



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, SEPTEMBER 26, 2013

Invocation: Imam Islam Mossaad, North Austin Muslim Community Center

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 26, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:15 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session meeting of August 27, 2013, regular meeting of August 29, 2013, special called meeting of September 3, 2013 and budget adoption reading meeting of September 9, 2013.
The minutes from the City Council work session meeting of August 27, 2013, regular meeting of August 29, 2013, special called meeting of September 3, 2013 and budget adoption reading meeting of September 9, 2013 were approved on consent on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
2. Authorize negotiation and execution of an interlocal agreement with Travis County under which City will provide certain animal services to Travis County, in exchange for payment of \$1,115,472, for a 12-month period beginning October 1, 2013.
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.
3. Authorize negotiation and execution of an agreement with Feather & Fur Animal Hospital, to provide a performance-based incentive for the generation of solar energy at its facility located at 9125 Manchaca Road, Austin, Texas 78748, for an estimated \$6,057 per year, for a total amount not to exceed \$60,570 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Feather & Fur Animal Hospital was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
4. Authorize negotiation and execution of an agreement with Steve Jackson Games, to provide a performance-based incentive for the generation of solar energy at its facility located at 3735 Promontory

Point Drive, Austin, Texas 78744, for an estimated \$23,488 per year, for a total amount not to exceed \$234,880 over a 10-year period.

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

5. Authorize negotiation and execution of an agreement with Western Will Properties, to provide a performance-based incentive for the generation of solar energy at its facility located at 2555 Western Trails Bend, Austin, Texas 78745, for an estimated \$9,963 per year, for a total amount not to exceed \$99,630 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Western Will Properties 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 Whole Foods Market Rocky Mountain/Southwest, L.P., to provide a performance-based incentive for the generation of solar energy at its facility located at 840 Interchange Blvd., Austin, Texas 78721, for an estimated \$42,888 per year, for a total amount not to exceed \$428,880 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Whole Foods Market Rocky Mountain/Southwest, L.P. 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 a lease and development agreement with Scott Airport Parking, LLC for up to 64 acres of land at Austin-Bergstrom International Airport to develop and operate public covered parking facilities and additional services that enhance public use of the Airport.

The motion authorizing the negotiation and execution of a lease and development agreement with Scott Airport Parking, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 8 was pulled for discussion.

9. Approve an ordinance amending the Fiscal Year 2013-2014 General Fund Operating Budget (Ordinance No. 20130909-001) reducing the transfer out to the Economic Incentives Reserve Fund in the amount of \$2,160,895, amending the Fiscal Year 2013-2014 Emergency Medical Services Department Operating Budget (Ordinance No. 20130909-001) to increase appropriations by \$2,160,895, amending the Fiscal Year 2013-2014 Economic Incentives Reserve Fund Operating Budget (Ordinance No. 20130909-001) reducing the transfer in from the General Fund in the amount of \$2,160,895 and decreasing total requirements by the same amount for costs associated with the Meet and Confer Agreement between the City and the Austin/Travis County Emergency Medical Services Employees' Association.

Ordinance No. 20130926-009 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

10. Authorize execution of an interlocal agreement with Hays County for election services in an amount not to exceed \$2,000.

The motion authorizing the execution of an interlocal agreement with Hays County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 11 and 12 were set for a time certain of 7:00 p.m.

13. Authorize execution of a construction contract with DENUCCI CONSTRUCTORS, LLC, for 3rd Street Reconstruction Phase 2 Project, from Congress Avenue to Brazos Street and San Jacinto Boulevard to Trinity Street, in the amount of \$2,365,343 plus a \$236,534.30 contingency, for a total contract amount not to exceed \$2,601,877.30. (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 6.68% MBE and 2.98% WBE subcontractor participation.)

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

14. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC. for the Davis Lane - Leo Street to West Gate Project in the amount of \$1,947,203, plus a \$233,664.36 contingency, for a total contract amount not to exceed \$2,180,867.36. (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 7.68% MBE and 2.10% WBE subcontractor participation.)

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

15. Authorize additional contingency to the construction contract with MCLEAN CONSTRUCTION INC., for the Group 19 Phase 1 Street Reconstruction and Utility Adjustments Project, a 2010 BOND PROGRAM, in the amount of \$250,000, for a total contract amount not to exceed \$4,908,199.47. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 15.54% MBE and 1.08% WBE subcontractor participation to date.)

The motion authorizing the additional contingency to the construction contract with McLean Construction Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

16. Authorize execution of a construction contract with BLASTCO TEXAS, INC. for Jollyville Reservoir Improvements in the amount of \$2,411,370, plus a \$241,137 contingency, for a total contract amount not to exceed \$2,652,507. (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 5.99% MBE and 4.16% WBE subcontractor participation.)

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

17. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC. for the Smith Road Extension Project in an amount not to exceed \$2,927,112.75, plus a \$146,355.64 contingency, for a total contract amount not to exceed \$3,073,468.39. (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 81.86% MBE prime participation; 2.22% MBE and 2.56% WBE subcontractor participation.)

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

18. Approve a resolution adopting the Austin Convention and Visitors Bureau 2013-2014 Marketing Plan and Proposed Budget of \$13,339,141 setting the contract payment in an amount not to exceed \$11,032,841 for 2013-2014, 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. 20130926-018 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 professional services agreement with Skillpoint Alliance to continue the Community Technology and Training Center Program, for a one-year term beginning October 1, 2013, in an amount not to exceed \$287,833, with two twelve-month renewal options, for a total estimated contract amount not to exceed \$863,499.
The motion authorizing the negotiation and execution of a professional services agreement with Skillpoint Alliance 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 Eric Eley for artwork for the Spirit of Austin Lane Cell Phone Waiting Area Project at the Austin Bergstrom International Airport, in an amount not to exceed \$355,000.
The motion authorizing the negotiation and execution of a design and commission agreement with Eric Eley was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
21. Authorize negotiation and execution of a design and commission agreement with Mikyoung Kim for artwork for the Terminal East Infill Project at Austin-Bergstrom International Airport, in an amount not to exceed \$700,000.
The motion authorizing the negotiation and execution of a design and commission agreement with Mikyoung Kim was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
22. Approve a resolution authorizing the City Manager to award cultural arts services contracts for Fiscal Year 2013-2014 in an amount not to exceed \$5,358,610.
Resolution No. 20130926-022 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo recused herself.
23. Approve a resolution ratifying the Meet and Confer Agreement between the City and the Austin/Travis County Emergency Medical Services Employees' Association relating to wages, hours, and terms and conditions of employment for covered employees. Related to Item #24.
Resolution No. 20130926-023 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, establishing pay rates, creating certain positions, and repealing Ordinance No. 20130909-006 relating to Emergency Medical Services Department's classifications and positions. Related to Item #23.
Ordinance No. 20130926-024 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
25. Approve a resolution authorizing the City Manager, by and through the EMS Director, to hold over for one hundred and twenty days the current interlocal agreement between the City and Travis County for Emergency Medical Services, as provided for in the agreement. Related to Item #26.
Resolution No. 20130926-025 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
26. Authorize negotiation and execution of an interlocal agreement between the City and Travis County to provide emergency medical services in areas of Travis County outside the City's corporate limits and dispatch support services to Travis County's STAR Flight program for a 12-month term beginning on October 1, 2013. Related to Item #25.
The motion authorizing the negotiation and execution of 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.

