and the Balcones Canyonlands Conservation Plan, directing the City Manager to engage Texas Department of Transportation, CAMPO, Central Texas Regional Mobility Authority, and Travis and Hays Counties in a thorough analysis of alternatives, directing the City Manager to evaluate transportation options, conduct environmental studies, review environmental practices, and report findings to Council within 90 days. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)

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

23. Approve an ordinance waiving or reimbursing fees for the Leyte Dance Theater fundraiser for those affected by Typhoon Haiyan sponsored by 5Point5 Liters which was held Sunday, May 11, 2014 at the Asian American Resource Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)
Ordinance No. 20140515-023 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 24 and 25 were set for a time certain of 3:00 p.m.

26. Approve a resolution directing the City Manager to update the Austin Transportation Department's website to include additional late night transportation information, to make the transportation information available through the 311 system, to create a public information campaign, and to explore ways to make this information easily accessible to all. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)
Resolution No. 20140515-026 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
27. Approve a resolution directing the City Clerk to bring an ordinance to the Council to implement the transition plan for City boards and commissions and related amendments to the City Code recommended by the Boards and Commissions Transition Task Force in Section 1 of its report for the transition to an 11-member council, and directing the City Manager to post a public hearing for the August 7, 2014, City Council meeting on the recommendations regarding changes to membership, purpose, and processes referenced in Sections 2 through 4 of the report. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Mike Martinez)
Resolution No. 20140515-027 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 28 was set for a time certain of 5:45 p.m.

29. Approve a resolution declaring June 14, 2014 as Bartholomew Pool Day and in recognition of Bartholomew Pool Grand Opening, the City Council directs the City Manager to implement a one-time free swim day at Bartholomew Pool on June 14, 2014. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)
Resolution No. 20140515-029 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
30. Approve an ordinance giving the city-owned land comprised of the terminus located in the 500 block of West 3rd Street between Nueces and Shoal Creek Pedestrian Bridge, the honorary name of Margaret Moser Plaza; and waiving the applicable requirements of Chapter 14-1 of the City Code related to naming public property. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)
Ordinance No. 20140515-030 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
31. Approve a resolution directing the City Manager to initiate a study to examine transportation issues that arise for areas around co-located and/or adjoining schools and to develop recommendations to address identified problems. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
Resolution No. 20140515-031 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

32. Approve a resolution directing the City Manager to brief Council, by June 26, 2014, on potential road and highway improvements, that are consistent with the values set forth by City Council in the Imagine Austin Plan, for IH-35 and other road projects of regional significance, including options for funding to construct and plan these projects, partnering opportunities with other transportation agencies, and the potential for including these projects in the November 2014 bond referendum. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)
Resolution No. 20140515-032 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
33. Approve a resolution directing the City Manager to explore options and take appropriate actions to maintain the availability of affordable housing units during the rehabilitation or demolition and reconstruction of affordable housing projects, such as Oak Creek Village Apartments. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole)
Resolution No. 20140515-033 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 63 was set for a time certain of 6:00 p.m.

64. Approve a resolution directing the City Manager to provide options, by July 15, 2014, for city-wide flood prevention, protection and preparedness and to report to City Council on various aspects of federal buy out assistance and flood insurance programs by June 16, 2014. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member William Spelman)
Resolution No. 20140515-064 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 34 was a briefing item set for 10:30 a.m.

Items 35 through 40 were Executive Session items.

Items 41 through 57 were zoning items set for 2:00 p.m.

Items 58 through 62 were public hearing items set for 4:00 p.m.

Items 63 and 64 were addendum items.

DISCUSSION ITEMS

7. Authorize negotiation and execution of a one-year management agreement with the African American Cultural Heritage District to provide educational, heritage preservation and economic development services in the district in an amount not to exceed \$237,000.
The motion authorizing the negotiation and execution of a management agreement with the African American Cultural Heritage District was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 7-0 vote.

BRIEFINGS

34. Republic Square Master Plan Briefing.
The presentation was made by Marty Stump, Project Management Supervisor, Parks and Recreation Department.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:11 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.

