

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, SEPTEMBER 25, 2014**

Invocation: Mark Washington, Human Resources Director

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, September 25, 2014 at the Travis County Administration Building, 700 Lavaca Street, Commissioners Courtroom, 1st Floor, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council budget work session meeting of July 31, 2014, work session meeting of August 5, 2014, regular meeting of August 7, 2014, budget work session meeting of August 13, 2014, special called meetings of August 14 and 15, 2014, budget and tax rate work session meeting of August 19, 2014, work session meeting of August 26, 2014, regular meeting of August 28, 2014, budget work session meeting of September 3, 2014, and budget adoption reading meeting of September 8, 2014.
The minutes from the City Council work session meeting of July 31, 2014, work session meeting of August 5, 2014, regular meeting of August 7, 2014, budget work session meeting of August 13, 2014, special called meetings of August 14 and 15, 2014, budget and tax rate work session meeting of August 19, 2014, work session meeting of August 26, 2014, regular meeting of August 28, 2014, budget work session meeting of September 3, 2014, and budget adoption reading meeting of September 8, 2014 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
2. Authorize the negotiation and execution of an interlocal agreement with the Travis County Sheriff's Office to provide impound services for stray loose livestock and exotic animals.
The motion authorizing the negotiation and execution of an interlocal agreement with the Travis County Sheriff's Office was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
3. Approve an ordinance authorizing acceptance of \$150,000 in grant funds from the STANTON FOUNDATION; and amending the Fiscal Year 2013-2014 Animal Services Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$150,000 for the purchase of a mobile adoption vehicle.
Ordinance No. 20140925-003 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

4. Authorize the negotiation and execution of an amendment to the animal services interlocal agreement with Travis County to exercise the first of four renewal options, and to update the cost model and work statement, under which the City will provide certain animal services to Travis County in exchange for payment of \$1,410,974, for a 12-month period beginning October 1, 2014.
The motion authorizing the negotiation and execution of an amendment to the animal services interlocal agreement with Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
5. Authorize reimbursement of costs to Domain Parkside II, LP, for the purchase and installation of heat exchangers and associated piping needed to interconnect the Parkside V residential complex to the Austin Energy District Cooling System, in an amount not to exceed \$285,760.
The motion authorizing the reimbursement of costs to Domain Parkside II, LP 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 an agreement with Huston-Tillotson University, to provide a performance-based incentive for the generation of solar energy at its facility located at 900 Chicon St., Austin, Texas, for an estimated \$34,660 per year, for a total amount not to exceed \$346,600 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Huston-Tillotson University 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 an agreement with the Overlook at Rob Roy - Hills Office Park, to provide a performance-based incentive for the generation of solar energy at its facility located at 4611 FM 2244, Austin, Texas, for an estimated \$8,460 per year, for a total amount not to exceed \$84,600 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with the Overlook at Rob Roy – Hills Office Park was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
8. Authorize negotiation and execution of an agreement with the Overlook at Rob Roy - Lake Pointe Center, to provide a performance-based incentive for the generation of solar energy at its facility located at 11612 FM 2244, Austin, Texas, for an estimated \$6,618 per year, for a total amount not to exceed \$66,180 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with the Overlook at Rob Roy-Lake Pointe Center was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
9. Authorize the negotiation and execution of a cost participation agreement with Desta Three Partnership, Ltd. for the City to reimburse the developer for an amount not to exceed \$211,895.00 for costs associated with the design and construction of an oversized water main and appurtenances related to Service Extension Request No. 3455.
The motion authorizing the negotiation and execution of a cost participation agreement with Desta Three Partnership Ltd. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
10. Approve Service Extension Request No. 3406 for water service to a 25.5 acre tract at 11900 Buckner Road located within the Drinking Water Protection Zone, the City's Limited Purpose jurisdiction, and Austin Water Utility's service area.
This item was postponed on consent to October 2, 2014 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

11. Approve Service Extension Request No. 3407 for wastewater service to a 25.5 acre tract at 11900 Buckner Road located within the Drinking Water Protection Zone, the City's Limited Purpose jurisdiction, and Austin Water Utility's service area.
This item was postponed on consent to October 2, 2014 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 \$6,260,000 for pool renovations and improvements.
Resolution No. 20140925-012 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
13. Approve an ordinance regarding attendance requirements for City board and commission members.
Ordinance No. 20140925-013 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
14. Approve an ordinance regarding the membership of the Commission on Immigrant Affairs.
Ordinance No. 20140925-014 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
15. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC, for the Lockheed Rehab and Other Shaft Warranty Inspections Project in the amount of \$4,567,000 plus a \$228,350 contingency, for a total contract amount not to exceed \$4,795,350. (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 0.77% MBE and 49.33% WBE participation.)
The motion authorizing the execution of a construction contract with Excel Construction Services, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
16. Authorize the negotiation and execution of a construction contract with S. J. LOUIS CONSTRUCTION OF TEXAS, LTD., for the Chilled Water Piping Extension from the Crescent Tract to Bowie Street, in the amount of \$1,634,619.48 plus a \$163,462 contingency, for a total contract amount not to exceed \$1,798,081.48. (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 10.74% MBE and 3.47% WBE participation.)
The motion authorizing the execution of a construction contract with S. J. Louis Construction of Texas, LTD was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
17. Authorize negotiation and execution of a professional services agreement with the following three staff recommended firms or other qualified responders: KSA ENGINEERS, INC.; REYNOLDS, SMITH AND HILLS, INC.; and ATKINS NORTH AMERICA, INC., to RFQ solicitation number CLMP157 for the 2015 Austin-Bergstrom International Airport Architectural and Engineering Services Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$10,500,000 divided among the three firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE participation.)
The motion authorizing the negotiation and execution of a professional services agreement with KSA Engineers, Inc.; Reynolds, Smith and Hills, Inc.; and Atkins North America, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

18. Approve a resolution adopting the Austin Convention and Visitors Bureau 2014-2015 Marketing Plan and Proposed Budget of \$14,935,810, setting the contract payment in an amount not to exceed \$12,410,510, and authorizing the City Manager to file the approved documents with the City Clerk's office as required by the Texas Tax Code.
Resolution No. 20140925-018 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
19. Authorize negotiation and execution of a 36-month contract with PROFESSIONAL CONVENTION MANAGEMENT ASSOCIATION, INC. to provide advertising services to the Austin Convention Center in an amount not to exceed \$525,000, with one 12-month extension option in an amount not to exceed \$175,000, for a total estimated contract amount not to exceed \$700,000.
The motion authorizing the negotiation and execution of a contract with Professional Convention Management Association, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
20. Authorize negotiation and execution of a design and commission agreement with Animalis Works, LLC. in an amount not to exceed \$60,000, for artwork for the Pressler Street Extension Project.
The motion authorizing the negotiation and execution of a design and commission agreement with Animalis Works, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
21. Approve a resolution awarding cultural arts services contracts to various applicants to the Cultural Arts Funding Program for Fiscal Year 2014-2015 in an amount not to exceed \$5,931,253 authorizing the City Manager to negotiate and execute such contracts, and further authorizing payment in the amount of \$60,000 for Zachary Scott Theatre Center maintenance per a separate current operations agreement.
Resolution No. 20140925-021 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself from a portion of this item.
22. Authorize negotiation and execution of an interlocal agreement between the City and Travis County Healthcare District (d/b/a Central Health) to provide services through the Emergency Medical Services Department Community Health Paramedic Program as funded by the Delivery System Reform Incentive Payments 1115 Waiver Program for a one year term beginning October 1, 2014, in an amount not to exceed \$618,432 paid by Central Health to the City.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County Healthcare District doing business as Central Health was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
23. Authorize negotiation and execution of an amendment to renew an interlocal agreement between the City and Travis County by which the City provides emergency medical services in areas of Travis County outside the City's corporate limits and dispatches support services to Travis County's STAR Flight program, for a 12-month term beginning on October 1, 2014 in exchange for payment of \$15,467,885 by Travis County.
The motion authorizing the negotiation and execution of an amendment to renew an interlocal agreement between the City and Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
24. Approve an ordinance establishing classifications and positions in the classified service of the Emergency Medical Services Department; creating certain positions; establishing pay rates; and repealing Ordinance No. 20140908-006 relating to Emergency Medical Services Department classifications and positions.
Ordinance No. 20140925-024 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