27. Authorize negotiation and execution of an interlocal agreement between the City and the North Lake Tahoe Fire Protection District to establish a framework of cooperation for training and field experience related to fuels management and wildland fire suppression activities. The initial term is three years and the parties may renew for additional terms on mutual consent.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and the North Lake Tahoe Fire Protection District 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 an interlocal agreement between the City and the U.S. Fish and Wildlife Service (USFWS) to establish a framework of cooperation for assistance during prescribed fire, wildfire, and other "all hazard" incidents on USFWS refuges and other federal properties.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and the U.S. Fish and Wildlife Service (USFWS) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
29. Authorize negotiation and execution of Closed Point of Dispensing agreements with businesses to provide emergency medication to an estimated 200,000 Austin area employees and family members in the event of a public health emergency.
The motion authorizing the negotiation and execution of Closed Point of Dispensing agreements with businesses was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 30 was pulled for discussion.

31. Authorize negotiation and execution of amendments to four contracts with providers of services for people living with HIV or AIDS: AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$273,317, for a total contract amount not to exceed \$1,426,035; AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, in an amount not to exceed \$53,673 for a total contract amount not to exceed \$312,105; PROJECT TRANSITIONS, INC. in an amount not to exceed \$87,849 for a total contract amount not to exceed \$570,298; THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$83,050 for a total contract amount not to exceed \$623,301.
The motion authorizing the negotiation and execution of amendments to four 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.
32. Authorize negotiation and execution of an interlocal agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to purchase human immunodeficiency virus medication for eligible clients under the City's Ryan White Part A HIV Emergency Relief Project grant, for a five-month term from October 1, 2013 through February 28, 2014, for a total contract amount not to exceed \$400,000.
The motion authorizing the negotiation and execution of an interlocal agreement with the Texas Department of State Health Services was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
33. Authorize negotiation and execution of a 12-month contract with FRONT STEPS, INC., Austin, for the provision of homeless social services at the Austin Resource Center for the Homeless in an amount not to exceed \$2,173,627 for the period October 1, 2013 through September 30, 2014, with four 12-month renewal options in an amount not to exceed \$2,173,627 per renewal term, for a total contract amount not to exceed \$10,868,135.
This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

34. Approve an ordinance accepting \$73,572 in grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration; and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$73,572 for the Ryan White Part C HIV Early Intervention Services Grant Program which provides medical and supportive services to people with the human immunodeficiency virus.
Ordinance No. 20130926-034 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
35. Authorize negotiation and execution of Amendment No. 4 to the Agreement with the ENDING COMMUNITY HOMELESSNESS COALITION, INC., Austin, to increase funding for community coordination activities related to homeless services system improvements developed by implementing a new coordinated assessment system, for the period of October 12, 2012 to September 30, 2013, in an amount not to exceed \$60,000, for a total contract amount not to exceed \$377,000.
The motion authorizing the negotiation and execution of amendment number four to the agreement with the Ending Community Homelessness Coalition, Inc. 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 contract amendments with two providers of HIV-related services under the Ryan White Part C Outpatient Early Intervention Services Grant: AIDS SERVICES OF AUSTIN, INC., in the amount of \$23,821, for a total second year contract of \$176,761, with three 12-month renewal options in an amount not to exceed \$176,761 per renewal option, for a total contract amount not to exceed \$884,898; and CENTRAL TEXAS COMMUNITY HEALTH CENTERS-DAVID POWELL CLINIC, in the amount of \$29,987, for a total second year contract of \$503,414, with three 12-month renewal option, in an amount not to exceed \$503,414 per renewal option for a total contract amount not to exceed \$2,487,083.
The motion authorizing the negotiation and execution of contract amendments with AIDS Services of Austin, Inc. and Central Texas Community Health Centers-David Powell Clinic was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
- Item 37 was pulled for discussion.**
38. Approve an ordinance authorizing acceptance of \$257,578 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$257,578 for programs authorized under the Texas Health and Safety Code: Office of Public Health Practice Program, HIV Surveillance Control Program, Sexually Transmitted Disease Control, Refugee Health Screening Program, Tuberculosis (TB) Prevention and Control Federal Program, TB Prevention and Control State Program, Public Health Emergency Preparedness Program, and the Immunization Outreach Program.
Ordinance No. 20130926-038 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
39. Authorize negotiation and execution of an amendment to the legal services agreement with the law firm of Mayer Brown to provide legal services related to minority and women-owned business enterprise procurement program issues in the amount of \$10,000, for a total contract amount not to exceed \$100,000.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with the law firm of Mayer Brown 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 accepting \$737 in grant funds from the Texas State Library and Archives Commission; and amending the Fiscal Year 2012-2013 Library Department Operating Budget Special

Revenue Fund (Ordinance No. 20120910-001) to appropriate \$737 for staff to attend the Edge Focus Group Meeting.

Ordinance No. 20130926-040 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

41. 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 2013-2014 using funds from federal and local sources in the amount of \$9,426,028.
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.
42. 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.
43. Authorize 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.
44. Authorize negotiation and execution of a one-year contract with PEOPLEFUND in an amount not to exceed \$150,000 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.
The motion authorizing the negotiation and execution of a contract with Peoplefund was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
45. Approve an ordinance accepting \$40,000 in additional grant funds from the Texas Department of Public Safety; and amending the Fiscal Year 2012-2013 Management Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$40,000 for the Office of Homeland Security and Emergency Management for public safety equipment, training, and services.
Ordinance No. 20130926-045 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
46. Approve an ordinance accepting \$1,047 in grant funds from the Texas Commission on the Arts; and amending the Fiscal Year 2012-2013 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$1,047 to fund musical performances for the public.
Ordinance No. 20130926-046 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
47. Approve an ordinance accepting \$15,000 in grant funds from the Austin Community Foundation; and amending the Fiscal Year 2012-2013 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$15,000 to provide youth football programs to under-served youth at recreation centers.
Ordinance No. 20130926-047 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

48. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the Austin Independent School District for the presentation of the Austin Nature and Science Center Conservation Quest Exhibit Program to 5th grade Title I AISD elementary school students, at a cost to the City not to exceed \$4,600.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin 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.

49. Authorize negotiation and execution of an interlocal agreement between the City of Austin 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.

The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin 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.

50. Approve a resolution consenting to the annexation of 3.75 acres into Travis County Water Control and Improvement District No. 10 ("WCID No. 10") for the provision of retail water service.

Resolution No. 20130926-050 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 51 was pulled for discussion.

52. Authorize negotiation and execution of an interlocal agreement for Booking and Related Services between Travis County and the City of Austin in the amount not to exceed \$6,389,648 for Fiscal Year 2013-2014.

The motion authorizing the negotiation and execution of an interlocal agreement between Travis County and the City of Austin 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 accepting \$26,779 in additional grant funds from the Downtown Austin Alliance; and amending the Fiscal Year 2012-2013 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate an additional \$26,779 for the Downtown Ranger Program.

Ordinance No. 20130926-053 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 accepting funds in the amount of \$350,000 from BIKE SHARE OF AUSTIN for a portion of the local matching funds necessary to meet the grant requirements for the Bike Share Program; amending the Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) in the amount of \$350,000; and amending the Public Works Department Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$350,000 from the Public Works Department Operating Budget Special Revenue Fund for the Bike Share Program.

Ordinance No. 20130926-054 was approved on consent 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 designate the City as the lead agency in a partnership with the County for preliminary engineering studies and design on the extension of Braker Lane from its existing terminus to Harris Branch Parkway. Related to Item #56.