35. Discuss legal issues related to Open Government matters (Private consultation with legal counsel- Section 551.071 of the Government Code).
This item was withdrawn.
36. 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.
37. Discuss legal issues related to the City of Austin's water supply and water management in the Lower Colorado River Basin. (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 12:05 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Jean E. Crawford - Sidewalk accessibility for the ADA

Terry Irion - Harper Park

Mandeep Chadha - Waterline issue at 6404 JM Holloway

Mary A. Keeney - David Weekley Homes/Harper Park Project

Marcus Whitfield - TBA

Paul Robbins - City and Budget issues

Cynthia Valadez - Latino quality of life and East Austin issues

Emilio Chronis - Water fluoridation update

Robert Morrow - Lyndon Johnson and his attempt to murder 294 people on the USS Liberty on June 8, 1967

Mary Bunn - Onion Creek flood and the 911 system

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:46 p.m.

EXECUTIVE SESSION CONTINUED

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

The Mayor announced that Council would discuss item numbers 10 and 11 on the regular agenda during Executive Session

38. Discuss legal issues related to Eddie Rodriguez, et al v. Rick Perry et al, Cause No. SA-11-CA-635-OLGJES-XR [Consolidated case], in U.S. District Court for the Western District of Texas, San Antonio. (Private consultation with legal counsel- Section 551.071 of the Government Code).
39. Discuss legal issues related to Austin Fire Department hiring (Private consultation with legal counsel - Section 551.071 of the Government Code).
40. Discuss legal issues related to Waller Creek Tunnel Project (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 3:36 p.m.

ZONING CONSENT ITEMS

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

41. C14-2013-0083 - 2416 E. 6th Street - Approve second/third readings of 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 general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning, with conditions. First reading approved on February 13, 2014. Vote: 6-0 (Mayor Pro Tem Cole-off the dais). Owner: 2416 East Sixth Street LP (M. Timothy Clark). Applicant: Big Red Dog - Austin, LLC (Bob Brown). City Staff: Heather Chaffin, 512-974-2122.
Ordinance No. 20140515-041 for general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
42. C14-2013-0136 - Austin Elm Terrace, LP - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3215 Exposition Boulevard (Taylor Slough South Watershed) from unzoned (UNZ) and family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First Reading approved on May 1, 2014. Vote: 7-0. Owner/Applicant: Austin Elm Terrace, LP (Steve Beuerlein). Agent: Husch Blackwell, LLP (Jerry L. Harris). City Staff: Sherri Sirwaitis, 512-974-3057.
Ordinance No. 20140515-042 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
43. C14-2013-0150 - Bethany United Methodist Church - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by zoning property locally known as 9908-10010 Anderson Mill Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning, with conditions. First Reading approved on February 13, 2014. Vote: (6-0, Mayor Pro Tem Cole was off the dais). Owner/Applicant: Bethany United Methodist Church, Chair-Board of Trustees (David M. Lee). Agent: Austin Civil Engineering (Keith Parkan). City Staff: Sherri Sirwaitis, 512-974-3057.
Ordinance No. 20140515-043 for limited office-conditional overlay (LO-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

44. NPA-2014-0027.01 - 2208 Lake Austin Blvd. - Conduct a public hearing and approve an ordinance amending Ordinance No. 20100923-102, the Central West 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 2208 Lake Austin Boulevard (Johnson Creek Watershed, Lady Bird Lake Watershed) from Neighborhood Commercial to Neighborhood Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To forward to City Council without a recommendation. Owner/Applicant: 2208 Lake Austin L.L.C. (Vance Elliott). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, 512-974-2695.
This item was postponed on consent to June 12, 2014 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
45. C14-2014-0015 - 2208 Lake Austin Boulevard - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2208 Lake Austin Boulevard ((Johnson Creek Watershed, Lady Bird Lake Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To forward to City Council without a recommendation. Owner/Applicant: 2208 Lake Austin, LLC (Vance Elliott). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to June 12, 2014 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
46. C14-80-016(RCT) - 2208 Lake Austin Restrictive Covenant Termination - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 2208 Lake Austin Boulevard (Johnson Creek Watershed, Lady Bird Lake Watershed) to terminate a restrictive covenant to remove the requirement that the property be restricted to professional office use only and operate during professional office hours only. Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Owner/Applicant: 2208 Lake Austin, LLC (Vance Elliott). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to June 12, 2014 at the Council's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
47. C14-2013-0110 - 6507, 6603, 6505 E. Riverside Drive & 2108 Thrasher Lane - Conduct a public hearing and approve an ordinance amending Ordinance 20130509-039, which included the adoption of the East Riverside Corridor Regulating Plan, to amend Figure 1-2 (East Riverside Corridor Subdistrict Map) of the East Riverside Corridor Regulating Plan, from Neighborhood Residential subdistrict to Corridor Mixed Use subdistrict, for that portion of the property which is designated Neighborhood Residential subdistrict, on property locally known as 6507, 6603, 6505 East Riverside Drive and 2108 Thrasher Lane (Carson Creek Watershed). Staff Recommendation: To grant an amendment to Figure 1-2 of the East Riverside Corridor Regulating Plan to Neighborhood Mixed Use subdistrict, for the property described above. Planning Commission Recommendation: To grant indefinite postponement. Owner: Dempsey Buchanan LP (David Buchanan). Applicant: Binkley & Barfield Consulting Engineers (Rey Gonzalez, P.E.). City Staff: Lee Heckman, 512-974-7604.
This item was postponed on consent indefinitely on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)
48. C14-2013-0134 - Dessau Road Commercial Center - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 12401 Dessau Road (Harris

