



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 24, 2013**

Invocation: Pastor Edward M. Fleming, Sr., Olivet Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 24, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:09 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of October 15, 2013 and regular meeting of October 17, 2013.
The minutes from the City Council work session of October 15, 2013 and regular meeting of October 17, 2013 were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Items 2 and 3 were pulled for discussion.

4. Authorize negotiation and execution of a 24-month interlocal agreement with THE UNIVERSITY OF TEXAS on behalf of the Clean Energy Incubator, a program of the Austin Technology Incubator, for mutual assistance in the clean energy field, in an amount not to exceed \$265,000 in the first year and in an amount not to exceed \$265,000 in the second year, for a total amount not to exceed \$530,000. Recommended by the Electric Utility Commission
The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
5. Authorize the use of the competitive sealed proposal method for construction in accordance with Government Code Chapter 2267 Subchapter D for the Terminal Area Spalling Concrete Repairs and Improvements Project at the Austin-Bergstrom International Airport.
The motion authorizing the use of the competitive sealed proposal method was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
6. Authorize negotiation and execution of a construction contract with AUSTIN CONSTRUCTORS, LLC, for construction and installation of water and wastewater lines and temporary electric service required for temporary chillers to serve several Seaholm Development District facilities in an amount not to exceed

\$267,756. (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 78.66% MBE prime participation; 0.37% MBE and 2.60% WBE subcontractor participation.)

The motion authorizing the negotiation and execution of a construction contract with Austin Constructors, LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

7. Authorize negotiation and execution of a professional services agreement with the following three firms; MWM DESIGNGROUP; KLOTZ ASSOCIATES, INC. and TRC ENGINEERS, INC. or one of the other qualified responders to fund engineering services for 2013 Field Engineering for Pedestrian, Bicycle, and Urban Trails Rotation List for an estimated period of three years or until financial authorization is expended, for a total amount not to exceed \$1,500,000. (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 84.20% WBE prime participation; 15.80% MBE and 0.00% WBE subconsultant participation.)

The motion authorizing the negotiation and execution of a professional services agreement with MWM DesignGroup; Klotz Associates, Inc.; and TRC Engineers, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

8. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., for Citywide ADA Ramp and Bus Stop Improvements for 2014 - 2016 in the amount of \$3,675,775, plus a \$367,577.50 contingency, for a total contract amount not to exceed \$4,043,353.00. (Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 95.64% DBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

9. Authorize negotiation and execution of a design and commission agreement with the artist team of Stan Pipkin and Barna Kantor in an amount not to exceed \$77,000 for artwork for the 8th St. Streetscape Project.

The motion authorizing the negotiation and execution of a design and commission agreement with the artist team of Stan Pipkin and Barna Kantor was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 10 was pulled for discussion.

11. Authorize negotiation and execution of an interlocal agreement between the City and Travis County to integrate management of hazardous material containment, especially responding to hazardous materials incidents, by sharing personnel, equipment, technology, and data.

The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

12. Approve a resolution authorizing negotiation and execution of state legislative representative services contracts for a total combined amount not to exceed \$805,000.

Resolution No. 20131024-012 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

13. Approve a resolution authorizing negotiation and execution of federal representative services contracts for a total combined amount not to exceed \$270,000.

Resolution No. 20131024-013 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

14. Authorize the negotiation and execution of a 10-month contract with YELLOW BIKE PROJECT for a total amount not to exceed \$58,085.05 for the period beginning November 1, 2013, through August 31, 2014, for juvenile delinquency prevention services under the 78744 Community Youth Development Program with no renewal options.

The motion authorizing the negotiation and execution of a contract with Yellow Bike Project was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

15. Authorize negotiation and execution of an interlocal agreement with TEXAS DEPARTMENT OF STATE HEALTH SERVICES to provide an oversampling in Travis County for the Texas Behavioral Risk Factor Surveillance System to increase the phone survey from 320 to 1,300 Travis County residents for the 2014 survey initiative in an amount not to exceed \$100,000 for the term of October 1, 2013 through September 1, 2015.

The motion authorizing the negotiation and execution of an interlocal agreement with Texas Department of State Health Services was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

16. Approve an ordinance amending City Code Chapter 10-3 by amending provisions regulating certified farmers' markets and vendors, creating offenses and providing penalties, adding annual permits and requirements, and making other miscellaneous changes related to food and food handlers.

Ordinance No. 20131024-016 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

17. Approve an ordinance amending Exhibit A to Ordinance No. 20130909-003, the Fiscal Year 2013-2014 Fees, Fines, and Other Charges to be set or charged by the City, to revise Health and Human Services fees to set fees for a new annual permit by category (Class A, B or C) for booths offering products at a farmers' market.

