

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 2, 2014**

Invocation: Dusty McCormick, Chaplain, Austin Fire Department

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 2, 2014 at Travis County Administration Building, 700 Lavaca Street, Commissioners Courtroom, 1st Floor, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session meeting of September 23, 2014 and regular meeting of September 25, 2014.
The minutes from the City Council work session of September 23, 2014 and regular meeting of September 25, 2014 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
2. Authorize negotiation and execution of a power purchase agreement and ground lease with PowerFin Texas Solar Projects, LLC, or one of the other qualified respondents to the request for proposals, for a community solar project of up to 3.2 megawatts of local solar-generated electricity, in an estimated amount of \$520,000 per year, for a *term* of up to 25 years, for a total estimated contract amount of \$13,000,000.
The motion authorizing the negotiation and execution of a power purchase agreement and ground lease with PowerFin Texas Solar Projects, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
3. Approve issuance of a rebate to Gables Residential for performing duct diagnostics and improvements at the Gables Grandview Apartments located at 6500 Champion Grandview Way, in an amount not to exceed \$172,307.
The motion to approve issuance of a rebate to Gables Residential was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
4. Approve issuance of a rebate to Laurel Woods Investors LP, for performing energy efficiency improvements at the Laurel Woods Apartments located at 8312 Fathom Circle, in an amount not to exceed \$131,249.
The motion to approve the issuance of a rebate to Laurel Woods Investors LP was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

5. Approve issuance of a rebate to CB Chalk Rock LLC, for performing duct diagnostics and improvements at Marquis at Canyon Ridge Apartments located at 12000 Dessau Road, in an amount not to exceed \$82,228.
The motion to approve the issuance of a rebate to CB Chalk Rock LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
6. Approve issuance of a rebate to Post Investment Group for performing duct diagnostics and improvements at the Mountain Ranch Apartments located at 2425 East Riverside Drive, in an amount not to exceed \$62,641.
The motion to approve the issuance of a rebate to Post Investment Group was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
7. Approve Service Extension Request No. 3406 for water service to a 25.5 acre tract at 11900 Buckner Road located within the Drinking Water Protection Zone, the City's limited purpose jurisdiction, and Austin Water Utility's service area.
This item was postponed to October 23, 2014 on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
8. Approve Service Extension Request No. 3407 for wastewater service to a 25.5 acre tract at 11900 Buckner Road located within the Drinking Water Protection Zone, the City's limited purpose jurisdiction, and Austin Water Utility's service area.
This item was postponed to October 23, 2014 on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
9. Authorize negotiation and execution of an amendment to the professional services agreement with HALFF ASSOCIATES, INC. for engineering services for the 2010 Floodplain Modeling and Mapping Engineering Services Rotation List, in the amount of \$1,250,000, for a total contract amount not to exceed \$4,250,000. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.89% MBE and 2.45% WBE participation to date.)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Halff Associates, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
10. Authorize negotiation and execution of a set of job order assignments, which may exceed \$500,000 each, for the phased renovation of two sets of restrooms within the Austin-Bergstrom International Airport over the next two-years to ensure the continuity of essential public services and terminal operations for a total amount not-to-exceed \$1,230,000, inclusive of contingency. (Notes: This 2013 Job Order Contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 1.67% African-American, 3.41% Hispanic, 0.80%, Native/Asian, and 1.81% WBE subcontractor participation.)
The motion authorizing the negotiation and execution of a set of job order assignments was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
11. Authorize negotiation and execution of an amendment to the professional services agreement with FARR ASSOCIATES and URBAN DESIGN GROUP JOINT VENTURE, for architectural, engineering, and planning services for the Colony Park Sustainable Community Initiative in the amount of \$24,000 for a total contract amount not to exceed \$2,058,450. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 6.85% MBE and 29.25% WBE participation.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Farr Associates and Urban Design Group Joint Venture was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

12. Approve an ordinance amending City Code Chapter 3-6 related to beekeeping.
Ordinance 20141002-012 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

Item 13 was pulled for discussion.

Items 14 and 15 were pulled for staff presentation.