25. Authorize negotiation and execution of Amendment No. 1 to an interlocal agreement with THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, for evaluation of a 5-year health-based initiative aimed to address the needs of economically disadvantaged households in Austin, to add one 12-month renewal option beginning July 1, 2014 and ending June 30, 2015, in an amount not to exceed \$50,000, for a total contract amount not to exceed \$100,000.
The motion authorizing the negotiation and execution of amendment number one to an interlocal agreement with The University of Texas Health Science Center at Houston was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
26. Approve an ordinance authorizing acceptance of \$63,390 in additional grant funds from the U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WASHINGTON, D.C. and amending the Fiscal Year 2013-2014 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$63,390 for the Housing Opportunities for Persons with AIDS services program that provides rental, mortgage, utility, and supportive services to people with the human immunodeficiency virus.
Ordinance No. 20140925-026 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
27. Approve an ordinance accepting \$8,983 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2013-2014 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$8,983 for the Ryan White Part C HIV Early Intervention Services Grant Program that provide medical and supportive services to people with the human immunodeficiency virus.
Ordinance No. 20140925-027 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
28. Authorize negotiation and execution of Amendment No.1 to the contract with RIVER CITY YOUTH FOUNDATION for youth services programs for a 12-month renewal in an amount not to exceed \$146,000 for a total contract amount not to exceed \$292,000.
The motion authorizing the negotiation and execution of amendment number one to the contract with River City Youth Foundation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
29. Authorize the negotiation and execution of amendments to contracts with the following four providers of services for people with HIV or AIDS, extending the terms through September 30, 2015, that includes Amendment No.9 with AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$273,317, for a total contract amount not to exceed \$1,699,352; Amendment No.9 with AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, in an amount not to exceed \$53,673 for a total contract amount not to exceed \$365,778; Amendment No.9 with PROJECT TRANSITIONS, INC. in an amount not to exceed \$87,849 for a total contract amount not to exceed \$658,147; Amendment No.9 with THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$83,050 for a total contract amount not to exceed \$706,351.
The motion authorizing the negotiation and execution of amendments to contracts with Aids Services of Austin, Inc.; Austin Travis County Mental Health Mental Retardation Center; Project Transitions, Inc.; and The Wright House Wellness Center was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
30. Approve negotiation and execution of a contract with CAPITAL INVESTING IN DEVELOPMENT AND EMPLOYMENT OF ADULTS, INC., to expand Associate Degree in Nursing programs, for a 36-month term beginning August 1, 2014 and ending July 31, 2017, for a total contract amount not to exceed \$630,333.

The motion authorizing the negotiation and execution of a contract with Capital Investing In Development and Employment of Adults, Inc. 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 Amendment No. 1 to the agreement with Austin Travis County Mental Health & Mental Retardation Center dba Austin Travis County Integral Care, to increase funding in an amount not to exceed \$300,000 for the period September 30, 2013 through September 29, 2014 with two 12-month renewal options in the amount not to exceed \$600,000 per extension option, for a total contract amount not to exceed \$1,750,000.
The motion authorizing the negotiation and execution of amendment number one to the agreement with Austin Travis County Mental Health & Mental Retardation Center doing business as 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.
32. Approve an ordinance authorizing acceptance of \$162,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES and amending the Fiscal Year 2013-2014 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$162,000 and one full-time equivalent position for the Austin Healthy Adolescent Program for the delivery of community services to adolescents between the ages of 10 to 24.
Ordinance No. 20140925-032 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
33. Approve an ordinance authorizing acceptance of \$186,347 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, DIVISION OF PREVENTION AND PREPAREDNESS, TB/HIV/STD/VIRAL HEPATITIS UNIT, and amending the Fiscal Year 2013-2014 Health and Human Services Operating Budget Special Revenue Fund to appropriate funds to the following programs: Human Immunodeficiency Virus (HIV) Surveillance Program, Sexually Transmitted Disease/HIV Control Program, Refugee Health Services Program, Federal Tuberculosis (TB) Control and Outreach Program, State TB Elimination Program, Public Health Emergency Preparedness Program/Community Preparedness Signature Program, Immunization Outreach Program, Influenza Incidence Surveillance Project Program, and the Office of Public Health Practice Program.
Ordinance No. 20140925-033 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
34. Authorize the negotiation and execution of an amendment to the public health services interlocal agreement with Travis County to update the cost model and work statements, to exercise the first of four renewal options, and to establish the terms and conditions under which the City will provide public health services during a 12-month period beginning October 1, 2014 in exchange for the County's payment of \$3,318,329.
The motion authorizing the negotiation and execution of an amendment to the public health services interlocal agreement with Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
35. Approve an ordinance amending City Code Chapter 10-3 relating to mobile food establishment solid waste, recycling, and composting containers.
Ordinance No. 20140925-035 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
36. Authorize negotiation and execution of an amendment to a legal services contract with Richards, Rodriguez and Skeith for White Lodging et al v. City of Austin et al, Cause No. 1:13-cv-00825 SS, in the United States District Court for the Western District of Texas, Austin Division. The amount of the increase is \$458,000, which brings the total amount of the professional services contract to \$515,000.

The motion authorizing the negotiation and execution of an amendment to a legal services contract with Richards Rodriguez and Skeith was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

37. Authorize negotiation and execution of an amendment to a legal services contract with Thompson and Knight for Ronald Gjemre v. City of Austin et al, Cause No. 1:13-cv-729 SS, in the United States District Court for the Western District of Texas, Austin Division. The amount of the increase is \$16,500, which brings the total amount of the professional services contract to \$73,500.

The motion authorizing the negotiation and execution of an amendment to a legal services contract with Thompson and Knight for Ronald Gjemre v. City of Austin et al was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

38. Approve an ordinance accepting \$12,000 in grant funds from the Texas State Library and Archive Commission and amending Fiscal Year 2013-2014 Library Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$12,000 to continue a collaborative project with Austin Independent School District intended to keep children reading during the summer months.

Ordinance No. 20140925-038 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

39. Approve an ordinance amending City Code Section 1-3-4 to require the printed name of the non-peace officer issuing a citation instead of a signature.

Ordinance No. 20140925-039 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 amending City Code Section 12-5-43 to make a transit-lane parking violation a civil offense instead of a criminal offense and setting fines.

Ordinance No. 20140925-040 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

41. Approve an ordinance acknowledging the retirement of an associate judge and appointing him as a substitute judge with certain judicial responsibilities.

Ordinance No. 20140925-041 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 Ordinance No. 20131212-071 to increase compensation for the Presiding Judge and Associate Judges, including the Downtown Austin Community Court Judge.

Ordinance No. 20140925-042 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

43. Authorize negotiation and execution of a one-year service agreement with the AUSTIN HOUSING FINANCE CORPORATION to manage and operate various housing programs on the City's behalf during Fiscal Year 2014-2015 using funds received by the City from the U.S. Department of Housing and Urban Development, in addition to local City funds, in the amount of \$16,327,141.

The motion authorizing the negotiation and execution of a 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.

44. Authorize the negotiation and execution of a one-year contract with BUSINESS INVESTMENT GROWTH to provide training and technical assistance services to certified microenterprise firms in an amount not to exceed \$200,000.

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

45. Authorize negotiation and execution of a one-year contract with PEOPLEFUND to administer the Community Development Bank program and to support job creation and expansion of small businesses by providing loan services through PEOPLEFUND's Small Business Development Program in an amount not to exceed \$150,000.

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

46. Authorize negotiation and execution of a one-year contract with AUSTIN TENANTS' COUNCIL to fund and administer the Tenants' Rights Assistance Program for community education and information about tenant protection laws in an amount not to exceed \$288,729.

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

Item 47 was pulled for discussion.

48. Authorize negotiation and execution of an encroachment agreement with the TRAVIS COUNTY HOSPITAL DISTRICT and THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM for the aerial encroachment of right-of-way by a pedestrian bridge at 601 East 15th Street.

This item was postponed on consent to October 2, 2014 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 49 was pulled for discussion.

50. Approve an ordinance authorizing acceptance of \$15,000 in grant funds from the Austin Community Foundation; and amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$15,000 to provide youth football programs to under-served youth at recreation centers.

Ordinance No. 20140925-050 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

51. Approve an ordinance authorizing acceptance of \$3,100 in additional grant funds from the Capital Area Food Bank; and amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$3,100 for the Kid's Café grant program.

This item was postponed to October 16, 2014 on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

52. Authorize negotiation and execution of an interlocal agreement between the City and the Austin Independent School District for the ACE Reading and Tutoring Intervention Program to be offered at Allison, Brooke, Govalle, Metz, Ortega and Zavala Elementary Schools. Approved by the Parks and Recreation Board on a vote of 6-0 with Board Member Osgood off the dais. Recommendation No. 20140923-002

The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Austin Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

53. Approve an ordinance authorizing acceptance of \$4,000 in additional grant funds from the Capital Area Council of Governments; and amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$4,000 for the Senior Transportation Program.