Ordinance No. 20131024-017 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

18. Authorize negotiation and execution of an amendment to a legal services contract with Parker Hudson Ranier and Dobbs, LLP, for services related to Austin Fire Department 2012 and 2013 hiring issues, in the amount of \$100,000, for a total contract amount not to exceed \$150,000.

The motion authorizing the negotiation and execution of an amendment to a legal services contract with Parker Hudson Ranier and Dobbs, LLP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

19. Authorize negotiation and execution of an amendment to a professional services contract with French & Associates for consulting services related to Austin Fire Department 2012 and 2013 hiring issues, in the amount of \$75,000, for a total contract amount not to exceed \$100,000.

The motion authorizing the negotiation and execution of an amendment to a professional services contract with French & Associates was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 20 was pulled for discussion.

21. Authorize negotiation and execution of an amendment to the interlocal agreement with AUSTIN TRAVIS COUNTY INTEGRAL CARE, to provide Community Development Block Grant eligible services to youth and their families in an amount not to exceed \$203,700 from October 1, 2013 through September

30, 2014, with two twelve-month renewal options, in an amount not to exceed \$203,700 per option, for a total contract amount not to exceed \$814,800.

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

22. Authorize negotiation and execution of an interlocal agreement between the City and the Capital Area Council of Governments for the Emergency Notification System (ENS).

The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Capital Area Council of Governments was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

23. Approve an ordinance authorizing the negotiation and execution of any and all documents necessary to purchase in fee simple a tract of land totaling approximately 2 acres in Travis County, Texas, located at 1906 Patton Lane, from Malena L. Pomerleau, for a total amount not to exceed \$400,000, authorizing the naming of the tract as the Earl J. Pomerleau Park, and waiving City Code Chapter 14-1 requirements related to naming public property.

Ordinance No. 20131024-023 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

24. Authorize the acquisition of a conservation easement consisting of approximately 732.57 acres of land located in Hays County, Texas, and fronting Ruby Ranch Road on Hwy 967, from the Jim and Jesse Ruby Family Partnership, Ltd., a Texas limited partnership, in a total amount not to exceed \$2,000,000 from the November 6, 2012, bond package, Proposition 13 Open Space Program.

The motion authorizing the acquisition of a conservation easement from the Jim and Jesse Ruby Family Partnership, Ltd., a Texas limited partnership was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

25. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 5.1739 acres in Travis County, Texas, located at 7309 North Interstate Highway 35 from CHRYSLER GROUP REALTY COMPANY LLC, in an amount not to exceed \$2,900,000.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land from Chrysler Group Realty Company LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

26. Approve an ordinance to annex the State Highway 71 East area for full purposes (approximately 406 acres in southeastern Travis County south of State Highway 71 East, at the southwest corner of the intersection of State Highway 71 and State Highway 130); and approve a service plan.

Ordinance No. 20131024-026 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

27. Approve an ordinance to annex the Preserve at Thomas Springs Road area for full purposes (approximately 13 acres in southwestern Travis County south of Thomas Springs Road approximately three tenths of a mile west of the intersection of State Highway 71 and Thomas Springs Road); and approve a service plan.

Ordinance No. 20131024-027 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

28. Approve an ordinance to annex the Marbella area for full purposes (approximately 130 acres in southern Travis County east of IH 35 South approximately 3,400 feet north of the intersection of IH 35 and

Slaughter Lane); approve a service plan; and approve termination of the Marbella Annexation and Development Agreement concerning annexation and development of the Marbella tract.

Ordinance No. 20131024-028 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

29. Approve first reading of an ordinance to annex the Ace Auto Salvage area for full purposes (approximately 6 acres in northwestern Travis County north of Spicewood Springs Road approximately 250 feet west of the intersection of Spicewood Springs Road and Yaupon Drive); and approve a service plan.

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

30. Approve an ordinance to annex the Prosperity Business Park area for full purposes (approximately 13 acres in southern Travis County south of Slaughter Lane approximately 280 feet east of the intersection of IH 35 South and Oak Hill Lane); and approve a service plan.

Ordinance No. 20131024-030 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

31. Approve an ordinance to annex the Avaña-Spillar area for full purposes (approximately 293 acres in southwestern Travis County and northeastern Hays County approximately one and one quarter miles south of the intersection of State Highway 45 and Escarpment Blvd); and approve a service plan.

Ordinance No. 20131024-031 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

32. Approve an ordinance on first reading to annex the Wildhorse Ranch area for full purposes (approximately 2,164 acres in eastern Travis County south of US Highway 290 East at the intersection of State Highway 130 and US Highway 290 East); and approve a service plan.