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 a resolution authorizing the City Manager to seek the approval of the Capital Area Metropolitan Planning Organization (CAMPO) of an amendment to the project scope and limits; and of the reallocation of Surface Transportation Program Metropolitan Mobility federal funds administered through CAMPO and the Texas Department of Transportation for preliminary engineering and environmental studies on the extension of Braker Lane from its existing terminus near Dessau Road to Samsung Boulevard project. Related to Item #55.
Resolution No. 20130926-056 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
57. Authorize negotiation and execution of an amendment to the interlocal agreement between the City and the Texas Department of Transportation for the US 290 Intersection Improvement Project at FM 1826 and Convict Hill Road in an amount not to exceed \$379,274.50 for a total amount not to exceed \$898,876.50.
The motion authorizing the negotiation and execution of an amendment to the interlocal agreement between the City and the Texas Department of Transportation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
58. Authorize award, negotiation, and execution of a 24-month requirements supply contract with SUN COAST RESOURCES, INC., or one of the other qualified offerors to RFP No. SMW0118, to provide bulk motor fuels and fuel related products in an amount not to exceed \$34,650,000, with four 12-month extension options in an amount not to exceed \$19,965,000 for the first option, \$21,961,500 for the second option, \$24,157,650 for the third option, and \$26,573,415 for the final option, for a total contract amount not to exceed \$127,307,565. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a requirements supply contract with Sun Coast Resources, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 59 was pulled for discussion.

60. Authorize negotiation, award, and execution of a contract with CYRUN CORPORATION or to one of the other qualified offerors to provide computer-aided dispatch and record management system for the Austin Convention Center Department in an amount not to exceed \$100,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the negotiation, award and execution of a contract with Cyrun Corporation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
61. Authorize award and execution of a 36-month requirements service contract with SIMPLEX GRINNELL L.P., or one of the other qualified offerors to RFP No. PAX0108 for inspection, testing, maintenance, repair, upgrades, and new system installation for fire alarm, suppression, alarm monitoring, and related systems for various city departments in an amount not to exceed \$4,200,000, with three 12-month extension options in an amount not to exceed \$1,400,000 per option for a total contract amount not to exceed \$8,400,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service contract with Simplex Grinnell L.P. 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 contract through the Texas Multiple Award Schedule (TXMAS) with BRUNSWICK COMMERCIAL AND GOVERNMENT PRODUCTS, INC. for the purchase of one patrol boat in an amount not to exceed \$112,395. (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 Multiple Award Schedule (TXMAS) with Brunswick Commercial and Government Products, 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 service agreement with AUSTIN COMMUNITY RADIO, INC. KAZI-FM to provide radio broadcasts of City Council meetings in an amount not to exceed \$240,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service agreement with Austin Community Radio, Inc. KAZI-FM 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 various supply and service contracts during the Fiscal Year 2013-2014 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer, telephone, and network hardware and related maintenance services in an amount not to exceed \$30,606,339. (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; 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 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.
65. Authorize award and execution of various supply and service contracts during the Fiscal Year 2013-2014 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 \$21,115,309. (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. 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 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.
66. Authorize award and execution of various service contracts during the Fiscal Year 2013-2014 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of technology services in an amount not to exceed \$37,365,387. (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; 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 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 three contracts for the purchase of video and audio production equipment for Channel 6, with VIDEO TAPE PRODUCTS, INC. in an amount not to exceed \$100,390; VSA, INC. in an amount not to exceed \$82,485; and with ZVS MEDIA, LLC. in an amount not to exceed \$46,638. (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 contracts with Video Tape Products, Inc.; VSA, Inc.; and ZVS Media, LLC was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
- 68. Approve an ordinance amending City Code Section 12-4-64(D) to add a 20 mile per hour school zone to a segment of West 10th Street, during certain times, for students attending O. Henry Middle School, and provide for emergency passage.
Ordinance No. 20130926-068 was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
- 69. Approve a resolution adopting the City of Austin Fiscal Year 2013-14 Investment Policy.
Resolution No. 20130926-069 was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
- 70. Approve an ordinance authorizing the issuance of City of Austin, Texas, Airport System Revenue Bonds, Series 2013A, in an amount not to exceed \$38,255,000, providing for the award of the sale of the bonds, authorizing related documents, and approving related fees. The funds will be used to refund previously issued Airport System Prior Lien Revenue Refunding Bonds, Series 2003. Refunding these obligations is intended to result in present value savings exceeding the City's target guideline of 4.25%.
Ordinance No. 20130926-070 was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
- 71. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments were approved on consent on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

Commission on Immigrant Affairs

Sandra Molinari
Julius Okelo

Council Member Tovo
Council Member Morrison

MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

Channy Soeur

Mayor Leffingwell

Waterfront Planning Advisory Board

Andy Hutton

Council Member Spelman

Intergovernmental/Nominee

Nominated by

Long Center Board of Trustees

Darden Smith

Mayor Leffingwell

72. Approve a resolution authorizing the negotiation and execution of an interlocal agreement with Austin Community College relating to the provision of educational language classes at the Asian American Resource Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Kathie Tovo CO 2: Mayor Lee Leffingwell)
Resolution No. 20130926-072 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
73. Approve a resolution directing the City Manager to develop and implement an online message board for use by Council Members. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
Resolution No. 20130926-073 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 74 was pulled for discussion.

75. Approve a resolution directing the City Manager to explore distance to transit stops and the provision of accessible housing units as criteria to be scored in the Rental Housing Development Assistance application scoring matrix. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20130926-075 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
76. 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 William Spelman CO 2: Council Member Laura Morrison)
This item was postponed to October 24, 2013 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 6:30 p.m.

78. Approve a resolution directing the City Manager to produce an analysis of direct and indirect costs of special events over the last 5 years; to provide recommendations as necessary; and to provide both the analysis and recommendations to Council by November 1, 2013. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)
Resolution No. 20130926-078 was approved on consent 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 incorporate review forms into the performance review process for Council appointed positions. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member William Spelman)
Resolution No. 20130926-079 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
80. Approve a resolution directing the City Manager to engage with pedestrian stakeholder groups and assist the Urban Transportation Commission (UTC) on bylaw amendments to improve communication between the UTC, the Pedestrian Advisory Council, and the Bicycle Advisory Council. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison)
Resolution No. 20130926-080 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

81. Approve an ordinance creating a Commission on Seniors to serve as an advisory board to the City Council concerning the quality of life for seniors in the Austin area and to ensure they are productive, independent, and healthy. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)
Ordinance No. 20130926-081 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 82 was pulled for discussion.

83. Approve a resolution directing the City Manager to limit any utility service cut-off for nonpayment to electric service only. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)
Resolution No. 20130926-083 with the amendment to delete the date October 24, 2013 and replace with the date November 21, 2013 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

84. Approve a resolution directing the city manager to report to council regarding the general fund impact of increasing property tax exemptions for seniors and persons with disabilities, to provide an ordinance to council increasing these property tax exemptions for Fiscal Year 2014-2015, and to propose a procedure to council allowing consideration of annual increases in these exemptions to offset the impact of property tax increases for seniors and people with disabilities who own median priced homes. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)
Resolution No. 20130926-084 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 85 was pulled for discussion.