Branch Watershed) from interim-rural residence (I-RR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on May 20, 2014. Owner/Applicant: Dessau 21, Ltd. (Paul Joseph). Agent: Urban Design Group (John Noell). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed on consent to June 12, 2014 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

51. C14-2014-0012 - Merritt Lakeline Station - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9829-1/2 North Lake Creek Parkway (Lake Creek Watershed) from limited office (LO) district zoning and community commercial (GR) district zoning to multi-family residence-highest density (MF-6) district zoning. Staff Recommendation: To grant multi-family residence-highest density (MF-6) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-highest density (MF-6) district zoning. Owner/Applicant: 620/183 Partnership/A/P 200 Land, Ltd. (Fred Thomas). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140515-051 for multi-family residence-highest density (MF-6) district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

52. C14-2014-0030.SH - Rutledge Spur Apartments - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning and rezoning property locally known as 13635 Rutledge Spur (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to multi-family residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Owner/Applicant: Chris Collins. Agent: Civiltude (Fayez Kazi). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

53. C14-2014-0035 - Adams House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4300 Avenue G (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To be reviewed on May 13, 2014. Owner: Sidney Lock. Applicant: McHone Real Estate (Mike McHone). City Staff: Heather Chaffin, 512-974-2122.

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

54. C14-2014-0037 - The Sealy - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 801 West Wells Branch Parkway (Harris Branch Watershed) from industrial park-conditional overlay (IP-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning to community commercial (GR) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on May 20, 2014. Owner/Applicant: Sealy & Company (Michael Sealy). Agent: Garrett-Ihnen Civil Engineers, Inc. (Steve Ihnen, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed on consent to June 12, 2014 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

55. C14-2014-0038 - The Hopper - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 801 West Wells Branch Parkway (Harris Branch Watershed) from industrial park-conditional overlay (IP-CO) combining district zoning to single family residence-small lot (SF-4A) district zoning for Tract 1 and rural residence (RR) district zoning for Tract 2. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on May 20, 2014. Owner/Applicant: Sealy & Company (Michael Sealy). Agent: Garrett-Ihnen Civil Engineers, Inc. (Steve Ihnen, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed on consent to June 12, 2014 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

56. C14-2014-0051 - 12th & Navasota - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1194, 1196, and 1198 Navasota Street (Waller Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-MU-CO-NCCD-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-MU-CO-NCCD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-MU-CO-NCCD-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To be reviewed on May 13, 2014. Owner: 12th and Waller, LP (Edward Butler). Applicant: City of Austin-Planning and Development Review Department (Jerry Rusthoven). City Staff: Heather Chaffin, 512-974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance No. 20140515-056 for general commercial services-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (CS-MU-CO-NCCD-NP) combining district zoning, to change a condition of zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