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

33. Approve an ordinance adopting the Bloor Annexation and Development Agreement, concerning annexation and development of approximately 196 acres in Travis County at the northeast corner of the intersection of Bloor Road and Blue Bluff Road.

Ordinance No. 20131024-033 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

34. Approve an ordinance to annex the Goodnight Ranch South area for full purposes (approximately 458 acres in southern Travis County approximately 670 feet east of the intersection of East Slaughter Lane and Old Lockhart Road); and approve a service plan.

Ordinance No. 20131024-034 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

35. Approve first reading of an ordinance to annex the Morse Tract area for full purposes (approximately 178 acres in Travis County east of the intersection of Ed Bluestein Blvd and US 290 East and west of Springdale Road/Manor Road); and approve a service plan.

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

36. Authorize negotiation and execution of an interlocal agreement with Travis County in an amount not to exceed \$20,000 per year for one assistant district attorney position, which is to be devoted to handling criminal matters in the Downtown Business District.

The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

37. Approve an ordinance accepting \$204,867 in grant funds from the U.S. Department of Justice, National Institute of Justice; and amending the Fiscal Year 2013-2014 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$204,867 for the Austin Police Department project entitled FY 2013 DNA Backlog Reduction Program.
Ordinance No. 20131024-037 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
38. Approve an ordinance accepting \$321,038 in grant funds from the U.S. Department of Justice, Bureau of Justice Assistance; and amending the Fiscal Year 2013-2014 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$321,038 for the Austin Police Department project entitled City of Austin and Travis County Justice Assistance Grant Project.
Ordinance No. 20131024-038 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
39. Authorize negotiation and execution of an interlocal agreement between the City and the University of Texas at Austin in an amount not to exceed \$40,000 to provide direct services for the City of Austin Joint Juvenile Gang Intervention Unit Juvenile Justice Improvement Project.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and the University of Texas at Austin was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
40. Approve ratification of Amendment No. 2 to the contract with HORUS PARTNERS, INC, to increase the contract amount for additional solar energy system repair and maintenance services in an amount not to exceed \$12,000, for a total revised contract amount not to exceed \$62,000. Recommended by the Electric Utility Commission (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). This is an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)
The motion to ratify amendment number number two to the contract with Horus Partners, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
41. Authorize award and execution of Amendment No. 1 to a requirements service contract with GE POWER & WATER, TRANSCANADA TURBINES, and WOOD GROUP PRATT & WHITNEY, for maintenance and repair services for gas turbines at Austin Energy power plants, to increase the contract amount for the current contract period in an amount not to exceed \$6,000,000 each and combined, and the first 24-month extension option in an amount not to exceed \$4,000,000 each and combined, for a revised total contract amount not to exceed \$26,000,000 each and combined. Recommended by the Electric Utility Commission (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of amendment number one to a requirements service contract with GE Power & Water, Transcanada Turbines and Wood Group Pratt & Whitney was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
42. Authorize award and execution of a thirty six-month requirements supply agreement with HD SUPPLY WATERWORKS LTD for cast iron manhole covers & rings for Austin Energy in an amount not to exceed \$164,580, with three 12-month extension options in an amount not to exceed \$54,860 per

extension option, for a total contract amount not to exceed \$329,160. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply agreement with HD Supply Waterworks LTD was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

43. Authorize award and execution of Amendment No. 1 to a 36-month contract with ALMETEK INDUSTRIES, INC., for embossed metal drain markers for the Watershed Protection Department, to add funding for the remaining three 12-months options in an amount not to exceed \$11,625 per extension option, for a revised total contract amount not to exceed \$69,750. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of amendment number one to a contract with Almetek Industries, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

44. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SIDDONSON-MARTIN EMERGENCY GROUP for the purchase of two pumper fire trucks and two ladder fire trucks in an amount not to exceed \$3,000,375. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Siddons-Martin Emergency Group was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

45. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with SOUTHWEST AMBULANCE SALES, LLC for the purchase of thirteen ambulances in an amount not to exceed \$2,519,628 and authorize award and execution of a contract through the Houston-Galveston Area Council Cooperative (HGAC) with SOUTHWEST AMBULANCE SALES, LLC for the purchase of one ambulance remount in an amount not to exceed \$118,036. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Southwest Ambulance Sales, LLC and through the Houston-Galveston Area Council Cooperative (HGAC) with Southwest Ambulance Sales, LLC was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

46. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD for the purchase of 190 police vehicles in an amount not to exceed \$5,566,291. (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 contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, LTD was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 47 was pulled for discussion.