16. Approve a resolution authorizing the City Manager to apply for grant funding up to \$1,000,000 from the U.S. Department of Commerce, Economic Development Administration, for the Fiscal Years 2014-2017 Colony Park Sustainable Community Initiative Program to assist in creating and implementing an economic development program at the master-planned, Austin Housing Finance Corporation-owned tract in the Colony Park neighborhood.
Resolution 20141002-016 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
17. Authorize the negotiation and execution of a 60-month lease renewal for 1,000 square feet of office warehouse space for the Environmental Resource Management Division of the Watershed Protection Department, located at 720 Bastrop Highway, Suite 218, Austin, Texas from BASTROP BUSINESS PARK, LP, in an amount not to exceed \$56,400.
This item was postponed to October 23, 2014 on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
18. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire real property totaling approximately 6.394 acres in Travis County, Texas, located at 10140 Old San Antonio Road, from MOE, LARRY & CURLY, LTD., for a total amount not to exceed \$1,250,000.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire real property from Moe, Larry & Curly, LTD was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
19. Authorize negotiation and execution of an encroachment agreement with the TRAVIS COUNTY HOSPITAL DISTRICT and THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM for the aerial encroachment of right-of-way by a pedestrian bridge at 601 East 15th Street.
The motion authorizing the negotiation and execution of an encroachment agreement with the Travis County Hospital District and the Board of Regents of the University of Texas System was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
20. Approve an ordinance amending City Code Chapter 9-2 relating to permitting requirements for non-peak hour concrete installation within portions of the Central Business District (CBD), Downtown Mixed Use (DMU), and Public (P) zoning districts.
This item was postponed to October 23, 2014 on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
21. Authorize award and execution of two contracts for the purchase of insulators for Austin Energy with TECHLINE INC. in an amount not to exceed \$32,399, and with STUART C. IRBY CO. in an amount not to exceed \$29,613, for a total amount not to exceed \$62,012. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise

Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of two contracts with Techline Inc. and Stuart C. Irby Co. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

22. Authorize award and execution of a 60-month services contract with SIEMENS INDUSTRY, INC. for preventive and corrective maintenance services for the building automation and fire alarm system at the Combined Transportation, Emergency and Communications Center in an amount not to exceed \$357,210. (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 services contract with Siemens Industry, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

23. Authorize award and execution of a 36-month requirements supply agreement with NESTLE WATERS NORTH AMERICA, INC. DBA OZARKA DIRECT to provide drinking water delivery services for various City departments, in an amount not to exceed \$252,600 with three 12-month extension options in an amount not to exceed \$84,200 per extension option, for a total contract amount not to exceed \$505,200. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply agreement with Nestle Waters North America, Inc. doing business as Ozarka Direct was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

24. Authorize award and execution of a 12-month requirements supply agreement with ACT PIPE & SUPPLY LTD for the purchase of sanitary sewer cleanout frames and covers for the Austin Water Utility in an amount not to exceed \$84,400, with three 12-month extension options in an amount not to exceed \$84,400 per extension option for a total contract amount not to exceed \$337,600. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply agreement with Act Pipe & Supply LTD was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

25. Authorize award and execution of a 36-month requirements supply contract with PENCCO, INC., for the purchase of liquid ferric sulfate for the Austin Water Utility in an amount not to exceed \$1,383,912, with three 12-month extension options in an amount not to exceed \$461,304 per extension option, for a total contract amount not to exceed \$2,767,824. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements supply contract with Pencco, Inc was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

26. Authorize award and execution of a contract with RISCO SUPPLY CO. INC. for the purchase of engine intake air bag filters for four LM6000 gas turbine generators at Austin Energy's Sand Hill Energy Center, for a total contract amount not to exceed \$98,991. (Notes: This contract will be awarded in compliance with City Code Chapter 2-D (Minority-Owned and Women-Owned Business Enterprise Procurement

Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with Risco Supply Co. Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

27. Authorize negotiation and execution of Amendment No. 8 to the contract with MASTEC NORTH AMERICA, INC., for underground transmission and distribution construction and maintenance services, to increase the contract authorization for the current contract period in an amount not to exceed \$5,000,000, for a revised total contract amount not to exceed \$36,488,840. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program) with 8.81% MBE and 25.74% WBE subcontractor participation.)