86. Approve a resolution directing the city manager to allocate up to \$450 from Council Member Tovo's office budget balance, as well as from the office budget balances of any other councilmembers who have funds available in their office budget balances and who want to contribute, to reimburse the Texas Book Festival for parking expenses at the Austin Bergstrom International Airport. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Lee Leffingwell)
Resolution No. 20130926-086 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

87. Set a public hearing to consider an ordinance adopting the eighth plan modification to the East 11th and 12th Street Urban Renewal Plan which includes adding commercial and mixed use as a conditional site use for 1311 East 12th Street. (Suggested date and time: October 3, 2013, beginning at 4 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
The public hearing was set on consent for October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

88. Set a public hearing to consider an ordinance adopting the ninth plan modification to the East 11th and 12th Street URBAN RENEWAL PLAN which includes adding commercial use as a permitted use for FRANKLIN'S BBQ KITCHEN, located at 901 Juniper Street. (Suggested date and time: October 17, 2013, beginning at 4 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
The public hearing was set on consent for October 17, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

- 89. Set a public hearing to consider an ordinance regarding floodplain variances sought by the property owner at 4406 Avenue F for the construction of a new single-family residence. The property is partially in the 25-year floodplain and entirely in the 100-year floodplain of Waller Creek. (Suggested date and time: October 3, 2013, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).
The public hearing was set on consent for October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin TX on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

Item 90 was pulled for discussion.

- 91. Set a public hearing to consider an ordinance amending City Code Chapter 15-5 related to on-site sewage facilities. (Suggested date and time, October 3, 2013, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).
The public hearing was set on consent for October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin TX on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
- 92. Set a public hearing to consider an ordinance amending City Code Title 25 to amend the definition of urban farm, create new uses related to urban farms, and amend regulations related to urban farms. (Suggested date and time: October 17, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for October 17, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin TX on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

Items 93 and 94 were briefing items set for 10:30 a.m.

Items 95 through 99 were Executive Session items.

Items 100 through 133 were zoning items set for 2:00 p.m.

Item 134 was an AHFC item set for 3:00 P.M.

Items 135 through 149 were public hearing items set for 4:00 p.m.

BRIEFINGS

- 93. Briefing on the Local and Healthy Food Policy and Recommendations.
This item was withdrawn.
- 94. Briefing on the proposed amendments to the City environmental and drainage regulations.
This item was withdrawn.

DISCUSSION ITEMS

- 74. Approve an ordinance to recognize the donation of six acres of new parkland in north Austin by the Oertli family, to name the park "Oertli Park," and to waive the applicable requirements of Chapter 14-1 of the City Code related to naming this property. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)
Ordinance No. 20130926-074 was approved on Council Member Riley’s motion, Council Member Spelman’s second on a 7-0 vote.

8. Authorize execution of a lease with ABIA Retail, LLC for a tract of approximately 13 acres of land at Austin-Bergstrom International Airport to develop for commercial retail uses.
The motion authorizing the execution of a lease with ABIA Retail, LLC was approved with direction on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to take the item to the next meeting of the Comprehensive Planning and Transportation Subcommittee for further design discussion.
30. Authorize execution of interlocal agreements between the City and the cities of Bee Cave, Lakeway, Manor, Rollingwood, Village of San Leanna, Sunset Valley, Village of Volente and West Lake Hills to provide public health services for initial terms of one year with renewal options for up to four additional successive one year terms.
The motion authorizing the execution of interlocal agreements between the City and the cities of Bee Cave, Lakeway, Manor, Rollingwood, Village of San Leanna, Sunset Valley, Village of Volente and West Lake Hills was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
37. Authorize negotiation and execution of an Interlocal Agreement with Travis County under which the City will provide public health services in exchange for payment of \$3,122,526, for a 12-month period beginning October 1, 2013.
The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
59. Authorize award, negotiation, and execution of a 24-month requirements service agreement with EMERGE KNOWLEDGE DESIGN INC., or one of the other qualified offerors to RFP No. SDC0010 to design, develop and maintain a secure Web-based data collection and reporting system for Austin Resource Recovery in an amount not to exceed \$200,000, with four 12-month extension options in an amount not to exceed \$100,000 per extension option for a total contract amount not to exceed \$600,000. August 14, 2013 - Approved by the Zero Waste Advisory Commission on a 6-0 vote, with the amendment that the final contract be presented the Zero Waste Advisory Commission for final approval.
The motion authorizing the award and negotiation of a requirements service agreement with Emerge Knowledge Design Inc. was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote. Direction was given to staff to bring the agreement back to Council for final approval on October 3, 2013.
82. Approve an ordinance repealing the 180-day expiration of City Code Section 25-6-592 relating to requirements for loading facilities in the Central Business and Downtown Mixed Use zoning districts. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
There was a motion made by Council Member Tovo and seconded by Council Member Morrison to postpone this item to October 3, 2013. The motion 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.

Ordinance No. 20130926-082 was approved on Council Member Riley's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.
85. Approve an ordinance ending the pilot program which allowed biking on trails on a 24-hour basis by repealing Ordinance No. 20130131-028 and Ordinance No. 20130228-033. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Kathie Tovo)
This item was postponed to October 17, 2013 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-1 vote. Mayor Leffingwell voted nay.

CITIZEN COMMUNICATIONS: GENERAL

Susan Eschenburg - Bull Creek Charring Cross drain study. City of Austin project ID # 5789.097 **Not present when name was called.**

Kathy Abood - City of Austin construction projects

Laura Katy Martinez - I would like to request the Council review the situation of 5 households in a flood prone area of North Austin. We are requesting a buyout of our properties.

Francine Pilkington - Banning the use of trapping coyotes in the City of Austin

Jan Harrigan - Coyotes

Zachary Ingram - Training for Law Enforcement, handling aggressive dogs

Carlos León - 1.) Keeping Austin's blue skies clear of chemtrails 2.) Verdad = Libertad 3.) Fear God; Repent; Return to God; put God first and at the center

Wayne Hensley - Neighborhood issues **Not present when name was called.**

Ernest Samudio - Austin Aquarium **Not present when name was called.**

Monica O. Nwevo - The topic I had gone to the Mayor's office and City Manager Offices but got no solution because of Police involvement

Mayor Pro Tem Cole recessed the Council Meeting to go into Executive Session at 12:33 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.

The Mayor announced that Council would discuss items number 11 and 12 on the regular agenda during Executive Session.

- 95. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
- 96. 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.
- 97. Discuss legal issues related to a property and personal injury claim from Jill Turner (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).

98. Discuss legal issues related to the Texas voter identification law (Private consultation with legal counsel - Section 551.071 of the Government Code).
99. Discuss legal issues related to special events and high-capacity venues (Private consultation with legal counsel - Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:05 p.m.

ZONING ORDINANCES / RESTRICTIVE COVENANTS

100. C14-2011-0091 - Jaylee, Ltd. - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1601 and 1645 East 6th Street (Lady Bird Lake Watershed) from transit oriented district-neighborhood plan (TOD-NP) combining district zoning to transit oriented district-neighborhood plan-central urban redevelopment (TOD-NP-CURE) combining district zoning. First reading approved on August 29, 2013. Vote: 7-0. Owner: Jaylee, Ltd. (Jim Arnold). Agent: Winstead PC (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122.
Ordinance No. 20130926-100 for transit oriented district-neighborhood plan-central urban redevelopment (TOD-NP-CURE) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
101. C14-2013-0031 - Clawson Patio Homes - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3907 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family residence-conditional overlay (SF-5-CO) combining district zoning with conditions. First and Second reading approved on August 22, 2013. Vote 5-2, Council Members Morrison and Tovo voted nay. Owner: Dean Chen. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to October 3, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
102. C14-2013-0032 - Clawson Patio Homes II - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3903 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions, as amended. First and Second reading approved on August 22, 2013. Vote 5-2, Council Members Morrison and Tovo voted nay. Owner: Roy G. Crouse. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to October 3, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Original language as approved on October 3, 2013.