48. Approve a resolution authorizing negotiation and execution of an advance funding agreement between the City and the Texas Department of Transportation for the Planning and Environmental Linkages Study along the I-35 Corridor between SH45 to the north and SH45 to the south, for a future transportation corridor in an amount not to exceed \$2,000,000. Related to Items #49 and #50.

Resolution No. 20131024-048 was approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

49. Approve an ordinance amending the Fiscal Year 2013-2014 Austin Transportation Department Capital Budget (Ordinance No. 20130909-002) to increase appropriations by \$2,000,000 for transportation corridor mobility improvements. Related to Items #48 and #50.

Ordinance No. 20131024-049 was approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

50. Approve a resolution declaring the City's official intent to reimburse itself from November 2012 General Obligation Bonds to be issued for transportation corridor mobility improvement expenditures in the amount of \$2,000,000. Related to Items #48 and #49.

Resolution No. 20131024-050 was approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

Item 51 was pulled for discussion.

52. 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 waivers were approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

Nominations

There are no nominations scheduled for today.

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of James Sassin on the Ethics Review Commission. The waiver includes absences through today’s date.

53. Approve a resolution amending the Austin Energy Resource, Generation, and Climate Protection Plan to 2020 to specify a goal for the portion of solar generation that will be local distributed solar projects. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Bill Spelman CO 2: Council Member Laura Morrison)

Resolution No. 20131024-053 was approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

54. Approve an ordinance waiving certain fees for the Day of Tango Festival sponsored by the Academy of Tango-Texas which is to be held December 6-8, 2013 at the Ben Hur Shrine Temple Auditorium. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison)

Ordinance No. 20131024-054 was approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

Items 55 and 56 were set for a time certain of 6:30 p.m.

57. Approve a resolution directing the City Manager to participate in the Capital Area Council of Governments' air quality program's Ozone Advance Action Plan, implement appropriate emission reduction measures, and report back to Council by December 16, 2013. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Council Member Kathie Tovo)
Resolution No. 20131024-057 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 58 was pulled for discussion.

59. Approve an ordinance waiving certain requirements and waiving or reimbursing certain fees under City Code Chapter 14-8 and authorizing payment of certain costs for the Texas-Sized Pittie Pride event sponsored by Love-A-Bull which is to be held on Sunday, October 27, 2013 with a parade up Congress Avenue ending with a festival at Republic Square Park. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20131024-059 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

60. Approve a resolution directing the City Manager to identify areas within the upcoming fiscal year 2014-2015 budget to conduct facilitated discussions of the Asian American quality of life issues in Austin; develop strategies to address the findings coming out of a Community Scorecard and the discussions; report back to Council with recommendations for enhanced or new City programs and practices; provide the Public Health and Human Services Subcommittee with a six-month update and establish an Asian American Quality of Life Advisory committee to guide efforts and the work of the Asian American Resource Center. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)
This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Item 61 was pulled for discussion.

62. Approve the waiver or reimbursement of certain fees and requirements under City Code Chapter 14-8 for the 23rd Annual ThunderCloud Subs Turkey Trot which is to be held on Thursday, November 28, 2013 at the Long Center for the Performing Arts. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Sheryl Cole)
The motion to approve the waiver or reimbursement of certain fees and requirements for the 23rd Annual ThunderCloud Subs Turkey Trot was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

63. Approve a resolution concerning the following: (a) code enforcement processes and legal responses used by the City of Austin and other cities, (b) properties with high criminal activity and code violations, (c) low-interest financing programs related to rehabilitating rental properties, (d) educational programs for tenants and landlords, and (e) possible funding of targeted code enforcement programs through the Department of Justice "Restore Rundberg" grant. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
Resolution No. 20131024-063 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole recused herself.

84. Approve an ordinance amending City Code Chapter 2-1 to create an Asian American Quality of Life Advisory Commission. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)
Ordinance No. 20131024-084 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

85. Approve a resolution directing the City Manager to identify areas within the budget to conduct facilitated discussions of the Asian American quality of life issues in Austin; develop strategies to address the findings coming out of a Community Scorecard and the discussions; report back to Council with recommendations for enhanced or new City programs and practices; and provide the Public Health and Human Services Subcommittee with a six-month update. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)
Ordinance No. 20131024-085 was approved on consent on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

Items 68 through 70 were Executive Session items.

Items 71 through 79 were zoning items set for 2:00 p.m.

Items 80 through 83 were public hearing items set for 4:00 p.m.

Items 84 and 85 were addendum items.

DISCUSSION ITEMS

Items 2 and 3 were acted on in a combined motion.