The motion authorizing the negotiation and execution of amendment number eight to the contract with Mastec North America, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

28. Authorize negotiation and execution of a contract with PRO SERV INDUSTRIAL CONTRACTORS, LLC, or another qualified offeror to RFP No. NST0401, for the purchase and installation of a stack damper and access platform for the heat recovery steam generator at Austin Energy's Sand Hill Energy Center, in an amount not to exceed \$448,500. (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 negotiation and execution of a contract with Pro Serv Industrial Contractors, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

29. Authorize award and execution of Amendment No. 2 to the contract with YANEZ TENNIS CONSULTANTS, for the management and operation of Pharr Tennis Center in an amount not to exceed \$75,000, for a revised total contract amount not to exceed \$499,000. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of amendment number two to the contract with Yanez Tennis Consultants was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

30. Authorize award and execution of a 36-month requirements service agreement with WALKER AERO DBA JV DIRT AND LOAM to provide spoils disposal in an amount not to exceed \$153,045, with three 12-month extension options in an amount not to exceed \$51,015 per extension option, for a total contract amount not to exceed \$306,090. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

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

31. Authorize award and execution of a 24-month service contract with NEWGEN STRATEGIES AND SOLUTIONS, LLC., or one of the other qualified offerors to RFP No. RML0027, for regulatory consulting services for Austin Energy, in an amount not to exceed \$465,000. (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.)

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

32. Authorize award and execution of a 36-month requirements supply agreement with LEIF JOHNSON FORD DBA TRUCK CITY FORD, consistent with the City's authority to invoke local preference in awarding contracts, to provide original equipment manufacturer parts for Ford medium and heavy-duty vehicles in an amount not to exceed \$766,212, with three 12-month extension options in a total amount not to exceed \$255,404 per extension option, for a total contract amount not to exceed \$1,532,424. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a requirements supply agreement with Leif Johnson Ford doing business as Truck City Ford was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

33. Approve an ordinance amending City Code Section 12-4-64(D) to remove segments of Gonzales Street, Shady Lane, and Springdale Road from the table of streets as having a maximum speed limit of 20 miles per hour during certain times.

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

34. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments and waivers were approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

Board/Nominee

Nominated by

Animal Advisory Commission

Sara Palmer Neuhaus

Council Member Riley

Low Income Consumer Advisory Task Force

Dan Pruett

Mayor Leffingwell

Waivers

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

Items 35 thru 38 were pulled for related executive session items.

39. Approve an ordinance reimbursing fees and requirements for the Rainey Street Neighborhood Association meeting sponsored by the Rainey Street Neighborhood Association which is taking place Tuesday, September 30, 2014 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)

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

40. Approve an ordinance reimbursing fees for the 16th Annual Garden Party sponsored by the Umlauf Sculpture Garden and Museum which took place Thursday, April 24, 2014 at the Umlauf Sculpture Garden and Museum. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)

Ordinance 20141002-040 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

41. Approve an ordinance waiving or reimbursing certain fees, waiving certain requirements, and authorizing payment of certain costs under City Code Chapter 14-8 for the City co-sponsored Viva la Vida Festival which is to be held on October 18, 2014 at 4th Street and Congress Avenue. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)

Ordinance 20141002-041 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

Items 42 thru and 44 were pulled for discussion.

45. Approve a resolution directing the city manager to utilize the repeat offender rental registration program as the basis of a publicly accessible landlord watch list and map on the city's website. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman)

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

46. Approve a resolution directing the City Manager to review performance measures, definitions, and reported community indicator data consistent with the International Organization for Standardization 37120 standard and make recommendations for changes and additions to be included in the Fiscal Year 2014-2015 budget adoption process. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman)

Resolution 20141002-046 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

47. Approve a resolution directing the City Auditor to study how Austin's peer cities with Council-Manager governments structure their council committees, study best practices in Council meeting management, and prepare a report. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman)

Resolution 20141002-047 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

48. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements under City Code Chapter 14-8 for the Texas-Sized Pittie Pride event sponsored by Love-A-Bull which is to be held on Sunday, October 26, 2014 with a parade up Congress Avenue ending with a festival at Republic Square Park. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)

Ordinance 20141002-048 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

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

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

50. Approve a resolution directing the City Manager to communicate to the Texas Department of Transportation the need and desire of the City to maximize the connections in the downtown/east Austin area through the use of Interstate 35 (I-35) right-of- way, the City's preference to create a two-way, two-

lane, at grade connection along 5th Street, and the City's preference that the I-35 "Modified Existing" alternative, also known as the elevated alternative, not move forward in the National Environmental Policy Act process. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)