Ordinance No. 20140925-053 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

54. Approve an ordinance amending City Code Chapter 9-2 relating to permitting requirements for non-peak hour concrete installation within portions of the Central Business District (CBD), Downtown Mixed Use (DMU), and Public (P) zoning districts.
This item was postponed on consent to October 2, 2014 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
55. Authorize negotiation and execution of an interlocal agreement with Travis County to administer the 2014 Justice Assistance Grant Program on behalf of the City and Travis County Sheriff's Office.
The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
56. Approve an ordinance accepting \$26,779 in grant funds from the Downtown Austin Alliance; and amending the Fiscal Year 2013-2014 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$26,779 for the Austin Police Department project entitled the Downtown Ranger Program.
Ordinance No. 20140925-056 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 authorizing the application for and acceptance of \$32,734 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department (APD) project entitled APD Drug and Human Trafficking Enforcement Project.
Resolution No. 20140925-057 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
58. Approve a resolution authorizing the application for and acceptance of \$35,487 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department (APD) project entitled APD Sex Offender Apprehension and Registration project.
Resolution No. 20140925-058 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 authorizing the application for and acceptance of \$50,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department (APD) project entitled APD Victim Crisis Intervention Project.
Resolution No. 20140925-059 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 authorizing the application for and acceptance of \$91,596 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department (APD) project entitled the APD Coverdell Project.
Resolution No. 20140925-060 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
61. Approve a resolution authorizing the application for and acceptance of \$124,828 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled Austin Police Services for Victims of Domestic Violence.
Resolution No. 20140925-061 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

62. Authorize award and execution of a 36-month requirements supply contract with ENVIRONMENTAL SURVEY, INC., for vegetation control services at wet ponds in an amount not to exceed \$1,002,210, with three 12-month extension options in an amount not to exceed \$334,070 per extension option, for a total contract amount not to exceed \$2,004,420. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) **The motion authorizing the award and execution of a requirements supply contract with Environmental Survey, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
63. Authorize award and execution of a 36-month requirements supply agreement with ARCH CHEMICALS INC., ALIAS LONZA and COMMERICAL CHEMICAL PRODUCTS INC. DBA POOLSURE to provide pool chemicals, for a combined total, not to exceed \$621,828, with three 12-month extension options in an amount not to exceed \$207,076 per extension option, for a total contract amount not to exceed \$1,242,456. (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 Arch Chemicals Inc., Alias Lonza and Commercial Chemical Products Inc. doing business as Poolsure was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
64. Authorize award and execution of a 12-month service agreement with TIBH INDUSTRIES, INC. to provide for vegetation control in creeks and stormwater control structures, hauling of excessive debris and waste materials from specified job site locations to an acceptable landfill, and limited herbicide application, in an amount not to exceed \$1,850,000, with six 12-month extension options in an amount not to exceed \$1,850,000 per extension option, for a total contract amount not to exceed \$12,950,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.) **The motion authorizing the award and execution of a service agreement 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.**
65. Authorize award and execution of a 36-month requirements supply agreement with FIRE PUMP SPECIALTY to provide parts for fire truck water pumps in an amount not to exceed \$207,057, with three 12-month extension options in a total amount not to exceed \$69,019 per extension option, for a total contract amount not to exceed \$414,114. (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 Fire Pump Specialty was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
66. Authorize award and execution of various supply and service contracts during the Fiscal Year 2014-2015 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer, telephone and network hardware and related maintenance in an amount not to exceed \$42,543,727. (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 various supply and service contracts through the State of Texas Department of Information Resources was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

67. Authorize award and execution of various service contracts during the Fiscal Year 2014-2015 with the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program, for the purchase of technology services in an amount not to exceed \$48,327,060. (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; however, SMBR will assist in the identification of subcontracting opportunities on a case by case basis.)

The motion authorizing the award and execution of various service contracts with the State of Texas Department of Information Resources was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

68. Authorize award and execution of various supply and service contracts during the Fiscal Year 2014-2015 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program, for the purchase of computer software and software maintenance and support in an amount not to exceed \$22,645,124. (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 various supply and service contracts through the State of Texas Department of Information Resources was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

69. Authorize award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative with ALL BUSINESS MACHINES, INC. for a Gas Chromatograph/Mass Spectrometer for the Austin Police Department in an amount not to exceed \$86,957. (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 through the Texas Local Government Purchasing Cooperative with All Business Machines, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

70. Authorize award and execution of a 36-month requirements supply agreement with JAE GROUP INC., to provide crushed rock in an amount not to exceed \$804,681 with three 12-month extension options in an amount not to exceed \$268,227 per extension option, for a total contract amount not to exceed \$1,609,362. (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 Jae Group Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

71. Authorize negotiation and execution of a partnership agreement with EcoDistricts, a 501(C)(3) organization, for the City of Austin Seaholm District to participate in the EcoDistricts Target Cities Program in an amount not to exceed \$75,000.

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

72. Approve a resolution adopting the City of Austin Fiscal Year 2014-15 Investment Policy.

This item was postponed to October 23, 2014 on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

73. Approve a resolution accepting the final audit report of the Actuarial Valuations of the City's three pension plans as mandated by Section 802.1012 of Texas Government Code.
Resolution No. 20140925-073 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
74. Approve an ordinance amending the Fiscal Year 2013-2014 Watershed Protection Department Capital Budget (Ordinance No. 20130909-002) to accept and appropriate \$11,135,500 for the buyout and demolition of single family houses in the floodplain of Onion Creek near the intersection of South Pleasant Valley Road and East William Cannon Boulevard as part of the partnership project with the United States Army Corps of Engineers.
Ordinance No. 20140925-074 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
75. 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 and waivers were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

Robert Mueller Municipal Airport Plan
Implementation Advisory Commission
Dennis Mick

Council Member Tovo

Community Development Commission
Granyon Perry

Mayor Leffingwell

Community Development Commission
Alejandro Delgado

Mayor Leffingwell

Low Income Consumer Advisory Task Force
Cyrus Reed

Mayor Pro Tem Cole

Low Income Consumer Advisory Task Force
Kelly Weiss

Council Member Riley

Low Income Consumer Advisory Task Force
Chris Strand
Tim Arndt

Council Member Spelman
Council Member Tovo

Low Income Consumer Advisory Task Force
Lanetta Cooper

Council Member Martinez

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Keith Jackson on the Residential Design & Compatibility Commission. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Grace Hsieh on the Resource Management Commission. The waiver includes absences through today's date.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Joseph Stallone on the Austin Music Commission.

76. Approve an ordinance waiving or reimbursing certain fees and authorizing payment of certain costs for the City co-sponsored Austin PRIDE Parade sponsored by Austin Pride Foundation, which is to be held on September 20, 2014. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole)

Ordinance No. 20140925-076 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 77 was set for a time certain of 7:00 p.m.

78. Approve a resolution directing the City Manager to report back to Council with a timeline for the implementation of strategies to promote the development of family-friendly housing in the City based on recommendations made by the School and Family Work Group, which was created by the Joint Subcommittees of the Austin City Council, Austin Independent School District Board of Trustees, and Travis County Commissioners' Court. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)

This item was postponed on consent to October 2, 2014 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

79. Approve a resolution directing the City Manager to adopt a coyote conflict management strategy and coyote behavior classification chart. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)

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

Item 80 was pulled for discussion.

81. Approve a resolution directing the City Manager to engage relevant stakeholders and City departments to ensure the City is creating a safe and vibrant environment in our downtown entertainment districts, to examine issues related to the downtown entertainment districts, and to report back to Council with any necessary recommended Code changes. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)

Resolution No. 20140925-081 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

82. Approve a resolution directing the City Manager to analyze the impacts of House Bill 2 which passed the second special session of the 83rd legislature, relating to the regulation of abortion procedures, providers, and facilities, and amend the City's legislative agenda to support legislation that repeals House Bill 2. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)

Resolution No. 20140925-082 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 83 and 84 were pulled for discussion.

85. Approve a resolution directing the City Manager to initiate a public process through the Arts Commission to discuss installing permanent rainbow crosswalks on Bettie Naylor Street at the Lavaca Street and Colorado Street intersections, review the City's artwork donation and loan policy, and bring back any recommendations for Council consideration. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Resolution No. 20140925-085 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
86. Approve a resolution adding support for a hybrid homestead exemption that would allow for a percentage-based general homestead exemption subject to a cap on the maximum value exempted to the City's legislative agenda for the 84th Legislative Session. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
Resolution No. 20140925-086 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
87. Approve a resolution establishing a City of Austin living wage policy that ties the living wage to an index consistent with a cost of living adjustment for non-sworn personnel on an annual basis during the budget process, and directing the City Manager to ensure the City's Purchasing policies reflect the annual increase in the City's living wage rate. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
88. Approve a resolution directing the City Manager to establish goals for land banking and community land trusts, and establish criteria and accounting requirements for the tax exemption of public land used for affordable housing and other long term equity-based partnerships to promote transparency. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison)
Resolution No. 20140925-088 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
89. Adopt a resolution directing the City Manager to identify current and future initiatives and capital projects within the area bounded by I-35, Highway 183, Mopac and Walnut Creek and to ensure the responsible departments coordinate efforts and engage with citizens and neighborhood planning area representatives and other appropriate stakeholders and integrate feedback into projects. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)
Resolution No. 20140925-089 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 90 was pulled for discussion.