2. Approve issuance of a rebate to CWS Apartment Homes for performing duct diagnostics and improvements at the Marquis at Center Ridge Apartments, 701 Center Ridge Drive, Austin, Texas, in an amount not to exceed \$97,558. Recommended by the Electric Utility Commission
The motion to approve the issuance of a rebate to CWS Apartment Homes was approved on Council Member Tovo’s motion, Council Member Spelman’s second on a 7-0 vote.
3. Approve issuance of a rebate to CWS Apartment Homes for performing duct diagnostics and improvements at the Marquis at Tech Ridge Apartments, 12800 Center Lake Drive, Austin, Texas, in an amount not to exceed \$83,310. Recommended by the Electric Utility Commission
The motion to approve the issuance of a rebate to CWS Apartment Homes was approved on Council Member Tovo’s motion, Council Member Spelman’s second on a 7-0 vote.

Action was taken on item 10 but was reconsidered later in the meeting. See below.

Action was taken on item 20 but was reconsidered later in the meeting. See below.

47. Authorize award, negotiation and execution of a contract with BBC RESEARCH & CONSULTING, for a Housing Market Study and an Impediments to Fair Housing Choice Study in an amount not to exceed \$169,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a contract with BBC Research & Consulting was approved on Mayor Pro Tem Cole’s motion, Council Member Morrison’s second on a 7-0 vote.
20. Approve an ordinance setting the council meeting schedule for calendar year 2014.
Ordinance No. 20131024-020 was approved with the following amendment on Council Member Riley’s motion, Council Member Morrison’s second on a 7-0 vote. The amendment was to remove the Council Meeting date of June 5, 2014 and add a Council Meeting date for May 22, 2014.

A motion to reconsider item 20 was approved on Council Member Tovo’s motion, Council Member Martinez’ second on a 7-0 vote.

Ordinance No. 20131024-020 was approved with the following amendments on Council Member Tovo's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

The amendments were to amend the proposed Council Meeting schedule as follows:

Remove

- **Council work session dates of January 7, 2014 and June 3, 2014 and**
- **Council Meeting dates of January 9, 2014 and June 5, 2014**

Add

- **Council work session dates of January 21, 2014 and May 20, 2014 and**
- **Council Meeting dates of January 23, 2014 and May 22, 2014.**

51. Approve an ordinance amending City Code Title 4 to add Chapter 4-15 relating to special events and high-capacity venues, repealing and replacing Chapter 14-8 relating the right-of-way closures for special events; amending Section 10-3-96 relating to temporary food establishments; repealing Section 14-6-3 relating to closures for street festivities; initiating code amendments related to temporary signs during a special event; and creating a penalty.

The first reading of the ordinance was approved with the following friendly amendment and direction to staff on Council Member Martinez' motion, Council Member Riley's second on a 7-0 vote. In the interim a special Council subcommittee will be created to hold public meetings. Direction was given to staff to bring this item back on January 30, 2014 for second and third readings.

There was a friendly amendment made by Mayor Leffingwell to close the public comment. The amendment was accepted by the maker of the motion and Council Member Riley, who made the second.

58. Approve a resolution initiating amendments to the Land Development Code, City Code Title 25, to allow metered parking spaces to count toward minimum parking requirements. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Mayor Pro Tem Sheryl Cole)
Resolution No. 20131024-058 was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-1 vote. Mayor Leffingwell voted nay. Direction was given to staff to involve the Law Department in addressing the issue of how businesses are treated regarding parking.

CITIZEN COMMUNICATIONS: GENERAL

Robert MacDonald - World vision for Austin

Carlos León - 1.) 10/17/13- Chemtrails above City Hall; stop the Chemtrailing of Austin's airspace 2.) Truth defeats lies 3.) Fear God; follow God & depart from evil; put God 1st and at the center

Dolores Duffie - Parking on Cherrywood Road

Koo-Hyun Kim - Reopening government. Republican law makers are insane. They are terrorists.

Ronnie Reefersseed - Ongoing tyranny and the horrific kill-grid

Jere Locke - Drought & water **Not present when name was called.**

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

Paul Robbins - City and budget issues

CAROLANNROSEFROMTHEDEADKENNEDY - THANKS4GIVING 2013

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

EXECUTIVE SESSION

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

68. Discuss legal issues related to Open Government matters (Private consultation with legal counsel-Section 551.071 of the Government Code).
This item was withdrawn.
69. 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.
70. Discuss legal issues related to the Petition of North Austin Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District, and Wells Branch Municipal Utility District from the Ratemaking Actions of the City of Austin and Request for Interim Rates; TCEQ Docket No. 2013-065-UCR; SOAH Docket No. 582-134617 (Private consultation with legal counsel - Section 551.071 of the Government Code)

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:06 p.m.