57. C814-2012-0085.01 - Estancia Hill Country PUD-First Amendment - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12814 Interstate Highway 35 South and FM 1327 (Puryear Road) at South IH 35 Service Road Southbound (Onion Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To be reviewed on June 3, 2014. Owner/Applicant: Sevensgreen One LTD; Quartersage II LTD; Reverde Three LTD; IV Capitol Pointe LTD; Stone Pointe Five LTD; Saladia VI LTD; Paol Grande Seven LTD; High Point Green VIII LTD; Golondrina Nine LTD; X Cordoniz LTD; Ciero Eleven LTD; Zaguan XII LTD; Thirteen Canard LTD; Ruissea XIV LTD; Dindon Fifteen LTD; Bois de Chene XVI LTD; Etourneau Seventeen LTD; Moineau XVIII LTD; SLF III - Onion Creek LP (The Stratford Company-Ocie Vest); Lennar Homes of Texas Land and Construction, LTD (Ryan Mattox). Agent: City of Austin-Planning and Development Review Department. City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to June 26, 2014 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

ZONING DISCUSSION ITEMS

Items 49 and 50 were acted on in a combined motion.

49. C14-2014-0008 - All Saints Episcopal Church Annex - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 209-1/2 West 27th

Street (Waller Creek Watershed) from multi-family residence-high density-historic landmark (MF-5-H) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner/Applicant: Protestant Episcopal Church Council of the Diocese of Texas (Mike McChesney). Agent: Winstead P.C. (John Philip Donisi). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance with the following provisions for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on Council Member Riley's motion, Council Member Tovo's second on a 7-0 vote.

The provisions were:

- 1. The ground floor of a parking structure must include occupant space along no less than 75 percent of the length of street frontage along University and Whitis Ave. as calculated in City Code Section 25-5-754(H)(1). This requirement does not apply to a portion of the structure used for an entrance or exit. The minimum depth of occupant space shall be 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.**
- 2. Upper levels of a parking structure shall be screened from adjacent properties. The north facing upper levels of a parking structure shall be screened from adjacent properties utilizing a "green" screening mechanism with living plant material.**
- 3. The parking structure and related improvements shall be designed in accordance with the University Neighborhood Overlay design guidelines, or alternative minimum compliance as allowed in the overlay.**
- 4. The parking structure shall be designed to accommodate load requirements for future residential units above the parking structure, if such units are desired and permitted in the future.**

50. C14-2014-0009 - All Saints Episcopal Church - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 209 West 27th Street (Waller Creek Watershed) from multi-family residence-high density (MF-5) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner/Applicant: Protestant Episcopal Church Council of the Diocese of Texas (Mike McChesney). Agent: Winstead P.C. (John Philip Donisi). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance with the following provisions for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on Council Member Riley's motion, Council Member Tovo's second on a 7-0 vote.

The provisions were:

- 1. The ground floor of a parking structure must include occupant space along no less than 75 percent of the length of street frontage along University and Whitis Ave. as calculated in City Code Section 25-5-754(H)(1). This requirement does not apply to a portion of the structure used for an entrance or exit. The minimum depth of occupant space shall be 18 feet, measured from the outside face of the front exterior wall to the outside face of the rear interior wall.**

2. Upper levels of a parking structure shall be screened from adjacent properties. The north facing upper levels of a parking structure shall be screened from adjacent properties utilizing a “green” screening mechanism with living plant material.
3. The parking structure and related improvements shall be designed in accordance with the University Neighborhood Overlay design guidelines, or alternative minimum compliance as allowed in the overlay.
4. The parking structure shall be designed to accommodate load requirements for future residential units above the parking structure, if such units are desired and permitted in the future.

Mayor Leffingwell recessed the Council Meeting at 5:34 p.m.

LIVE MUSIC

Kimberly Dunn

PROCLAMATIONS

Proclamation -- EMS Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Ernesto Rodriguez

Proclamation -- Public Works Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Howard Lazarus and Department representatives

Proclamation -- Mental Health Awareness Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Karen Ranus

Proclamation -- Salvation Army's 125th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Lt. Colonels Henry & Dorris Gonzalez

Proclamation -- Austin Children's Shelter's 30th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Kelly White

Proclamation -- AIDS Candlelight Memorial -- to be presented by Council Member Mike Martinez and to be accepted by Eric Crabtree

Proclamation -- Special Olympics -- to be presented by Council Member Mike Martinez and to be accepted by LatinWorks

Proclamation -- Caritas's 50th Anniversary -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Jo Kathryn Quinn and John Cyrier

Proclamation -- Internal Audit Week -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Raquel Basurto and Robert Elizondo

Distinguished Service Awards (Heroism) -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Thomas, Taz, Jeremy and Chris from Street Youth Ministry of Austin

Mayor Leffingwell called the Council Meeting back to order at 7:05 p.m.