103. C14-2013-0045 - Huber Family Tract - Approve second reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4200 Rivercrest Drive (Lake Austin Watershed) from Lake Austin residence (LA) district zoning to single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. First reading approved on June 27, 2013. Vote 5-1, Council Member Morrison voted nay. Council Member Spelman was off the dais. Applicant: Brian Huber. Agent: Land Answers (Jim Wittliff). City Staff: Clark Patterson, 974-7691.
The second reading of the ordinance for single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Amended language as approved on December 12, 2013.

103. C14-2013-0045 - Huber Family Tract - Approve second reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4200 Rivercrest Drive (Lake Austin Watershed) from Lake Austin residence (LA) district zoning to single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. First reading approved on June 27, 2013. Vote 5-1, Council Member Morrison voted nay. Council Member Spelman was off the dais. Applicant: Brian Huber. Agent: Land Answers (Jim Wittliff). City Staff: Clark Patterson, 974-7691.
The second reading of the ordinance for single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Tovo voted nay.
104. NPA-2013-0015.01 - Airport Café - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1137 and 1139 Airport Boulevard, and 1138 Gunter Street (Boggy Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner: R & J Partners, LLC (Ron Meyeres). Applicant/Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, (512) 974-2695.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
105. C14-2013-0055 - Airport Café - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1137 and 1139 Airport Boulevard, and 1138 Gunter Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner: R & J Partners LLC (Ronnie and Joellen Meyeres). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
106. NPA-2013-0022.01 - 1511 South Congress Avenue (Congress Avenue Baptist Church) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City 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 1511 South Congress Avenue (East Bouldin Creek Watershed) from Civic to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To be reviewed on October 8, 2013. Owner: Congress Avenue Baptist Church (Tut Hill). Applicant/Agent: Thrower Design (Ron Thrower). City Staff: Maureen Meredith, 512-974-2695.
This item was postponed on consent to November 7, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
107. C14-2013-0022 - Congress Avenue Baptist Church - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1511 South Congress Avenue (East Bouldin Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to community commercial-neighborhood conservation combining district-neighborhood plan (GR-NCCD-NP) combining district zoning, as amended. Staff Recommendation: To grant general office-neighborhood conservation combining district-neighborhood plan (GO-NCCD-NP) combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed on October 8, 2013. Owner: Congress Avenue Baptist Church (Tut Hill). Applicant/Agent: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 974-7604.

This item was postponed on consent to November 7, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

108. NPA-2013-0025.01 - 5816 Harper Park Drive (Harper Park Residential) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 5816 Harper Park Drive (Barton Creek Watershed-Barton Springs Zone) from Office land use to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To be reviewed on September 24, 2013. Owner: Harper Park Two LP (Gail M. Whitfield). Applicant/Agent: The Whitfield Company (Marcus Whitfield). City Staff: Maureen Meredith, 974-2695.
This item was postponed on consent to October 17, 2013 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
109. C14-2013-0006 - Harper Park Residential - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5816 Harper Park Drive (Barton Creek Watershed-Barton Springs Zone) from limited office (LO) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed on September 24, 2013. Owner: Harper Park Two, L.P. (Gail M. Whitfield). Applicant: The Whitfield Company (Marcus Whitfield). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to October 17, 2013 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
110. C14-86-077(RCA) - Harper Park Residential RCA - Conduct a public hearing to amend a restrictive covenant on property locally known as 5816 Harper Park Drive (Barton Creek Watershed-Barton Springs Zone). Staff Recommendation: To grant the restrictive covenant amendment to incorporate necessary conditions of an associated rezoning request. Planning Commission Recommendation: To be reviewed on September 24, 2013. Owner: Harper Park Two, L.P. (Gail M. Whitfield). Applicant: The Whitfield Company (Marcus Whitfield). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to October 17, 2013 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
111. NPA-2013-0025.02 - Lantana Tract 32 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6401 Rialto Boulevard (Barton Creek Watershed-Barton Springs Zone) from Office to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To grant Multifamily land use. Owner: Lantana Tract 32, LP. Applicant/Agent: Smith Robertson Elliott Glen Klein & Douglas, LLP (David Hartman). City Staff: Maureen Meredith, 512-974-2695.
The first reading of the ordinance to change the land use designation on the future land use map (FLUM) to Multi-family use was approved on consent with direction to staff to bring back for second reading on October 3, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
112. C14-2013-0044 - Lantana Tract 32 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 6401 Rialto Boulevard (Barton Creek Watershed-Barton Springs Zone) from general office-neighborhood plan (GO-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant multi-family residence-moderate-high

density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, with conditions. Owner: Lantana Tract 32, L.P. (John Poston). Applicant: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Lee Heckman, 974-7604.

The first reading of the ordinance for multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, with conditions was approved on consent with direction to staff to bring back for second reading on October 3, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

113. C14-85-288.8(RCA) - Lantana Tract 32 Restrictive Covenant Amendment - Conduct a public hearing to amend a restrictive covenant on property locally known as 6401 Rialto Boulevard (Barton Creek Watershed-Barton Springs Zone). Staff Recommendation: To grant the restrictive covenant amendment to incorporate conditions of an associated rezoning request. Planning Commission Recommendation: To grant the restrictive covenant amendment to incorporate conditions of an associated rezoning request. Owner: Lantana Tract 32, L.P. (John Poston). Applicant: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to October 3, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
114. C14-2012-0109 - Sunflower - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1201 Robert E Lee Road (Lady Bird Lake 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 deny townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Joe Joseph, Jr.; Hazel Joseph. Agent: Vinson Radke Investments (Steven Radke). City Staff: Lee Heckman, 974-7604. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)
115. C14-2013-0023 - 6.11 Acre Tract - Westgate and Davis Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2901 Davis Lane (South Boggy Creek; Slaughter Creek-Barton Springs Zone) from rural residence (RR) 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. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Susan Parker Leigh. Agent: Bleyl & Associates (Vincent G. Huebinger). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to October 3, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
116. C14-2013-0041 - Fort Dessau-GR - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1602 Fish Lane (Harris Branch Watershed) from single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for multi-family residence-medium density (MF-3) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

117. C14-2013-0042 - Fort Dessau-P - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13826 Dessau Road (Harris Branch Watershed) from single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for public (P) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
118. C14-2013-0043 - Fort Dessau-SF-6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13826 Dessau Road (Harris Branch Watershed) from neighborhood commercial (LR) district zoning to townhouse & condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Owner/Applicant: John C. & Dana Fish. Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for townhouse & condominium residence (SF-6) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
120. C14-2013-0061 - Simpson Tract - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as South Chisholm Trail, 4,800 feet south of its intersection with West Slaughter Lane (Slaughter Creek Watershed) from interim-rural residence (I-RR) 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. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Floyd Earl Simpson, Sr.; Calvin Wesley Simpson, Jr. (Sandra Simpson). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20130926-120 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
121. C14-2013-0062 - Sutton-Lakeshore Addition - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3909 Westlake Drive (Lake Austin Watershed) from Lake Austin residence (LA) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant an indefinite postponement. Zoning and Platting Commission Recommendation: To grant an indefinite postponement as requested by Staff. Applicant: Glenn Sutton. Agent: Law Office of Terrence L. Irion. (Terry Irion). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)
122. 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.
This item was postponed on consent to October 3, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