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

51. Set a public hearing to consider the permanent use of approximately 15,960 square feet of land and temporary working space use of approximately 7,658 square feet of land for construction, use, maintenance, repair, and replacement of a wastewater line for the Little Walnut Creek Wastewater Project through dedicated parkland known as Little Walnut Creek District Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time, November 6, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 6, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
52. Set a public hearing to consider an ordinance amending City Code Title 25 relating to the regulation of residential uses in the Downtown Mixed Use and Central Business District zoning districts. (Suggested date and time: November 6, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 6, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
53. Set a public hearing to consider an ordinance amending City Code Title 25 relating to parking requirements for single-family development and other projects exempt from site plan requirements. (Suggested date and time: November 6, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 6, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
54. Set a public hearing to consider an ordinance amending City Code Title 25 limiting the re-development of existing small (substandard) lots that are developed as a single building site. (Suggested date and time: November 6, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 6, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
55. Set a public hearing to consider an ordinance amending City Code Title 25 relating to the regulation of fence height. (Suggested date and time: November 6, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for November 6, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.
56. Set a public hearing to consider an ordinance amending City Code Title 25 related to safe, mixed income, accessible, and reasonably priced transit oriented housing. (Suggested date and time: October 23, 2014, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX).
The public hearing was set on consent for October 23, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

57. Set a public hearing to consider an ordinance naming parkland located at 800 W. Riverside Drive (Suggested date and time: October 16, 2014, 4:00 p.m. at Travis County Commissioners Court, 700 Lavaca, Austin, TX).

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

Item 78 was pulled for discussion.

79. Approve a resolution directing the City Manager to communicate to the Texas Department of Transportation the City's preference that the I-35 "Modified Existing" Alternative, also known as the elevated alternative, not proceed in the National Environmental Policy Act process. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Chris Riley)

Resolution 20141002-079 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

Item 58 was an action on items with closed public hearing

Item 59 was a briefing item set for 10:30 a.m.

Items 60 through 67 were Executive Session items.

Items 68 through 74 were zoning items set for 2:00 p.m.

Item 75 was a briefing item set for 4:00 p.m.

Items 76 and 77 were public hearing items set for 4:00 p.m.

Items 78 and 79 were addendum items

DISCUSSION ITEMS

13. Approve an ordinance amending City Code Chapter 5-1 (Housing Discrimination) to prohibit discrimination based on an individual's source of income.

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

There was a friendly amendment made by Council Member Spelman to add a new section 5-1-19 to read: Applicability; source of Income. The provisions of this Article, as they relate to unlawful discriminatory practices on the basis of source of income, shall not apply to the rental of a single-family dwelling, duplex, triplex, or fourplex dwelling, except that the prohibition against discriminatory advertising shall apply to dwellings described in this paragraph. The motion was not accepted as friendly by Council Member Martinez who seconded the motion.

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

The amendment was to add a new section 5-1-19 to read: "Applicability; source of Income. The provisions of this Article, as they relate to unlawful discriminatory practices on the basis of source of income, shall not apply to the rental of a single-family dwelling, duplex, triplex, or fourplex

dwelling, except that the prohibition against discriminatory advertising shall apply to dwellings described in this paragraph.”

There was a friendly amendment made by Council Member Spelman to revise 5-1-13 (24) to read: “Source of Income means, lawful, regular, and verifiable income including, but not limited to, housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance, but does not include future gifts.” The amendment was accepted by the maker of the motion and Council Member Martinez who seconded the motion.

There was a friendly amendment made by Council Member Spelman to establish the effective date as December 1, 2014. The amendment was accepted by the maker of the motion and Council Member Martinez who seconded the motion.

There was a friendly amendment made by Mayor Leffingwell to approve the item on first reading only. The amendment was accepted by the maker of the motion and Council Member Martinez who seconded the motion.

The first reading of the ordinance was approved with the amendments listed above on Mayor Pro Tem Cole’s motion, Council Member Martinez’ second on a 7-0 vote.