ZONING CONSENT ITEMS

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

72. C14-2013-0060 - Bluff Springs Food Mart - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7101 Bluff Springs Road (Onion Creek Watershed) from single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. First Reading approved on September 26, 2013. Vote: 7-0. Owner/Applicant: Bluff Springs Food Mart, Inc. (Tariq Majeed). Agent: Moncada Consulting (Phil Moncada). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to November 7, 2013 at the applicant and neighborhood's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
73. C14-2013-0084 Franklin BBQ Kitchen - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 901 Juniper Street (Waller Creek Watershed) from multi-family residence-medium density-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-MU-CO-NCCD-NP) combining district zoning. First reading approved on October 17, 2013. Vote: 7-0. Owner: Bens Long Branch BBQ, Inc., (Perry Lorenz). Applicant: LS Johnston Architects, (Linda Johnston). City Staff: Heather Chaffin, 512-974-2122.
Ordinance No. 20131024-073 for community commercial-mixed use-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-MU-CO-NCCD-NP) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

74. C14-2013-0085 Franklin BBQ Kitchen (NCCD Amendment) - Approve second/third readings of an ordinance amending City Code Chapter 25-2 to allow food preparation as a conditional land use to the East 11th Street Neighborhood Conservation Combining District for the property locally known as 901 Juniper Street (Waller Creek Watershed). First reading approved on October 17, 2013. Vote: 7-0. Owner: Ben's Long Branch BBQ, Inc. (Perry Lorenz). Agent: LS Johnston Architects (Linda Johnston). City Staff: Heather Chaffin, 512-974-2122.
Ordinance No. 20131024-074 to allow food preparation as a conditional land use was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
75. C14-2013-0027 - Kincheon Neighborhood Commercial Center - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7905 Brodie Lane (Williamson Creek Watershed-Barton Springs Zone) from neighborhood office-conditional overlay (NO-CO) combining district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, as amended. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood commercial (LR) district zoning. Owner/Applicant: Shelby Michael Minns and Katherine T. Minns. 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 neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
77. C14-2013-0069 - 5107 & 5109 Manchaca Road - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5107 and 5109 Manchaca Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Urban Design Group (John Noell). Agent: John Noell. City Staff: Wendy Rhoades, (512) 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20131024-077 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
78. C14-2013-0086 - RKS Springfield Zoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 6605 and 6801 East William Cannon Drive, and 7300 McKinney Falls Parkway (Marble Creek Watershed, Cottonmouth Creek Watershed) from single family residence-standard lot (SF-2) district zoning, single family residence-small lot (SF-4A) district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-medium density (MF-3) district zoning, neighborhood commercial (LR) district zoning and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to single family residence-small lot (SF-4A) district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning (GR-MU-CO) for Tracts 2 and 3. Staff Recommendation: To grant single family residence-small lot (SF-4A) district zoning for Tract 1, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 3, with conditions. Zoning and Platting Commission Recommendation: To grant single family residence-small lot (SF-4A) district zoning for Tract 1, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 3, with conditions.

Owner/Applicant: RKS Texas Investments, L.P. (Rick Sheldon). Agent: Coats Rose (John M. Joseph). 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 single family residence-small lot (SF-4A) district zoning for Tract 1, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 3, with conditions was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

79. C14-2013-0103 - 4845 Spicewood Springs Rezone - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 4845 Spicewood Springs Road (Bull Creek Watershed) from interim-family residence (I-SF-3) district zoning and limited office (LO) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Owner/Applicant: Oars Investments LLC. Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, (512) 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20131024-079 for limited office (LO) district zoning was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

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

The second reading of the ordinance for single family residence-standard lot (SF-2) district zoning was approved with the addition of the following conditions on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

The additional Conditions were:

- **Maintain the requirement for the shoreline setback of 75 feet**
- **Reserve 30% woody vegetation within the shoreline setback**
- **Limit development on steep slopes**
- **If there is a sewage holding tank that is at least partially below ground or an affluent disposal site it must be at least 100 feet horizontally from the shoreline**
- **A sewage facility drain field that uses soil as a filter medium may not be located on land with a gradient of more than 15%**
- **Development on the property may not exceed one residential unit in perpetuity**
- **Permanent improvements in the shoreline setback are prohibited except for retaining wall, pier, wharf, boathouse, marina or a driveway to a structure of building on the property**
- **Side yard setbacks of 10 feet and IMP management plan approved by watershed protection**
- **A total site area of impervious cover to be limited to 37%**

DISCUSSION ITEMS CONTINUED

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

There was a motion made by Council Member Riley and seconded by Council Member Martinez to deny the ordinance with direction to staff to complete the treat assessment as requested. Council Member Martinez later withdrew his second and the motion died for lack of a second.