124. C14-2013-0081 - Apostolic 1.5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 518 East Oltorf Street (Blunn Creek Watershed) from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to community commercial-neighborhood plan (GR-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on October 22, 2013. Owner: Apostolic Assembly of the Faith in Christ Jesus, Inc. (Frank Balboa). Applicant: Jim Bennett Consulting (Jim Bennett). City Staff: Lee Heckman, 974-7604.
This item was postponed on consent to November 7, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
125. C14-2013-0082 - Ellis Oaks - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7208 Cooper Lane (South Boggy Creek Watershed) from development reserve (DR) 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: Thomas Ellis. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20130926-121 for family residence (SF-3) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
126. C14-2013-0084 - Franklin BBQ Kitchen - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 901 Juniper Street (Waller Creek Watershed) from multi-family residence-medium density-neighborhood conservation combining district-neighborhood plan (MF-3-NCCD-NP) combining district zoning to community commercial-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-CO-NCCD-NP) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-CO-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay-neighborhood conservation combining district-neighborhood plan (GR-CO-NCCD-NP) combining district zoning. Owner: Ben's Long Branch Bar-B-Q, Inc. (Perry Lorenz). Agent: LS Johnston Architects (Linda Johnston). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
127. C14-2013-0085 - Franklin BBQ Kitchen (NCCD Amendment) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 to allow food preparation as a conditional land use to the East 11th Street Neighborhood Conservation Combining District for the property locally known as 901 Juniper Street (Waller Creek Watershed). Staff Recommendation: To grant food preparation as a conditional land use. Planning Commission Recommendation: To grant food preparation as a conditional land use. Owner: Ben's Long Branch Bar-B-Q, Inc. (Perry Lorenz). Agent: LS Johnston Architects (Linda Johnston). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
128. C14-2013-0088 - 1300 Plaza II - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1300 South Lamar Boulevard (West Bouldin Creek Watershed) from general commercial services-vertical mixed use building (CS-V) combining district zoning to commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning, with conditions. Owner: Lantzsch Family Trust

(Thomas P. Lantzsch). Applicant: UTE Consultants, Inc. (Joan Ternus). City Staff: Lee Heckman, 974-7604.

Ordinance No. 20130926-128 for commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

129. C14-2013-0095 - 9405 Fourteen Tee Drive - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning and zoning property locally known as 9405 Fourteen Tee Drive (Bull Creek Watershed) from rural residence (RR) district zoning and interim-single family residence-standard lot (I-SF-2) 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 be reviewed on October 1, 2013. Owner/Applicant: Balcones Country Club Membership Association (David Dew). Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
130. C14-2013-0096 - 11512 Spicewood Parkway - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11512 Spicewood Parkway (Bull Creek Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 1, 2013. Owner/Applicant: Balcones Country Club Membership Association (David Dew). Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
131. C14-2013-0097 - 11300 Spicewood Parkway - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11300 Spicewood Parkway (Bull Creek Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 1, 2013. Owner/Applicant: Balcones Country Club Membership Association (David Dew). Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
132. C14-2013-0098 - 9900 Mandeville Circle - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9900 Mandeville Circle (Bull Creek Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 1, 2013. Owner/Applicant: Balcones Country Club Membership Association (David Dew). Agent: Hutson Land Planners (Duane Hutson). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.
This item was postponed on consent to October 17, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
133. C814-06-0106.01 - Hyatt PUD Amendment - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 208 Barton Springs Road (Lady Bird Lake Watershed) from planned unit development-neighborhood plan (PUD-NP) combining district

zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. Owner: Tantallon Austin Hotel, LLC (Terry M. Shaikh). Applicant: Graves, Dougherty, Hearon & Moody, P.C. (Michael J. Whellan). City Staff: Lee Heckman, 974-7604.

Ordinance No. 20130926-133 for planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors’ Meeting of the Austin Housing Finance Corporation to order at 3:22 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:23 p.m.

DISCUSSION ITEMS CONTINUED

- 90. Set a public hearing to consider an ordinance amending City Code Title 25 to allow commercial images to be temporarily projected on to building facades in the downtown area during certain special events and establish permitting requirements. (Suggested date and time: October 17, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for October 17, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin TX on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.

ZONING DISCUSSION ITEMS

- 123. C14-2013-0076 - Rogers Juice Bar - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5210 Rogers Lane (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Owner/Applicant: Auspicious Investments, LLC (Jason Jagoda). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed to October 3, 2013 on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting at 3:41 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:03 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

- 135. Conduct a public hearing for the full purpose annexation of the Wildhorse Ranch annexation area (approximately 2,380 acres in eastern Travis County south of US Highway 290 East at the intersection of State Highway 130 and US Highway 290 East).

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

136. Conduct a public hearing for the full purpose annexation of the Goodnight Ranch South annexation area (approximately 458 acres in southern Travis County, approximately 670 feet east of the intersection of East Slaughter Lane and Old Lockhart Road).
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.
137. Conduct a public hearing for the full purpose annexation of the Morse Tract annexation area (approximately 180 acres in Travis County east of the intersection of Ed Bluestein Blvd and US 290 East and west of Springdale Road/Manor Road).
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
138. Conduct a public hearing for the full purpose annexation of the Ace Auto Salvage annexation area (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).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
139. Conduct a public hearing for the full purpose annexation of the Preserve at Thomas Springs Road annexation area (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).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Spelman was off the dais.
140. Conduct a public hearing for the full purpose annexation of the Avaña-Spillar annexation area (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).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
141. Conduct a public hearing for the full purpose annexation of the Marbella annexation area (approximately 133 acres in southern Travis County east of IH 35 South approximately 3,400 feet north of the intersection of IH 35 South and Slaughter Lane).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.
142. Conduct a public hearing for the full purpose annexation of the Prosperity Business Park annexation area (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).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.
143. Conduct a public hearing for the full purpose annexation of the State Highway 71 East annexation area (approximately 407 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).
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
146. Conduct a public hearing in accordance with Texas Parks and Wildlife Code, Chapter 26 and consider a resolution approving the permanent use and temporary working space use for construction, use,

maintenance, repair, and replacement of a wastewater line for the Austin Water Utility Wastewater Line Relay and Spot Repair Services, 2506 Hartford Road to 2614 Jefferson Street Project, through dedicated parkland known as Hartford Strip.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20130926-146 was approved on Council Member Morrison’s motion, Council Member Spelman’s second on a 7-0 vote.

- 147. Conduct a public hearing on a proposed Strategic Partnership Agreement between the City of Austin and Shady Hollow Municipal Utility District (MUD) regarding future full purpose annexation of the MUD (approximately 451 acres in southwestern Travis County located along Brodie Lane, approximately eight-tenths of a mile south of the intersection of Slaughter Lane and Brodie Lane).

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

- 149. Conduct a public hearing and consider an ordinance approving a consent agreement for the Cascades Municipal Utility District No. 1 ("MUD") subject to adoption of an ordinance approving a strategic partnership agreement between the City and the MUD.

This item was postponed to October 17, 2013 on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

- 148. Conduct a public hearing and consider an appeal by Doug Stuart regarding the Sign Review Board's decision to deny a variance request on his property at 6920 Lee Manor Cove.

The public hearing was conducted and the motion to close the public hearing and deny the appeal was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamations at 5:24 p.m.