91. Approve a resolution directing the City Manager to negotiate and execute a renewal of the lease agreement with the Austin Steam Train Association, Inc. for the lease and operation of Steam Locomotive Number 786. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell)
Resolution No. 20140925-091 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 92 was pulled for discussion.

93. Approve a resolution directing the City Manager to communicate to the Texas Department of Transportation the need and desire of the City to maximize the connections in the downtown/east Austin area through the use of Interstate 35 (I-35) right-of-way, the City's preference to create a two-way, two-lane, at grade connection along 5th Street, and the City's preference that the I-35 "Modified Existing" alternative, also known as the elevated alternative, not move forward in the National Environmental

Policy Act process. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)

This item was postponed on consent to October 2, 2014 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 94 was pulled for discussion.

95. Set a public hearing to consider action on the CodeNEXT Code Approach Alternatives and Annotated Outline (Suggested date and time: October 23, 2014, 4:00 p.m. Austin City Hall, Council Chambers, 301 West Second Street, Austin, TX).

The public hearing was set on consent for October 23, 2014 at 4:00 p.m. at City Hall at 301 West Second Street, Austin TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

96. Set a public hearing to approve the Pease Park Master Plan, developed in conjunction with the Parks and Recreation Department, Pease Park Conservancy, and Wallace Roberts & Todd. (Suggested date and time: October 16, 2014, 4:00 p.m. at Travis County Commissioner's Court, 700 Lavaca Street, Austin, TX.) Approved by the Parks and Recreation Board on a vote of 6-0 with Vice Chair Francell off the dais. Recommendation No. 20140923-007

The public hearing was set on consent for October 16, 2014 at 4:00 p.m. at Travis County Commissioners Court, 700 Lavaca Street, Austin TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

97. Set a public hearing to consider the authorization of the South Congress Preservation and Improvement District, a public improvement district established under Chapter 372 of the Texas Local Government Code. (Suggested date and time: October 16, 2014 at 4:00pm at the Travis County Commissioner's Court, 700 Lavaca Street, Austin, TX.)

The public hearing was set on consent for October 16, 2014 at 4:00 p.m. at Travis County Commissioners Court, 700 Lavaca Street, Austin TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

98. Set a public hearing to consider an ordinance regarding floodplain variances for the development of a multifamily building and associated parking at 1010 W. 10th Street within the 25-year and 100-year floodplains of Shoal Creek. (Suggested date and time: October 2, 2014, 4:00 p.m., at the Travis County Commissioners Court, 700 Lavaca Street, Austin, TX)

The public hearing was set on consent for October 2, 2014 at 4:00 p.m. at Travis County Commissioners Court, 700 Lavaca Street, Austin TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 99 was an action on items with Closed Public Hearings.

Item 100 was a briefing item set for 10:30 a.m.

Items 101 through 105 were Executive Session items.

Items 106 through 138 were zoning items set for 2:00 p.m.

Item 139 was an AHFC meeting item set for 3:00 p.m.

Items 140 through 143 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

47. Authorize negotiation and execution of a modification to the Neighborhood Commercial Management Program loan agreement with SOUTHWEST KEY PROGRAM, INC., to forgive the loan balance of \$499,200.

The motion authorizing the negotiation and execution of a modification to the Neighborhood Commercial Management Program loan agreement with Southwest Key Program, Inc. was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

MORNING BRIEFINGS

100. Colony Park District Master Plan Briefing.

The presentation was made by Betsy Spencer, Director, Neighborhood Housing and Doug Farr, President and CEO and Laura Toops, Farr Associates Architecture and Urban Design.

DISCUSSION ITEMS CONTINUED

49. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell two tracts of land totaling approximately 215.436 acres out of and a part of the R.G. Anderson Survey in Williamson and Travis Counties, Texas, known locally as 15700 Anderson Mill Road, to the CITY OF CEDAR PARK, TEXAS, for the amount of \$4,100,000.

This item was postpone to October 23, 2014 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

80. Approve a resolution directing the City Manager to process amendments to the City Code that authorize street performers and buskers on public right-of-way and to bring the proposed amendments to Council by a date certain. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Mayor Pro Tem Sheryl Cole)

Resolution No. 20140925-080 was approved with the following friendly amendment on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote.

There was a friendly amendment made by Council Member Riley to amend the resolution by adding the following language. The amendment was accepted by the maker of the motion.

"Whereas, the proposed ordinance must also balance the needs of residents and businesses to assure that busking does not undermine quality of life of those nearby, but complements it in the spirit of a city where street performers have yet another way to present their craft to the public; and

Whereas, as both the Music Commission and the Downtown Austin Neighborhood Association point out, several of Austin's peer cities, including Los Angeles, San Francisco, Chicago, and Nashville, have done a good job in creating a regulated governance of street performances in the public realm; Now Therefore,"

"Be it Resolved by the City Council of the City of Austin:

The City Manager is directed to process amendments to the City Code that authorize street performers and buskers on public right-of-way and to bring the proposed amendments to City Council for adoption by November 20, 2014. The proposed amendments should consider Austin Music Commission Recommendation Number 20140804-004 "Street Performers & the Art of Busking" and concerns raised by other stakeholders including, but not limited to, the Downtown Austin Neighborhood Association."

84. Approve a resolution initiating amendments to City Code Chapter 9-2 authorizing the use of "C-weighting" as a sound mitigation tool for certain live music permits and making other changes relating to

posting, notification, and enforcement. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Tovo)

Resolution No. 20140925-084 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

Paul Avina - State of the City

Gary Brizendine - The future of mass transit

Tom McDill - Southwest Parkway Development Project

Will McLeod - 1. Repeal of the carry out bag ordinance 2. Austin affordability 3. TBD

David Richardson - Southwest Parkway trailer park redevelopment

Paul Robbins - City and budget issues

Mark Crampton - Bringing former PSEM offices to pay parity with APD counterparts

Edward Sledge - Distracted driving

James Ault - Electrical Inspection Department **Not present when name was called.**

Carlos León - 1) Glory to God 2) KO Chemtrails 3) Truth pins lies

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:38 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.

101. Discuss legal issues related to Louis Rodriguez, Jr. v. City of Austin; Cause No. D-1-GN-13-000721, in the 126th Judicial District for Travis County, Texas (Private consultation with legal counsel-Section 551-071 of the Government Code).
102. Discuss legal issues related to Pauline Small's personal injury claim against the City of Austin (Private consultation with legal counsel-Section 551-071 of the Government Code).
103. 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.
104. Discuss legal issues related to the November 2014 election (Private consultation with legal counsel-Section 551.071 of the Government Code).
This item was withdrawn.
105. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:54 p.m.

DISCUSSION ITEMS CONTINUED

83. Approve a resolution directing the City Manager to analyze the economic and financial impacts of the density bonus program for the Rainey Street subdistrict and to offer recommendations for improving the program, including but not limited to any amendments deemed necessary to City Code Chapter 25-2. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)

Resolution No. 20140925-083 was approved with the following friendly amendment on Council Member Spelman's motion, Council Member Morrison's second on a 7-0.

There was a friendly amendment made by Council Member Morrison to amend the resolution as follows. The amendment was accepted by Mayor Pro Tem Cole, who made the second.

Replace 1.(b) with "provide an independent economic analysis that assesses the value and the cost for development to comply with the existing Rainey Street density bonus policy above the existing baseline height of 40 feet to an 8:1 floor to area ratio.

Amend section 2 to read, "if the analysis required under paragraph 1, above, shows that the costs to comply with City Code Section 25-2-739(C)(2) exceeds the value to the extent that it discourages residential development over other types of development then the City Manager should include a recommendation for the City Council to initiate necessary code amendments..."

Amend section 3 to read, "The City Manager is directed to provide the analysis and recommendation required by this resolution at the December 1, 2014 council meeting, or as soon thereafter as reasonably possible.

90. Approve a resolution initiating a code amendment to City Code Chapter 25-2 relating to the in lieu donation affordable housing option for planned unit developments. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

Resolution No. 20140925-090 was approved with the following friendly amendment on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.