Ordinance 20131024-061 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Riley voted nay.

Action on Item(s) with Closed Public Hearings - per City Code Section 2-5-27, additional speakers will not be registered

65. Approve second and third readings of an ordinance amending City Code Section 25-2-921 to allow properties that are primarily used for certain civic uses to obtain temporary use permits for public assembly. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON APRIL 25, 2013.

This item was postponed to November 7, 2013 without objection.

64. Approve second and third readings of an ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON AUGUST 22, 2013.

The second reading of the ordinance was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

67. Approve second and third readings of an ordinance amending the City's water and wastewater impact fee program by adopting updated Austin Water and Wastewater impact fee land use assumptions, capital improvements plan, and assessed fees including the impact fee service area amendments. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON OCTOBER 17, 2013. Related to Item #66.

There was a motion made by Council Member Tovo to approve the ordinance on second reading only and seconded by Council Member Morrison.

There was a friendly amendment made by Council Member Morrison to approve the ordinance on second and third reading. The amendment was accepted by the maker of the motion.

Ordinance No. 20131024-067 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.

66. Approve second and third readings of an ordinance amending Exhibit A to Ordinance No. 20130909-003, the Fiscal Year 2013-2014 Fees, Fines, and Other Charges to be set or charged by the City, to revise Austin Water Utility Impact Fees Collection Policy. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON OCTOBER 17, 2013. Related to Item #67.

There was a motion made by Council Member Morrison's and seconded by Council Member Tovo to approve the ordinance with option 5.

There was a friendly amendment made by Council Member Spelman to amend the ordinance to adopt option 3A beginning in January 2014 and lasting until 2015 and adopt option 5 beginning January 2015. The amendment was not accepted by the maker of the motion.

There was an amendment made by Council Member Spelman and seconded by Mayor Pro Tem Cole to amend the ordinance to adopt option 3A beginning in January 2014 and lasting until 2015 and adopt option 5 beginning January 2015. The amendment failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Those voting nay were: Council Members Martinez, Morrison, Riley and Tovo.

Ordinance No. 20131024-066 with option 5 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

76. C14-2013-0064 - Limerick Center - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Owner/Applicant: First Network Realty (Son Thai). 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 general office-mixed use-conditional overlay (GO-MU-CO) district zoning for personal services as only “GO” and neighborhood office (NO) district zoning for all other uses and site development standards was approved on Council Member Martinez’ motion, Mayor Leffingwell’s second on a 6-1 vote. Council Member Tovo voted nay. There was a trip limitation of a 300 vehicle trips per day.

Mayor Leffingwell recessed the Council Meeting at 3:57 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:06 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

80. Conduct a public hearing for the full purpose annexation of the Cascades annexation area (approximately 135 acres in southern Travis County east of IH 35 South approximately four-tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway).

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Morrison’s motion, Council Member Martinez’ second on a 6-0 vote. Council Member Spelman was off the dais.

81. Conduct a public hearing and consider an ordinance amending the Imagine Austin Comprehensive Plan.

This item was postponed to November 7, 2013 on Council Member Tovo’s motion, Mayor Leffingwell’s second on a 6-0 vote. Council Member Spelman was off the dais.

83. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow commercial images to be temporarily projected onto building facades in the downtown area during certain special events and to establish permitting requirements.

This item was postponed to November 21, 2013 on Council Member Morrison’s motion, Mayor Leffingwell’s second on 6-0 vote. Council Member Spelman was off the dais.

82. Conduct a public hearing and consider an ordinance regarding Atmos Energy Corporation, Mid-Tex Division's proposal to increase customer rates.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20131024-082 was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 4:16 p.m.

LIVE MUSIC

Havilah Rand

PROCLAMATIONS

Proclamation -- Partnerships for Inclusive Communities Program -- to be presented by Mayor Lee Leffingwell and to be accepted by Cema Mastroleo and Kenyan guests Naomi Ruth Esiaba and Joyce A. Opondo

Proclamation -- Save for Retirement Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Art Padilla

Proclamation -- National Eating Healthy Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Joel Romo

Proclamation -- Rainforest Partnership Week -- to be presented by Council Member Kathie Tovo and to be accepted by Nyanta Spelman

Mayor Pro Tem Cole called the Council Meeting back to order at 7:13 p.m.