LIVE MUSIC

MIGRANT KIDS

PROCLAMATIONS

Proclamation -- Grand Opening of the Asian American Resource Center -- to be presented by Mayor Lee Leffingwell and to be accepted by Schiller Liao, Ph.D. and Taja D. Beekley

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

Proclamation -- National Night Out -- to be presented by Mayor Lee Leffingwell and to be accepted by Chief Art Acevedo

Proclamation -- Jim Swift Day -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Certificate of Congratulations -- Watershed Protection Department for Award from Texas Floodplain Management Association -- to be presented by Mayor Lee Leffingwell and to be accepted by Jose Guerrero

Proclamation -- National Forum for Black Public Administrators Week -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Dusty McCormick

Proclamation -- Domestic Violence Awareness Month -- to be presented by Council Member Laura Morrison and to be accepted by Julia Spann

Certificates of Appreciation -- Hispanic Quality of Life Committee -- to be presented by Council Member Mike Martinez and to be accepted by the honorees

Mayor Leffingwell called the Council Meeting back to order at 7:09 p.m.

Items 144 and 145 were acted on in a combined motion.

144. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-2 and 25-12 relating to the regulation of short-term rental residential uses and other regulated lodging establishments; authorizing the limited refund or credit for certain fees paid; and waiving the review requirement of Section 25-1-502. Related to Item #145.

There was a motion made by Council Member Riley and seconded by Council Member Spelman to approve the ordinance with the following amendments.

- 1.) **Remove 25-2-788(A)(2), "Is not part of a multifamily use"**
- 2.) **Replace 25-2-788(B) as follows:**
"(B) A short-term rental use under this section may not:
(1) include the rental of less than an entire dwelling unit, unless all of the following conditions are met:
(a) a partial unit must at a minimum include the exclusive use of a sleeping room and shared use of a full bathroom;
(b) the owner is generally present at the licensed short-term rental property for the duration of any short-term rental of a partial unit;
(c) not more than one partial unit at the property is simultaneously rented for any period less than 30 consecutive days; and
(d) rental of the partial unit is limited to a single party of individuals;"
- 3.) **Replace the first paragraph of 25-2-791(C)(4) as follows:**
"For a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type 3) Regulations), located in a non-commercial zoning district, no more than 3% of the total number of dwelling units at the property and no more than 3% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and"
- 4.) **Add a new 25-2-791(C)(5) as follows:**
"For a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type 3) Regulations), located in a commercial zoning district, no more than 25% of the total number of dwelling units at the property and no more than 25% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and
(a) the structure and the dwelling unit at issue have a valid certificate of occupancy or compliance, as required by Chapter 25-1, Article 9 (Certificates of Compliance and Occupancy); or

- (b)the structure and the dwelling unit at issue have been determined by the building official not to pose a hazard to life, health, or public safety, based on a minimum life-safety inspection.”
- 5.) Add new Part 4, and renumber current Parts 4, 5, and 6. Part 4 should read:
“Part 4. For 90 days following the effective date of this ordinance, a short-term rental (Type 3) application submitted under Section 25-2-791 (License Requirements) is exempt from short-term rental density caps if the director determines that use of the dwelling unit or partial unit as a short term rental existed before September 26, 2013.”
- 6.) Add a new 25-2-791(G) as follows:
“(G) Notwithstanding any provision of Section 25-2-791(F) to the contrary, a person may advertise the availability of an unlicensed short term rental and the advertisement is not grounds for license denial if the director determines all of the following:
- (a)The person owns the property advertised or has obtained the owner’s authorization to advertise the property for short term rental solely to gauge public interest in the property for short term rental use;
 - (b)The advertisement does not depict or describe availability of the property for uses or occupancy that would violate code, except for the lack of a short term rental license; and
 - (c)The property advertised is not in operation as short term rental.”
- 7.) Amend 25-2-793 replacing (D) and (E) as follows:
“(D) For a short-term rental use regulated under Section 25-2-789 (Short-Term Rental (Type 2) Regulations), one short-term rental (Type 2) license per census tract may be permitted if no other property within the census tract is currently licensed as a short-term rental (Type 2) use and the use complies with all other license requirements, even if approval of a single Type 2 license in the census tract would otherwise exceed the density cap under Subsection (A) or (B) of this section or fail to meet the standard of Section 25-2-791(C)(3).
(E) For a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type 3) Regulations), one short-term rental (Type 3) license per property may be permitted if no other dwelling unit or structure in the building or at the property is currently licensed as a short-term rental (Type 3) use and the use complies with all other license requirements, even if approval of a single Type 3 for the building or property would otherwise exceed the density cap under Subsection (C) of this section or fail to meet the standard of Section 25-2-791(C)(4).”
- 8.) Remove Section 1301 (Definitions), and renumber as needed.
- 9.) Amend Section 1302 to delete the phrase “short-term rental” from the first and last sentence, to read:
“1302 Inspections. The code official shall make inspections to determine the condition of boarding houses, hotels, rooming houses and bed and breakfast establishments located within the City, to ensure compliance with this chapter and other applicable laws. For the purpose of making inspections, the code official or the code official’s representative may enter, examine, and survey, at all reasonable times, all buildings, dwelling units, guest rooms, and premises on presentation of the proper credentials. The owner or operator of a boarding house, hotel, rooming house, or bed and breakfast establishment, or the person in charge, shall give the code official free access to the building, dwelling unit, partial unit, guest room and its premises, at all reasonable times, for the purpose of inspection, examination, and survey.”

There was a friendly amendment made by Mayor Leffingwell to amend Part 1 to reflect this applies in commercial zonings through GR-MU, CS-MU, CS-V, and GR-V. This was accepted by the maker of the motion and Council Member Spelman, who made the second.

There was a friendly amendment made by Council Member Morrison to amend item 4 above to read, “For a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type3) Regulations), located in a CBD or DMU zoning district, no more than 25% of the total number of dwelling units at the property and no more than 25% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and....” This was not accepted by the maker of the motion.

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to amend item 4 above to read, “For a short-term rental use regulated under Section 25-2-790 (Short-Term Rental (Type3) Regulations), located in a CBD or DMU zoning district, no more than 25% of the total number of dwelling units at the property and no more than 25% of the total number of dwelling units located within any building or detached structure at the property are short-term rental (Type 3) uses as determined by the Director under Section 25-2-793 (Determination of Short-Term Rental Density); and....” The motion 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.

There was a friendly amendment made by Council Member Tovo to eliminate item 6 above. This was not accepted by the maker of the motion.

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to eliminate item 6 above. The motion 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.

There was a friendly amendment made by Mayor Leffingwell to close the public comment hearing if this item does not pass on all three readings. The amendment was accepted by the maker of the motion and by Council Member Spelman, who made the second.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130926-144 with the amendments and friendly amendment listed above was approved on Council Member Riley’s motion, Council Member Spelman’s second on a 6-1 vote. Council Member Tovo voted nay.

145. Conduct a public hearing and consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2012 International Property Maintenance Code and local amendments. Related to Item #144.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130926-145 was approved on Council Member Spelman’s motion, Council Member Martinez’ second on a 7-0 vote. The definitions from the previous ordinance have been removed and will be added to the Property Management Code, Section 202.1

ZONING DISCUSSION ITEMS CONTINUED

119. C14-2013-0060 - Bluff Springs Food Mart - Conduct a public hearing and approve 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. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-

conditional overlay (LR-CO) combining district zoning. Owner: Bluff Springs Food Mart, Inc. (Tariq Majeed). Applicant: Moncada Consulting (Phil Moncada). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved with the following modifications and conditions on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

- **The existing conditional overlay is modified to remove food sales and drive-in fast food restaurant from the prohibited use list.**
- **Conditional overlay prohibiting drive-throughs as an accessory to the principle use.**
- **Trip limitation of 2,000 vehicle trips per day.**

DISCUSSION ITEMS CONTINUED

77. Approve a resolution directing the City Manager to obtain community input and report to Council by October 24, 2013 with options for the future use of the City-owned tract of land located at 401 West St. Johns Avenue in Austin, also known as Reznicek Field. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)
Resolution No. 20130926-077 was approved with the following friendly amendment on Council Member Martinez' motion, Council Member Tovo's second on a 7-0 vote. There was a friendly amendment made by Mayor Pro Tem Cole to extend the consideration of this item to January 15, 2014. The amendment was accepted by the maker of the motion and Council Member Tovo, who made the second.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was off the dais.