There was a friendly amendment made by Council Member Spelman to consider the following options, add a new "Whereas" and amend the Be it Resolved paragraph. The amendment was accepted by the maker of the motion and Council Member Tovo, who made the second.

The options were:

- **Remove the fee in lieu option and require onsite affordable housing.**
- **Require a significant portion of the affordable housing requirement to be provided on-site and allow a portion to be provided through fee in lieu.**
- **Consider an exceptions process for the on-site affordable housing requirement.**

The new "Whereas" paragraph should read, "Whereas, the University Neighborhood Overlay, which has created almost 500 on-site affordable units and over \$2,000,000 in payments, includes a tiered affordable housing requirement in which some of the affordable housing is required to be on site and some is allowed to be satisfied via a fee-in-lieu;"

"Be It Resolved by the City Council of the City of Austin:

The City Council initiates a code amendment to modify the in lieu donation option for the affordable housing requirement for PUDs."

92. Approve a resolution initiating a Code amendment to City Code Title 25 regarding applications for amendments to the East Riverside Corridor Regulating Plan and to the related Figure 1-2 (East Riverside Corridor Subdistrict Map) and directing the City Manager to process the Code amendment. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)

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

There was an amendment made by Council Member Morrison and seconded by Council Member Tovo to amend the resolution as follows. The amendment failed on a vote of 3-4. Those voting aye were: Mayor Pro Tem Cole and Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell and Council Members Martinez, Riley and Spelman.

The amendment was to have the “Be It Further Resolved” read, “The City Manager is directed to initiate an additional code amendment to limit the application for an amendment to the East Riverside Corridor Plan Figure 1-2 regarding an individual property, by a property owner, in a similar fashion that neighborhood plan amendment applications are limited in City Code 25-1-804 regarding frequency and cycle for application submission.”

Resolution No. 20140925-092 was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote

ZONING ORDINANCES / RESTRICTIVE COVENANTS

106. C14-2014-0107 - Fredrickson 1.5 - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8410 Anderson Mill Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to warehouse limited office-conditional overlay (W/LO-CO) combining district zoning, with conditions. First reading approved on August 28, 2014. Vote: 7-0. Owner/Applicant: Realty Restoration, LLC (David Davidson). Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 512-974-3057.

Ordinance No. 20140925-106 for warehouse limited office-conditional overlay (W/LO-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

109. NPA-2014-0020.01 - St. Elmo's Market and Lofts - Conduct a public hearing and approve an ordinance amending the South Congress 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 113 Industrial Boulevard, 4323 South Congress Avenue and the 4300 Block of Willow Springs Road (East Bouldin Creek Watershed; Williamson Creek Watershed) from Industry to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To be reviewed on September 23, 2014. Owner/Applicant: JFP Industrial Interests (Bill Coon). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, 512-974-2695.

This item was postponed on consent to October 2, 2014 at the applicant’s request on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

110. C14-2014-0034 - St. Elmo's Market and Lofts - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 113 Industrial Boulevard, 4300 South Congress Avenue and the 4300 Block of Willow Springs Road (East Bouldin Creek Watershed; Williamson Creek Watershed) from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning, limited industrial service-neighborhood plan (LI-NP) combining district zoning and limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP)

combining district zoning. Staff Recommendation: To deny limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on September 23, 2014. Owner/Applicant: GFD Holdings, LLC (Brandon Bolin). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to October 2, 2014 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

111. NPA-2014-0022.01 - 209 East Live Oak Street - Conduct a public hearing and approve an ordinance amending the Greater South River City 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 209 East Live Oak Street (Blunn Creek Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To deny Higher Density Single Family land use. Owner/Applicant: Joshua McGuire. Agent: Charles Morton. City Staff: Maureen Meredith, 512-974-2695.

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

112. C14-2014-0032 - 209 E Live Oak Street - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 209 East Live Oak Street (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to urban family residence-neighborhood plan (SF-5-NP) combining district zoning, as amended. Staff Recommendation: To grant urban family residence-neighborhood plan (SF-5-NP) combining district zoning. Planning Commission Recommendation: To deny urban family residence-neighborhood plan (SF-5-NP) combining district zoning. Owner: Joshua L. McGuire. Applicant: Charles Morton. City Staff: Lee Heckman, 512-974-7604.

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

113. C14-2013-0118 - Cooper Commercial - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7200 Cooper Lane (South Boggy Creek Watershed) from single family residence-standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. First Reading approved on August 28, 2014. Vote: 7-0. Owner/Applicant: 38 1/2 Street L.C. (Guy Oliver). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-113 for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

114. C14-2013-0158 - 7th and Congress Hotel - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 619 and 621 Congress Avenue (Lady Bird Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning, with conditions. Planning Commission Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning, with conditions. Owner: Finley Company (Tim Finley, VP). Applicant: Matt Frankiewicz. Agent: Armbrust & Brown, PLLC (Lynn Ann Carley). City Staff: Lee Heckman, 512-974-7604. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to October 2, 2014 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

115. C14-2014-0011 - Garza Ranch - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3800 Ben Garza Lane and 6313 South MoPac Expressway (Williamson Creek Watershed-Barton Springs Zone) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 14, 2014. Owner/Applicant: Rancho Garza, Ltd. (Ron White). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Rhoades, 512-974-7719.
This item was postponed on consent to October 23, 2014 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
116. 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 October 21, 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 November 20, 2014 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
117. C14-2014-0041 - New Tenant Project - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 10300 Anderson Mill Road (Lake Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on October 21, 2014. Owner: FN Corporation (Neelam Jan). Applicant/Agent: Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to November 20, 2014 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
118. C14-2014-0050 - Westrock Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2311 Westrock Drive (Barton Creek Watershed-Barton Springs Zone; West Bouldin Creek Watershed) from rural residence (RR) and urban family residence-conditional overlay (SF-5-CO) combining district zoning to urban family residence-conditional overlay (SF-5-CO) combining district zoning. Staff Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning. Planning Commission Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning. Owner: Arthur D. Stone. Applicant: Brazos Urban, LLC (J. Michael Wray). City Staff: Lee Heckman, 512-974-7604.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-118 for urban family residence-conditional overlay (SF-5-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
119. C14-2014-0085 - Concorde Center Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4631 Airport Boulevard (Boggy Creek Watershed) from general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning to commercial-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-V-CO-NP) combining district zoning for Tract 1 and from commercial-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-V-CO-NP) combining district zoning to general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning for

Tract 2. Staff Recommendation: To grant commercial-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-V-CO-NP) combining district zoning for Tract 1 and general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning for Tract 2. Planning Commission Recommendation: To grant commercial-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-V-CO-NP) combining district zoning for Tract 1 and general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning for Tract 2. Owner/Applicant: Houston 6000 Bissonnet Ltd. c/o Tarantino Properties, Inc. (Aaron Scott). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-119 for commercial-liquor sales-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-V-CO-NP) combining district zoning for Tract 1 and general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning for Tract 2 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

121. C14-2014-0099 - 1500 S Pleasant Valley Road - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1500 South Pleasant Valley Road (Lady Bird Lake Watershed; Country Club West Watershed) from East Riverside Corridor (ERC) district zoning to East Riverside Corridor (ERC) district zoning, to amend the East Riverside Corridor Regulating Plan to change the subdistrict designation, modify a transit hub boundary, and specify eligibility and a maximum development bonus height. Staff Recommendation: To change the subdistrict designation from Neighborhood Mixed Use to Corridor Mixed Use, to include the subject tract in the Pleasant Valley Transit Plaza hub boundary, and to designate the property eligible for participation in the development bonus program and a maximum bonus height of 65 feet. Planning Commission Recommendation: To forward to Council without a recommendation. Owner: 1500 SPV LLC (Colin Brothers). Applicant: Drenner Group, P.C. (Stephen Rye). City Staff: Lee Heckman, 512-974-7604.
- This item was postponed on consent to October 23, 2014 at the neighborhood's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

122. C14-2014-0100 - 12008 Pollyanna Avenue - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12008 Pollyanna Avenue (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: Timothy M. Holek. City Staff: Sherri Sirwaitis, 512-974-3057.
- This item was postponed on consent to October 2, 2014 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

123. C14-2014-0101 13010 Harris Branch Parkway - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 13010 Harris Branch Parkway (Gilleland Creek Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner: Bobby Wayne Richie and Vickie Lee. Applicant: Jackson Walker, LLP (James Nias). 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 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.'**