DISCUSSION ITEMS CONTINUED

24. Approve a resolution directing the City Manager to work with stakeholders to develop recommendations for a pilot program authorizing the use of Transportation Network Companies, companies that use online-enabled platforms to connect passengers with drivers using personal, non-commercial vehicles to operate in some capacity, including suggesting regulations addressing passenger and driver safety, and reporting recommendations back to Council. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)

There was a motion made by Council Member Riley and seconded by Council Member Martinez to approve the resolution with the following amendment.

The amendment was to add a new “Whereas” to read, “ a variety of issues will need to be addressed in order for TNCs to operate safely and equitably within Austin’s transportation network, including but not limited to insurance requirements, ADA accessibility, driver qualification, and vehicle inspections;”

There was a friendly amendment made by Mayor Leffingwell to amend the “Be it Resolved by the City Council of the City of Austin” to read as follows. The amendment was not accepted by the maker of the motion.

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

The City Manager is directed to convene a stakeholder working group, including but not limited to representatives from the Urban Transportation Commission’s TNC subcommittee, TNCs, potential customers of TNCs, taxi companies, and taxi drivers, to make recommendations on a pilot program that would authorize the use of TNCs to operate legally. The stakeholder group is to be instructed that whatever recommendations are brought to Council regarding TNCs must include equivalent provisions for City of Austin Taxi Companies. These recommendations should be reported back to Council within 180 days.”

There was a friendly amendment made by Mayor Leffingwell to amend the “Be it Resolved by the City Council of the City of Austin” to read as follows. The amendment was accepted by the maker of the motion and Council Member Martinez, who made the second.

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

The City Manager is directed to convene a stakeholder working group, including but not limited to representatives from the Urban Transportation Commission’s TNC subcommittee, TNCs, potential customers of TNCs, taxi companies, and taxi drivers, to make recommendations on a pilot program. The stakeholder group is to be instructed that whatever recommendations are brought to Council regarding TNCs equitably take into account the already stringent regulations required of City of Austin taxicab companies. These recommendations should be reported back to Council within 180 days.”

There was a friendly amendment made by Council Member Riley to request a status report and any preliminary recommendations at 90 days. The amendment was accepted by Council Member Martinez, who made the second.

There was a friendly amendment made by Council Member Tovo to amend the “Be it Resolved by the City Council of the City of Austin:” paragraph to read, “The City Manager is directed to convene a stakeholder working group, including but not limited to representatives from the Urban Transportation Commission’s TNC subcommittee, TNCs, potential customers of TNCs, taxi companies, taxi drivers, motorized vehicle for hire representatives, student and administrative representatives from area universities, public safety representatives, disability rights advocates, and commercial and personal insurance representatives, to make recommendations on a pilot program that would authorize the use of TNCs to operate legally. These recommendations should be

reported back to Council within 90 days.” The amendment was accepted by the maker of the motion and Council Member Martinez, who made the second.

There was a friendly amendment made by Council Member Tovo to add a new “Be it Further Resolved by the City Council of the City of Austin:” to read, “The City Manager is directed to revisit the May 31, 2013, “Rideshare Report” memorandum and provide updated information within 90 days about other cities’ regulations, practices, and experiences regarding Transportation Network Companies with particular emphasis on customer and driver safety. The City Manager’s report should also provide specific information about whether TNCs have impacted consumer costs, service reliability and wait time, driver wages, taxicab drivers and companies, and other forms of public transportation.” The amendment was accepted by the maker of the motion and Council Member Martinez, who made the second.

Resolution No. 20140515-024 was approved with the above amendment and friendly amendments on Council Member Riley’s motion, Council Member Martinez’ second on a 7-0 vote.