51. Approve second and third reading of an ordinance adopting site-specific amendments to City Code Chapter 25-8, Article 12 (Save Our Springs Initiative) and variances to City Code Sections 25-8-281, 25-8-483, and 25-8-65 for property generally located at 3712 Ben Garza Lane; and waiving City Code Section 25-1-502. This action concerns land located in the Barton Springs Zone.
Ordinance No. 20130926-051 was approved with the following amendments on Council Member Morrison's motion, Council Member Spelman's second on a 6-1 vote. Tovo voted nay.

The amendments were:

Amend Part 2 of the ordinance to read, "Part 1. City Code Section 25-8-514(A) is amended to allow maximum impervious cover in the recharge zone of 43.5 percent based on gross site area consistent with Parts 1, 3(C), 5, and 6 of this ordinance."

Delete subsection (C) from Part 3.

Amend Part 6 to add a new Subsection (D) to read, "Prohibited Uses. The project may not include the uses listed in the attached and incorporated Exhibit E."

11. Approve an ordinance amending City Code Title 4 to add Chapter 4-14 establishing a pilot program requiring rental registration for multi-family rental properties and non-compliant single family and duplex rental properties; establishing a penalty; amending Section 2-1-122 relating to the Building and Standards Commission; and establishing pilot program evaluation criteria. Related to Item #12.
There was a motion made by Council Member Tovo and seconded by Council Member Martinez to approve the ordinance with the following amendments.

The amendments were:

Section 4-14-1 Purpose and Pilot Program Areas;, (B) should read, **“(B) This chapter creates a pilot program that requires registration of multi-family rental properties and non-compliant single-family rental properties beginning on the effective date of this chapter and continuing for 18 months in the following areas:”**

Amend Section 4-14-5 by changing a “person” to a “landlord”.

In section 4-14-35 Tenant List add a new item (E) that adds the ability for Code Compliance to view not take possession of a list of tenant names in the event that the City receives a complaint related to occupancy of the property.

There was a substitute motion made by Council Member Martinez and seconded by Council Member Tovo to postpone this item indefinitely. The motion passed on a vote of 5-1. Mayor Leffingwell voted nay. Mayor Pro Tem Cole recused herself.

- 12. Approve an ordinance amending City Code Title 4 to add Chapter 4-14 relating to registration of rental property; establishing a penalty; and amending Section 2-1-122 relating to the Building and Standards Commission. Related to Item #11.

Ordinance No. 20130926-012 was approved with the following amendments on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

The amendments were:

Part 1, (2) should read, “Property maintenance is necessary to protect all residents.”

Amend Part 1, (6) to read, “Requiring registration, providing increased inspection opportunities, and reducing dangerous and substandard conditions for residential rental properties with multiple health and safety complaints will assist the City in its commitment to ensuring that residential rental properties are safe and maintained.”

New Part 1, (7) to read, “Properties with dangerous conditions and/or impair habitability as defined below must register and be responded to immediately.”

Section 4-14-2

Add a new item (4) and renumber as needed to read, “Dangerous means an imminent danger is present, or the conditions are able or likely to cause physical harm or injury to someone in the environment.”

Add a new item (7) to read, “Habitability means conditions, including but not limited to, hot water, electric service, heating, electrical hazards and infestation, which impair the quality of life for a tenant.”

Section 4-14-3 should read:

“(A) Except as provided in subsection (C), a rental registration issued under this chapter is required for multi-family rental property or single-family rental property occupied by a non-owner if the following conditions are met:

- (1) Two or more separate notices of violation for conditions that are dangerous or impair habitability are issued for the same property within a consecutive 12 month period and the owner of the property fails to correct the violations within the time frame required by the code official;**
- (2) Five or more separate notices of violation for conditions that are dangerous or impair habitability are issued on separate days for the same property within a consecutive 12**

month period regardless of whether the owner of the property corrects the violations within the time frame required by the code official; or

- (3) Two or more citations for conditions that are dangerous or impair habitability are issued for the same property within a consecutive 12 month period.”

Section 4-14-4 (A) should read, “The owner of a rental property that meets the conditions in Section 4-14-3(A) (Registration Required; Exceptions) must register the property.”

Section 4-14-5(A) should read, “An owner required to register as described in Section 4-14-4 (Registration) may appeal the requirement to register to the code official.”

Section 4-14-7 should read, “Change in Ownership. If the rental property changes ownership, the new owner must, within 30 days of the change, submit a new registration application and pays a new registration fee. If the rental property is made compliant within a 90 day period after the property is sold, the requirement to register is no longer applicable.”

Section 4-14-20(B) should read,

“(B) The disclosure of information must request the following information:

- (1) The name, address, and telephone number, and email address of the owner of the rental property;
- (2) if the owner of the rental property is a corporation or association, the name and address of the registered agent on file with the Texas Secretary of State;
- (3) the address of the rental property;
- (4) the number of individual rental units and buildings at the property; and
- (5) the telephone number that will be answered 24 hours a day as required by Texas Property Code Section 92.020 (Emergency Phone Number).

Section 4-14-35 should read, “Tenants. A landlord must be able to contact all tenants within two hours in an emergency situation.”

Section 4-14-50 (3):

Add a new item (F) to read, “If the registration is suspended, the code official must give notice to the tenants.”

Section 4-14-51 Revocation should read,

“(A) The code official may immediately revoke a registration that has been suspended pursuant to Section 4-14-50 (Suspension) if the code official determines that the registrant is:

- (1) a condition that is dangerous or impairs habitability exists at the rental property during the suspension period; and
- (2) the registrant fails to take remedial action to correct the condition.

(B) Even if the registration has not been suspended, the code official may immediately revoke a registration issued under this chapter if an order to vacate the rental property is issued by the Building and Standards Commission or a court of competent jurisdiction.

(C) After the rental property is compliant with the City Code, the code official may re-instate the registration for the time period specified in Section 4-14-31 (Registration Period).”

Part 4. Should read, “Follow Up Evaluation and Report to Council; Online Reporting Tool.

(A) The Code Compliance Department will report to Council quarterly with a report that addresses the following items related to properties that have registered:

- (1) Number and percentage of rental properties registered;
- (2) Number and percentage of rental properties that received a periodic inspection;
- (3) Number and percentage of properties that received periodic inspections and violations were found;

- (4) Number and percentage of properties that timely complied with a Notice of Violation;**
- (5) Number and percentage of properties that received periodic inspections and no violations were found;**
- (B) Code Compliance Department should also develop an online reporting tool that is publicly accessible for residential rental properties that have received notices of violation but have not complied in a timely manner (including properties that are not registered). The online tool should provide the current status of those cases (Municipal Court, Building and Standards Commission, or other enforcement track)."**

Mayor Leffingwell adjourned the meeting at 12:15 a.m. without objection.

The minutes were approved on this the 3rd day of October 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

The minutes were amended on December 12, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Amendment was made to item number 103.