124. C14-2014-0103 - Radio Coffee & Beer - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4204 Manchaca Road and 2008 Fort View Road (West Bouldin Creek Watershed) from neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on September 23, 2014. Owner: Telvending Corp (Greg Wilson). Applicant: Land Strategies Inc. (Paul Linehan). City Staff: Lee Heckman, 512-974-7604.
This item was postponed on consent to October 2, 2014 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
126. C14-2014-0114 - 11712 North Lamar Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11712 North Lamar Boulevard (Walnut Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To be reviewed on October 7, 2014. Owner: Sheahan Business Center (Dennis W. Sheahan). Applicant/Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to October 16, 2014 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
127. C14-2014-0118 - NL Land Holdings, Ltd. - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning and rezoning property locally known as 9101-9201 South IH 35 Service Road Northbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Owner/Applicant: NL Land Holdings, Ltd. (Jimmy Nassour). Agent: Alice Glasco Consulting (Alice Glasco). 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 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 Morrison's second on a 7-0 vote.
128. C14-2014-0119 - Manchaca Storage - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9507 Manchaca Road (Slaughter Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: Laurelwood Business Park Group (David Beseda). City Staff: Wendy Rhoades, 512-974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-128 for general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
129. C14-2014-0122 - LeBoeuf Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 7900 Wynne Lane (South Boggy Creek Watershed) from mobile home residence (MH) 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 grant single family residence-large lot (SF-1) district zoning. Owner/Applicant: Edward David LeBoeuf. Agent: Bart Koonse. City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-129 for single family residence-large lot (SF-1) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

131. C14H-2014-0004 - Leffingwell House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 910 Christopher Street (Bouldin Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark- neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark- neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Petra Rogers, owner. City Staff: Steve Sadowsky, 512-974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-131 for family residence-historic landmark- neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

133. C14H-2014-0009 - Clappart-Bannerman-Castro House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1207 East 8th Street (Boggy Creek Watershed) from family residence- neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Sharon Wang McKinney, owner. Agent: Phoebe Allen. City Staff: Steve Sadowsky, 512-974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-133 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

134. C14H-2014-0010 - Majors-Butler-Thomas House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1119 East 11th Street (Boggy Creek Watershed) from commercial-liquor sales-neighborhood conservation combining district - neighborhood Plan (CS-1-NCCD-NP) combining district zoning to commercial-liquor sales-historic landmark-neighborhood conservation combining district -neighborhood plan (CS-1-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-historic landmark-neighborhood conservation combining district -neighborhood plan (CS-1-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant commercial-liquor sales-historic landmark-neighborhood conservation combining district -neighborhood plan (CS-1-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-historic landmark-neighborhood conservation combining district-neighborhood plan (CS-1-H-NCCD-NP) combining district zoning. Applicants: Monica Woods, Richard Thomas, and Thomas family members, owners. City Staff: Steve Sadowsky, 512-974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140925-134 for commercial-liquor sales-historic landmark-neighborhood conservation combining district-neighborhood plan (CS-1-H-NCCD-NP) combining district zoning was

approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

94. Set a public hearing to consider a request by Success Foods Management Group LLC d/b/a Torchy's Tacos, located at 1822 South Congress Avenue, to waive the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school. (Suggested date and time: October 2, 2014, 4:00 p.m. at Travis County Commissioners Court, 700 Lavaca Street, Austin TX).
- The public hearing was set for October 23, 2014 at 4:00 p.m. at Travis County Commissioners Court, 700 Lavaca Street, Austin TX on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

99. Approve second and third readings of an ordinance authorizing floodplain variances to demolish the existing single-family house at 4515 Speedway and construct a new two story duplex. This property is partially in the 25-year floodplain and entirely in the 100-year floodplain of Waller Creek. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON AUGUST 28, 2014)
- Ordinance No. 20140925-099 was approved on Council Member Martinez' motion, Council Member Riley's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Riley, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Morrison.**

ZONING DISCUSSION ITEMS

Items 107 and 108 were acted on in a combined motion

107. NPA-2014-0017.01 - Korean United Presbyterian Church FLUM Amendment - Conduct a public hearing and approve an ordinance amending the Crestview/Wooten 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 2000 Justin Lane and 2009 Cullen Avenue (Shoal Creek Watershed) from Civic to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use/Office land use. Owner/Applicant: Korean United Presbyterian Church (Roy M. Kimm). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 512-974-2695.
- There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to postpone this item to November 20, 2014.**

There was a substitute motion made by Council Member Tovo and seconded by Council Member Morrison to postpone this item to October 16, 2014. The motion passed on a vote of 7-0.

108. C14-2014-0036 - Korean United Presbyterian Church Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2000 Justin Lane and 2009 Cullen Avenue (Shoal Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining

district zoning, with conditions. Owner: Korean United Presbyterian Church (Roy M. Kimm). Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 512-974-7604.

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to postpone this item to November 20, 2014.

There was a substitute motion made by Council Member Tovo and seconded by Council Member Morrison to postpone this item to October 16, 2014. The motion passed on a vote of 7-0.

120. C14-2014-0095 - Pour House Pints and Pies- Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11835 Jollyville Road (Walnut Creek Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Owner: Jollyville Holdings, LLC (Gregg Scott). Applicant/Agent: McLean & Howard (Jeffrey S. Howard). 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 community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved with the following prohibited uses and development regulations on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Prohibited Uses for Tract 2:

Automotive Rentals

Automotive Repair Services

Automotive Sales

Automotive Washing (of any type)

Bail Bond Services

Exterminating Services

Pawn Shop Services

Service Station

Development Regulations for Tracts 1 and 2:

Limited to a maximum of 40 feet or 3 stories in height

Development intensity for entire site shall be limited to less than 2,000 trips per day

125. C14-2014-0105 - Samon - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2428 and 2432 South First Street (East Bouldin Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services - conditional overlay (CS-CO) combining district zoning to Tract 1, neighborhood commercial - conditional overlay (LR-CO) combining district zoning to Tract 2, and limited office- conditional overlay (LO-CO) combining district zoning to Tract 3. Planning Commission Recommendation: To grant general commercial services - conditional overlay (CS-CO) combining district zoning to Tract 1, neighborhood commercial - conditional overlay (LR-CO) combining district zoning to Tract 2, and limited office- conditional overlay (LO-CO) combining district zoning to Tract 3. Owner: James Samon. Applicant: Ates Construction Co (Ray D. Ates). City Staff: Lee Heckman, 512-974-7604.

This item was postponed to October 2, 2014 on Council Member Tovo's motion, Council Member Riley's second on a 7-0 vote.

130. C814-2014-0110.SH - Colony Park Sustainable Community Initiative PUD - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as

located on the north side of Loyola Lane between Johnny Morris Road and Decker Lane (Walnut Creek Watershed, Elm Creek Watershed, Decker Creek Watershed) from single family residence-standard lot (SF-2) district zoning, family residence (SF-3) district zoning, and multi-family residence-low density (MF-2) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Owner: Austin Housing Finance Corporation (Sandra Harkins). Applicant: Urban Design Group (Laura Touns). 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 for planned unit development (PUD) district zoning, with conditions was approved on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

135. NP-2013-0030 - South Austin Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the South Austin Combined Neighborhood Plan. The boundaries for the South Austin Combined Neighborhood Planning Area are Ben White Blvd. on the north, South 1st St. on the east, William Cannon Drive on the south, and the Sunset Valley City Limits on the west. Staff Recommendation: To grant the land use recommendations that implement the South Austin Combined Neighborhood Plan. Planning Commission Recommendation: To forward to Council with no recommendation. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Francis Reilly, 512-974-7657.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance to grant the land use recommendations that implement the South Austin Combined Neighborhood Plan was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to conduct a conversation with the stakeholders between the first and second readings regarding opt in plan.

136. C14-2014-0017 - Westgate Neighborhood Plan Area Rezonings - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the Westgate Neighborhood Planning Area, generally bounded by West Ben White Boulevard on the north, Manchaca Road on the east, West Stassney Lane on the south, and generally along the lot line and Westgate Boulevard on the west (Williamson Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area described above. The proposed zoning changes also implement the land use recommendations of the South Austin Combined Neighborhood Plan, NP-2013-0030, on 537.02 acres. Under the proposed Westgate NPCD, the following are proposed to be applied area-wide: 1) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback, and 2) mobile food establishment restrictions. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Westgate Neighborhood Plan. Planning Commission Recommendation: To forward to Council with no recommendation. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Francis Reilly, 512-974-7657.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance to grant rezonings that implement the land use recommendations of the Westgate Neighborhood Plan was approved with the following design tools on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

The Design tools were:

- **Parking placement and impervious cover restrictions**
- **Garage placement**
- **Front porch setback**
- **Mobile food establishment restrictions**
- **Front yard parking restrictions**

137. C14-2014-0018 - South Manchaca Neighborhood Plan Area Rezonings - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the South Manchaca Neighborhood Planning Area, generally bounded by West Ben White Boulevard on the north, South 1st Street on the east, West Stassney Lane on the south, and Manchaca Road on the west (West Bouldin Creek Watershed; Williamson Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area described above. The proposed zoning changes also implement the land use recommendations of the South Austin Combined Neighborhood Plan, NP-2013-0030, on 889 acres. Under the proposed South Manchaca NPCD, the following are proposed to be applied area-wide: 1) infill options including small-lot amnesty and secondary apartments, 2) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback, and 3) mobile food establishment restrictions; and 4) within designated subdistricts, the infill options of urban home and corner store. Staff Recommendation: To grant rezonings that implement the land use recommendations of the South Manchaca Neighborhood Plan. Planning Commission Recommendation: To forward to Council with no recommendation. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Francis Reilly, 512-974-7657.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for rezonings that implement the land use recommendations of the South Manchaca Neighborhood Plan was approved with the following adoptions and friendly amendments on Council Member Spelman's motion, Council Member Morrison's second on a vote.