25. Approve a resolution directing the City Manager to work with taxi franchises and other stakeholders to consider short and long term options for meeting taxi demand, including the use of additional or specialized taxi permits, and the use of Transportation Networking Companies, which are companies that use online-enabled platforms to connect with drivers using personal, non-commercial, vehicles, increasing efficiency of existing permits, setting a standard for taxi service delivery, and to bring a report and any recommended ordinances back to Council. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)

Resolution No. 20140515-025 was approved on Council Member Riley’s motion, Council Member Spelman’s second on a 6-1 vote. Mayor Leffingwell voted nay.

There was a friendly amendment made by Council Member Tovo to amend the second “Be it Further Resolved:” by adding insurance, workplace protections for drivers and “legacy” permits to the list of items for the City Manager to explore. The amendment was accepted by the maker of the motion and Council Member Spelman, who made the second.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

62. Conduct a public hearing and consider an ordinance that continues and readopts City Code Chapter 9-3, relating to juvenile day and night time curfews.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140515-062 was approved on Council Member Spelman’s motion, Council Member Martinez’ second on a 7-0 vote.

59. Conduct a public hearing and consider an ordinance amending sections of City Code Chapters 25-1, 25-2, 25-5, 25-7 and 25-8 relating to Lake Austin (LA) District zoning regulations and general regulations for boat dock and shoreline development. Related to Item #60

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved on Council Member Morrison’s motion, Council Member Spelman’s second on a 7-0 vote. Direction was given to staff to provide the amount of variances brought forward and the time period in which they came forward and what they were for.

Council Member Tovo recused herself from the following sections of the ordinance:

Part 2, City Code Section 25-2-551(B)(3)(Lake Austin (LA) District Regulations); Part 3, City Code Section 25-2-893(G”) and (H) (Accessory Uses for a Principal Residential Use); Part 4, Subsection (D) of City Code Section 25-2-963 (Modification and Maintenance of Noncomplying Structures); Part 5, City Code Section 25-2-964 (C) (Restoration and Use of Damaged or Destroyed Noncomplying Structures); Part 7, City Code Section 25-2-1172(2) and (3) Definitions); Part 8, City Code Section 25-2—1173(A), (B), and (C) (Permit Required for Construction); Part 9, City Code

Section 25-2-1174(A), (B), and (C) (Structural Requirements); Part 10, City Code Section 25-2-1175(B) and (C) (Lighting and 28 Electrical Requirements); Part 11, City Code Section 25-2-1176(A) (Regulations); Part 12, City Code Section 25-2-1177(A), (B), and (C) (Dock Exempt from City Licensing); Part 13, City Code Chapter 25-2-1179(A) and (B) (Docks, Bulkheads, and 14 Shoreline Access); Part 15, City Code Section 25-5-2(A) and (L) and new Subsection (M) (Site Plan Exemptions); Part 16, City Code Section 25-5-3(B) (Small Projects); Part 18, City Code Section 25-7-96(B)(2)(ii) (Exceptions in the 25-Year 7 Floodplain); Part 21, City Code Section 25-8-261(C)(1) and (4) (Critical Water Quality Zone Development); and Part 22, City Code Section 25-8-652(A), (B), (C), (D), and (E) (Fills at Lake Austin, Lady Bird Lake, and Lake Walter E. Long).

60. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to create a Lake Austin (LA) district zoning overlay extending environmental protections from the LA base zoning district to certain properties within 1,000 feet of Lake Austin. Related to Item #59.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance with the following friendly amendment was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-1 vote. Mayor Leffingwell voted nay.

There was a friendly amendment made by Council Member Morrison to include PUDS, to the extent of existing PUDS not in conflict the PUDS regulations would rule. The amendment was accepted by Council Member Spelman, who made the second.

Direction was given to staff to come back with language to prevent the situation where someone could purchase two or more lots and not be subject to the LA base zoning.

61. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's proposal to increase customer gas rate.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140515-061 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

11. Authorize negotiation and execution of a legal services contract with Reeves & Brightwell, LLP, for services related to the Waller Creek Tunnel Project in an amount not to exceed \$1.8 million.

The motion authorizing the negotiation and execution of a legal services contract with Reeves & Brightwell, LLP was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved without objection.

10. Approve a settlement of claims asserted by the United States Department of Justice concerning hiring practices within the Austin Fire Department.