10. Approve an ordinance amending the Fiscal Year 2013-2014 Capital Budget (Ordinance No. 20130909-002) to create the Rainey Street District Fund, and to appropriate an amount not to exceed \$600,000, for the purposes of relocating and rehabilitating residential structures currently in the Rainey Street District that will be relocated outside of the District and preserving the history of the Rainey Street District. **This item was postponed to November 7, 2013 on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 6-1 vote. Council Member Martinez voted nay.**

A motion to reconsider item 10 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Spelman to approve the ordinance with the amendment to exclude block 11. The motion and second was later withdrawn by the Mayor Pro Tem Cole and Council Member Spelman respectively.

Direction was given to staff to send a memo to Council every year during the budget process with the status of the fund and what the expected revenues are and to monitor the BRE fund.

There was a friendly amendment made by Mayor Pro Tem Cole to:

- **exclude block 11;**
- **request budget projections from staff; and**
- **confer with the Waller Creek Conservancy on any conflicts.**

The amendment was not accepted by the maker of the motion.

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

Ordinance 20131024-010 was approved with the direction listed above on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.

55. Approve a resolution directing the City Manager to explore the feasibility of creating a guaranteed loan program, including a collateral pool for small businesses and minority- and women owned businesses (MBE/WBEs) that contract with the City directly, or through companies that contract with the City or have chapter 380 economic incentive agreements with the City. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)

Resolution No. 20131024-055 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-1 vote. Mayor Leffingwell voted nay.

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

56. Approve a resolution to revise the Firm Based Incentive Matrix used to determine firm eligibility for economic development incentives as authorized by Chapter 380 of the Texas Local Government. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)
There was a motion made by Council Member Martinez and seconded by Council Member Tovo to approve the resolution.

An amendment was offered by Mayor Leffingwell and seconded by Council Member Spelman to amend Exhibit B by taking "prevailing wages" out of the core requirement section and move to section 3, subsection B, line item 9.

A substitute amendment was offered by Council Member Riley and seconded by Council Member Martinez. The substitute motion was to add an exception process for the prevailing wage requirement rather than putting the prevailing wages into the bonus column and grandfather the applications that have already been filed. The amendment passed on a 5-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Spelman.

An amendment was offered by Mayor Pro Tem Cole and seconded by Council Member Spelman to amend Item D, Section 1 "Minimum Project Requirements" to read, "The Firm will provide a Supplier's Diversity Commitment approved and assisted by the Director of Small and Minority Business Resources and comply with the City of Austin's MBE/WBE Ordinance for construction-related services and construction-related professional services." The amendment was later withdrawn by Mayor Pro Tem Cole.

There was a friendly amendment made by Council Member Spelman to add new item to Section 3, Subsection B "Criteria for Additional Bonus Consideration" to read, "The firm meets three or more of the threshold in Section 3, Subsection A." The amendment was not accepted by the maker of the motion.

An amendment was offered by Council Member Spelman and seconded by Mayor Pro Tem Cole to add a new item to Section 3, Subsection B "Criteria for Additional Bonus Consideration" to read, "The firm meets three or more of the threshold in Section 3, Subsection A." The amendment was later withdrawn by Council Member Spelman.

There was a friendly amendment made by Council Member Spelman to add a new item to Section 3, Subsection B "Criteria for Additional Bonus Consideration" to read, "New value of eligible property shows a minimum investment of more than \$200 million." The amendment was not accepted by Council Member Tovo, who made the second.

An amendment was offered by Council Member Spelman and seconded by Council Member Martinez to add a new item to Section 3, Subsection B "Criteria for Additional Bonus Consideration" to read, "New value of eligible property shows a minimum investment of more than \$200 million." The amendment passed on a vote of 4-2. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Mayor Leffingwell abstained.

There was a friendly amendment made by Council Member Riley to amend Section 3, Subsection B, Item 4 to read, “The firm will locate in a high frequency transit corridor, TOD, or Regional Center, Town Center, or Neighborhood Center identified in the Growth Concept Map in the Imagine Austin Plan and/or locate within ½ mile of rail or bus stop that is accessible by safe pedestrian and bicycle routes” and add a new section 3, subsection B, Item 10 to read, “The firm will develop a program to encourage employees to use alternative transportation modes through Transportation Demand Management strategies such as carpooling, flextime work schedules, and subsidizing transit costs for employees.” The amendment was accepted by the maker of the motion and Council Member Tovo, who made the second.

There was a friendly amendment made by Council Member Martinez to remove the last sentence of Section 1, Subsection D that reads, “In regards to construction work, the ordinance will only apply for costs funded by the Firm.” The amendment was accepted by Council Member Tovo, who made the second.

Resolution No. 20131024-056 was approved with the amendments listed above on Council Member Martinez’ motion, Council Member Tovo’s second on a vote of 6-1. Mayor Leffingwell voted nay.

Mayor Leffingwell adjourned the meeting at 11:37 p.m. without objection.

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