Adopt the following infill options:

- **Corner store**
- **small lot amnesty infill option**
- **secondary apartment option**

Adopt the following design tools:

- **Parking placement and impervious cover restrictions**
- **Garage placement**
- **Front porch setback**

Adopt mobile food establishment restrictions

There was a friendly amendment made by Council Member Morrison to adopt the infill option for secondary apartment option except the ones in the floodplains. The amendment was accepted by the maker of the motion.

There was a friendly amendment made by Council Member Spelman to adopt the infill option for secondary apartment option except the ones in the floodplains. The amendment was accepted by Council Member Morrison, who made the second.

There was a friendly amendment made by Council Member Morrison to exclude properties with deed restrictions. The amendment was accepted by the maker of the motion.

138. C14-2014-0019 - Garrison Park Neighborhood Plan Area Rezonings - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the Garrison Park Neighborhood Planning Area, generally bounded by West Stassney Lane on the north, South 1st Street on the east, West William Cannon Drive on the south, and Deatonhill Drive and generally along the lot line, and Westgate Boulevard on the west (Williamson Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area described above. The proposed zoning changes also implement the land use recommendations of the South Austin Combined Neighborhood Plan, NP-2013-0030, on 1,257.6 acres. Under the proposed Garrison Park NPCD, the following are proposed to be applied area-wide: 1) the infill option of small-lot amnesty, 2) design tools including parking placement and impervious cover restrictions, garage

placement, and front porch setback, and 3) mobile food establishment restrictions; and 4) within designated subdistricts, the infill options of cottage lot, urban home and secondary apartments. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Garrison Park Neighborhood Plan. Planning Commission Recommendation: To forward to Council with no recommendation. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Francis Reilly, 512-974-7657.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for was approved with the following options on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Morrison voted nay.

Adopt small-lot amnesty for the 58 parcels identified on the neighborhood plan map

Adopt secondary apartments only in subdistrict of Garrison Park east of the UP railroad tracks and not in floodplain

Adopt the following design tools:

- **Parking placement and impervious cover restrictions**
- **Garage placement**
- **Front porch setback**

Adopt mobile food establishment restrictions

There was a friendly amendment made by Council Member Riley to note that work on infill is ongoing during the code revision process and that there may be other opportunities to put together other regulatory frameworks. This was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 5:03 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 5:04 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

142. Conduct a public hearing and consider an ordinance amending City Code Title 25 to amend the boundary of the Northwest Park and Ride (Lakeline) Transit Oriented Development located at 9829 1/2 North Lake Creek Parkway.

This item was withdrawn without objection.

140. Conduct a public hearing and consider an appeal by David Cancialosi regarding the denial of a waiver request by the Residential Design and Compatibility Commission to increase the maximum floor-to-area ratio allowed by the McMansion ordinance, City Code Chapter 25-2 (Subchapter F), for an existing single-family residence located at 903 Ethel Street (2014-056362 PR).

The public hearing was conducted and the the appeal failed on Council Member Spelman's motion, Council Member Morrison's second on a 3-4 vote. 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.

Mayor Leffingwell recessed the Council Meeting for Proclamations at 5:38 p.m.

PROCLAMATIONS

Proclamation -- NAMI Walks Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Karen Ranus

Proclamation -- Binational Health Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Consul Rosalba Ojeda

Proclamation -- Austin Steam Train Day -- to be presented by Council Member Chris Riley and to be accepted by Ben Sargent

Proclamation -- Small and Minority Business Resources Appreciation -- to be presented by Council Member Laura Morrison and to be accepted by Veronica Lara

Proclamation -- House of Torment Day -- to be presented by Council Member Laura Morrison and to be accepted by Jon Austin Love and Monsters

Proclamation -- Domestic Violence Awareness Month -- to be presented by Council Member Laura Morrison and to be accepted by Chief Art Acevedo

Proclamation -- Hermandad de Sigma Iota Alpha, Inc.'s 24th Anniversary -- to be presented by Council Member Mike Martinez and to be accepted by Cristina Luna

Distinguished Service Award -- Jeri Houchins -- to be presented by Council Member Mike Martinez and to be accepted by the honoree

Certificates of Congratulations -- Rockin' Tomato and Celia Hughes -- to be presented by Council Member Kathie Tovo and to be accepted by the honorees

Mayor Leffingwell called the Council Meeting back to order at 7:10 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

141. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-6 to allow metered parking spaces to be counted towards the minimum off-street parking required for non-residential uses. **This item was postponed to October 23, 2014 on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.**
132. C14H-2014-0007 - Red River International House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3805 Red River Street (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Planning Commission Recommendation: To deny family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 512-974-6454. **This item was postponed to October 16, 2014 on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
143. Conduct a public hearing and consider an ordinance adopting the Urban Trails Master Plan. **The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140925-143 was approved with the following friendly amendments on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

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

Page xi and 5-11, amend language to read, "Upon completion of 30% design, Urban Trail projects will brief the Environmental Board and an other appropriate boards and commissionf or their review and recommendations, and present to Council's Comprehensive Planning and Transporttion Committee or its successor committee."

Page 5-11, amend and add criteria for presentation to Council Committee to read, "Upon completion of 30% design, Urban Trail projects will brief the Environmental Baord and any other appropriate boards and commissions for their review and recommendations, and present to Council's Comprehensive Planning and Transportation Committee or its successor committee. As part of the Council Committee presentation staff will further provide considerations for trail alignment, width, trail surface material, environmental aspects such as CEFs, trees, slopes, etc., community concerns that have been raised and any other project specific issues and the Council Committee will make recommendations to the Council as needed."

Page 1-7, amend fourth bullet to read, "All weather surface."

Page A-5, amend Surface Material to read, "The typical surface material for an Urban Trail is asphalt."

Page 3-2, amend second paragraph to read, "There are approximately 300 miles of trails of all types within the City of Austin. About 30 miles of these existing trails are considered Urban Trails. These trails have been built by various organizations over the past five decades. Since there has never been a master plan guiding Urban Trail development they do not all meet the standards set forth in the Urban Trails Master Plan. Many existing trail segments, for example, are less than 12 feet wide and do not meet current American with Disabilities Act Accessibility Guidelines (ADAAG). The Parks and Recreation Department will be assessing its current inventory of trails by conducting an ADA Self-Assessment. The result of the assessment will be the creation of a prioritized Transition Plan for the ongoing monitoring, maintenance and upgrade in facilities to comply with the requirements of United States Access Board, Chapter 10: Recreation Facilities Standards. While the 30 miles of existing Urban Trails do not necessarily meet current standards, they do serve as the backbone of the Urban Trail network, and provide the community with an off-street option for traveling around and enjoying the city."

Page x Amend paragraph to incorporate creation of an Urban Trail Webpage, to read, " Upon initiation of the PER process, the public, residents and area stakeholders will be engaged at a public open house to get feedback about the corridor, voice any concerns, identify specific goals/outcomes of the project, and help identify potential access points. A project website will be established to facilitate transparency and sharing of information with the public. The project website will contain meeting information, maps, exhibits, contact information, and the draft PER once it is available. Once the PER process is complete, a secondary open house will be held to present the PER."

Page 5-10 amend paragraph to incorporate creation of an Urban Trail Webpage to read, "The City of Austin will hold one Open House at the initiation of the PER, and another after the PER has almost been compelted. In addition to these Open Houses, staff will collect feedback electronically, by mail, or by telephone. A project website will be established to facilitate transparency and sharing of information with the public. The project website will contain meeting information, maps, exhibits, contact information, and the draft PER once it is available."

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

DISCUSSION ITEMS CONTINUED

77. Approve an ordinance defining transportation network companies (TNCs) and directing the City Manager to enter into agreements with TNCs allowing their operation, creating a penalty, and amending City Code Chapter 13-2 to increase certain penalties. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)

There was a motion made by Council Member Riley and seconded by Mayor Pro Tem Cole to approve the ordinance.