There was a motion made by Council Member Riley and seconded by Council Member Spelman to postpone this item to May 22, 2014 with direction to staff to determine if there is a way to severe out the 2012 issues from the 2013 issues to see what settlement may be possible in regards to the 2012 hiring process and work with the Association to see if there is a need for ongoing DOJ review and see if it is possible to work out an agreement with the Association that would allow an ongoing seat at the table for the Association in future changes for the hiring process.

There was a friendly amendment made by Council Member Martinez to have the maker and the second of the motion sit down with Law, management and the association if necessary to see if there is any further conversations that can be had before coming back to Council and to hold the public

hearing open. The amendment was not accepted by Council Member Spelman, who made the second.

There was an amendment made by Council Member Martinez and seconded by Council Member Tovo to hold the public comment open for one hour of speaking. The motion passed on a vote of 4-3. Those voting aye were: Council Members Martinez, Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman.

There was a substitute motion made by Mayor Pro Tem Cole and seconded by Council Member Morrison to approve the settlement of claims asserted by the United States Department of Justice with direction to staff to have a conversation with the Department of Justice in conjunction with the union regarding 2013 and whether there will be a way for them to mitigate the need for them to intervene in the lawsuit. The motion passed on a vote of 5-2. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Morrison, Spelman and Tovo. Those voting nay were: Council Members Martinez and Riley.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

58. Conduct a public hearing and consider an ordinance repealing and replacing City Code Section 25-1-462 (Criminal Enforcement) to allow for enhanced criminal penalties for violations of the International Property Maintenance Code and other adopted codes in Chapter 25-12.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140515-058 with the amendment to change the \$1 minimum to \$150.00 was approved on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

28. Approve a resolution directing the City Manager to bring forward funding options for a buyout of homes in the 100-year Onion Creek floodplain and the 25-year Williamson Creek floodplain as part of the Fiscal Year 2014-2015 budget process, conduct stakeholder meetings with impacted homeowners, and provide a report to Council regarding the history of the monthly drainage charge. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)

Resolution No. 20140515-028 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-1 vote. Mayor Leffingwell voted nay.

63. Approve a resolution reaffirming the City's position that the proposed State Highway 45 Southwest toll road is not part of the future transportation network of Austin, reaffirming the City's opposition to SH45 SW, restating the City's support for full compliance with the Endangered Species Act and the Balcones Canyonlands Conservation Plan, directing the City Manager to engage Texas Department of Transportation, CAMPO, Central Texas Regional Mobility Authority, and Travis and Hays Counties in a thorough analysis of alternatives, directing the City Manager to evaluate transportation options, conduct environmental studies, review environmental practices, and report findings to Council within 90 days. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Mayor Pro Tem Sheryl Cole)

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to approve the resolution.

There was a friendly amendment made by Mayor Pro Tem Cole to add a new Be It Further Resolved to read, "City Council requests the support of Travis County, TxDot, the CTRMA, CAMPO, and other relevant officials that the proposed SH 45 SW be studied together with proposed expansions and improvements to MoPac, from the southern terminus of MoPac to Cesar Chavez, as one project that would make MoPac a western I-35 alternative route, prior to taking further steps to build SH 45 SW or expand South MoPac; and that such comprehensive study of financial, transportation, and environmental impacts, together with a study of transportation alternatives, be coordinated among the relevant entities under National Environmental Policy Act

procedures.” The amendment was accpeted by the maker of the motion and Council Member Morrison, who made the second.

There was a friendly amendment made by Council Member Spelman to add the following language to the resolution “Whereas, the City Council confirms its support for the purchase of park and preserve land as a tool to address the protection of water quality and environmentally sensitive land.” The amendment was not accepted by the maker of the motion.

There was an amendment made by Council Member Spelman and seconded by Mayor Leffingwell to add the following language to the resolution “Whereas, the City Council confirms its support for the purchase of park and preserve land as a tool to address the protection of water quality and environmentally sensitive land.” The amendment failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell and Council Members Riley and Spelman. Those voting nay were: Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo.

Resolution No. 20140515-063 was approved with the above listed friendly amendment on Council Member Tovo’s motion, Council Member Morrison’s second on a 6-1 vote. Mayor Leffingwell voted nay.

Mayor Leffingwell adjourned the meeting at 1:20 a.m. without objection.

The minutes were approved on this the 22nd day of May, 2014 on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.