There was a friendly amendment made by Mayor Leffingwell to amend part 3, section 1 as follows: “(1) TNC will provide commercial automobile liability insurance with a minimum combined single limit of \$1 million for each occurrence of bodily injury and property damage for accidents involving TNC vehicles in transit, beginning with the time that the TNC driver turns on the TNC’s digital network and begins to look for a trip request, or during an accepted trip, and ending when the driver turns off the TNC’s digital network,...” The amendment was later withdrawn by Mayor Leffingwell.

There was a friendly amendment made by Council Member Riley to amend part 3 by adding a new section (1) and (2) to read as follows. The amendment was accepted by Mayor Pro Tem Cole, who made the second.

“(1) During the time period beginning when a TNC Driver has logged into a TNC’s digital network and indicated that they are available to receive a request for transportation, and until such time when such TNC driver accepts a request for transportation through the TNC’s digital network, a TNC driver or a combination of policies maintained by either will provide insurance coverage of at least \$30,000 per person for bodily injury and at least \$60,000 for personal injury of two or more persons per accident, and at least \$25,000 for property damage per accident.

(2) Insurance required by Sections (A) and (B) may be placed with an eligible surplus lines insurer.”

There was a friendly amendment made by Council Member Martinez to approve the ordinance on first reading only. This was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Mayor Leffingwell to close the public comment. This was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was an amendment made by Council Member Tovo and seconded by Council Member Morrison to amend part 3, section (B)(1) as follows. The amendment failed on a vote of 2-5. Those voting aye were Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

“(B) During the time period beginning when a TNC Driver has logged into a TNC’s digital network and indicated that they are available to receive a request for transportation, and until such time when such TNC driver accepts a request for transportation through the TNC’s digital network, a TNC, TNC driver or a combination of policies maintained by either will provide primary insurance coverage of at least \$30,000 per person for bodily injury and at least \$60,000 for personal injury of two or more persons per accident, and at least \$25,000 for property damage per accident.

(1) TNC will provide primary commercial automobile liability insurance with a minimum combined single limit of \$1 million for each occurrence of bodily injury and property damage for accidents involving TNC vehicles in transit, beginning with the time that the TNC driver accepts a trip request on the TNC’s digital network, or during the accepted trip, and ending when the with

the time that the TNC driver accepts a trip request on the TNC's digital network, or during the accepted trip, and ending when the rider departs the vehicle, naming the City of Austin as an additional insured. The policy shall be accompanied by a commitment from the insurer that such policy will not be cancelled or coverage reduced without at least 30 days' notice."

There was a friendly amendment made by Council Member Tovo to amend part 3, section 15 as follows. The amendment was not accepted by the maker of the motion.

"(15) 'Dynamic' or 'surge' pricing is prohibited. A TNC must provide:

- (a) A feature on the software application that requires riders to confirm that they understand the pricing that will be charged in order for the ride request to be completed; and
- (b) A fare estimator that enables the user to estimate the cost prior to requesting the ride; and"

There was an amendment made by Council Member Tovo and seconded by Council Member Morrison to amend part 3, section 15 as follows. The amendment failed on a vote of 2-5. Those voting aye were Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

"(15) 'Dynamic' or 'surge' pricing is prohibited. A TNC must provide:

- (a) A feature on the software application that requires riders to confirm that they understand the pricing that will be charged in order for the ride request to be completed; and
- (b) A fare estimator that enables the user to estimate the cost prior to requesting the ride; and"

There was a friendly amendment made by Council Member Martinez to cap the surge pricing at 2 times the rate. The amendment was not accepted by the maker of the motion.

There was an amendment made by Council Member Martinez and seconded by Council Member Tovo to cap the surge pricing at 2 times the rate. The amendment failed on a vote of 3-4. Those voting aye were: Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman.

There was a friendly amendment made by Council Member Tovo to amend part 3, section (B)(3) by adding the following. The amendment was not accepted by the maker of the motion.

"(c) The City will conduct these background checks on each TNC driver and retain each result.

(d) The TNC shall pay for the costs associated with these background checks."

There was an amendment made by Council Member Tovo and seconded by Council Member Morrison to amend part 3, section (B)(3) by adding the following. Council Member Morrison later withdrew her second and the motion died for lack of a second.

"(c) The City will conduct these background checks on each TNC driver and retain each result.

(d) The TNC shall pay for the costs associated with these background checks."

There was a friendly amendment made by Council Member Tovo to amend part 3, section (B) by adding the following and renumbering appropriately. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

"(17) TNC may not allow its drivers to refuse to accept a passenger who is disabled, or to charge a higher fare or additional fee to a person who is disabled, based on the person's disability, use of a support animal unless an undue hardship exists or without providing another TNC driver, wheelchair, crutches, or other mobility assistance device."

There was a friendly amendment made by Council Member Tovo to amend part 3, section (B) by adding the following and renumbering appropriately. The amendment was later withdrawn by the maker.

“(18) Accessible vehicle shall comprise not less than six percent of all vehicles operating for a TNC at all times.”

The following direction was given to staff:

- to create a more definitive plan on how to deal with accessibility issues with TNCs
- To come up with language to the effect that...as we go through this process and the group will continue to work throughout this trial period, that we strive to seek equity between the cab companies and the TNCs with regard to fares, with regard to number of vehicles, and anything else staff can think of.

There was a friendly amendment made by Council Member Tovo to amend part 3, section (B) to read as follows. The amendment was not accepted by the maker of the motion.

“(20) Before operating a vehicle for TNC service, the vehicle must successfully pass a 20-point inspection by a mechanic certified by the State of Texas to perform state inspections. The results of each safety inspection will be provided to the City. These inspections shall include, but not be limited to the following:

1. Emergency bakes;
2. Foot brakes;
3. Steering mechanism;
4. Windshield;
5. Rear window and other glass;
6. Windshield wipers;
7. Headlights;
8. Tail lights;
9. Turn indicator lights;
10. Stop lights;
11. Front seat adjustment mechanism;
12. Doors (open, close, lock);
13. Horn;
14. Speedometer;

There was a friendly amendment made by Council Member Tovo to add a new part 11 to read as follows. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Add part 11 to read, “The effects of this ordinance will be reviewed no later than six months after the date of passage.”

There was a friendly amendment made by Council Member Tovo to amend part (3), section (B)(16)(a) to read as follows. The amendment was not accepted by the maker of the motion.

“(16) TNC must maintain accurate records of all drivers providing service, and discontinued from providing service, through the platform and must be available for audit by a private, agreed-upon third party at any time, no more than four times per year.

- (a) TNC shall provide monthly reports to the city providing information on the effectiveness of the platform to address gaps in Austin’s transportation network. To develop this, the TNC must evaluate and report on information including rider pick-up and drop-off patterns (i.e. peak ridership times and popular pick-up and drop-off locations), cost of trip (including a measure of the amount of time in dynamic pricing), length of trip, and ADA service comparison, as well as any other information requested by the City, to help the city

evaluate the role of TNCs to address transportation issues, such as drunk driving and underserved community needs.”

There was an amendment made by Council Member Tovo and seconded by Council Member Morrison to amend part (3), section (B)(16)(a) to read as follows. The amendment passed on a vote of 4-3. Those voting aye were: Council Members Martinez, Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Riley.

“(16) TNC must maintain accurate records of all drivers providing service, and discontinued from providing service, through the platform and must be available for audit by a private, agreed-upon third party at any time, no more than four times per year.

- (a) TNC shall provide monthly reports to the city providing information on the effectiveness of the platform to address gaps in Austin’s transportation network. To develop this, the TNC must evaluate and report on information including rider pick-up and drop-off patterns (i.e. peak ridership times and popular pick-up and drop-off locations), cost of trip (including a measure of the amount of time in dynamic pricing), length of trip, and ADA service comparison, as well as any other information requested by the City, to help the city evaluate the role of TNCs to address transportation issues, such as drunk driving and underserved community needs.”

There was a friendly amendment made by Council Member Tovo to amend part 3, section (B) to add the following language. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

“(19) A fee will be imposed on all approved TNCs to facilitate the City’s administration and enforcement of agreements made under this ordinance. This fee will be set by separate ordinance.”

There was a friendly amendment made by Council Member Martinez to include the words “per occurrence” at the end of each paragraph that ends with “not to exceed \$500”. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

The first reading of the ordinance with the previous amendments was approved on Council Member Riley’s motion, Mayor Pro Tem Coles second on a 6-1 vote. Council Member Morrison voted nay.

Mayor Leffingwell adjourned the meeting at 12:25 a.m. without objection.

The minutes were approved on this the 2nd day of October, 2014 on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 7-0 vote.