14. Approve a settlement of a claim from Pauline Small against the City of Austin.
The motion to settle the above referenced lawsuit, by the City paying \$155,000.00 to Pauline Small, was approved on Council Member Martinez’ motion, Council Member Spelman’s second, on a 7-0 vote.
15. Approve a settlement in Louis Rodriguez, Jr. et al. v. City of Austin; Cause No. D-1-GN-13-000721, in the 126th Judicial District for Travis County, Texas.
The motion to settle the above referenced lawsuit, by the City paying \$75,309.70 to Louis Rodriguez, Jr., was approved on Council Member Riley’s motion, Council Member Spelman’s second, on a 7-0 vote. In exchange for payment the City will receive a full and final release.
42. Approve a resolution initiating code amendments to define a "private party" and to create a permitting process for private parties; and directing the City Manager to convene a stakeholder process for additional recommendations and process the proposed amendments to Council by a date certain. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell)
Resolution 20141002-042 was approved on Council Member Riley’s motion, Council Member Tovo’s second on a 6-0 vote. Council Member Martinez was off the dais.
43. Approve a resolution establishing Permanent Supportive Housing (PSH) as the primary intervention to end chronic homelessness and setting a target of 400 PSH units, with a minimum of 200 dedicated to 'Housing First' PSH to be delivered in the next four years and to adopt the updates to the PSH strategy recommended in the August 2014 PSH Evaluation Report. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley)
Resolution 20141002-043 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.
44. Approve a resolution directing the City Manager to develop a "Good Landlord Program" for private sector landlords that meet high standards or help assist with difficult-to-house individuals, to present the proposed program to stakeholders, and to bring the proposed program back to council for approval. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman)
Resolution 20141002-044 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

78. Approve a resolution directing the City Manager to include information from the repeat offender rental registration program as part of an online reporting tool; and to report back to Council with an update on the status of the online tool by a date certain. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman CO 2: Council Member Kathie Tovo)
Resolution 20141002-078 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote. Direction was given to staff to include examples of properties that met the standard of having two violations but in the staff's estimate did not seem to impair habitability.

BRIEFINGS

59. Re-entry Roundtable Briefing.
This item was withdrawn without objection.

Mayor Leffingwell recessed the Council Meeting at 11:31 a.m.

Mayor Leffingwell called the meeting back to order at 12:02 p.m.

CITIZEN COMMUNICATIONS: GENERAL

John Goldstone - Cameras, surveillance, ARIC, Occupy and the Fusion Center

Johnette Mason - City ordinances and discrimination against the homeless – **Not present when name was called.**

Sylvia Servin - Swimming pool for senior citizens

Stephen Bega - I would like to discuss an ongoing problem with flooding due to recent construction and current road/bridge conditions along Joe Tanner Land and Highway 290 in Oak Hill. After having not experienced flooding issues in the last 25 years, we have now experienced three floods in a span of 11 months that have cost our association over \$100,000 in damages. I would like to discuss this subject to the City Council to look for options to address this apparent issue.

Rae Nadler-Olenick - Water fluoridation

Rosemarie Schwarzer - Lighting

Tara Martin - Zoning issue

CAROLANN ROSEKENNEDY - VICE PRECEDENTIAL ASPIRATIONS

Paul Robbins - City and budget issues

Carlos León - 1) Return to God; Fear God 2) Losers blaze Chemtrails 3) Truth pulverizes lies

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:36 p.m.

Mayor Leffingwell called the Council Meeting back to order at 1:26 p.m.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 1:27 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.

60. 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.
61. Discuss legal issues related to the November 2014 election (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
62. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
63. Discuss personnel matters related to the evaluation, compensation and benefits of the City Manager (Personnel Exception - 551.074 of the Government Code).
64. Discuss personnel matters related to the evaluation, compensation and benefits of the City Clerk (Personnel Exception - 551.074 of the Government Code).
65. Discuss personnel matters related to the evaluation, compensation and benefits of the City Auditor (Personnel Exception - 551.074 of the Government Code).
66. Discuss personnel matters related to the evaluation, compensation and benefits of the Municipal Court Clerk (Personnel Exception - 551.074 of the Government Code).
67. Discuss legal issues related to Transportation Networking Companies (Private consultation with legal counsel - Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:56 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

68. NPA-2014-0020.01 - St. Elmo's Market and Lofts - Conduct a public hearing and approve an ordinance amending the South Congress Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 113 Industrial Boulevard, 4323 South Congress Avenue and the 4300 Block of Willow Springs Road (East Bouldin Creek Watershed; Williamson Creek Watershed) from Industry to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: JFP Industrial Interests (Bill Coon). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, 512-974-2695.
This item was postponed on consent to October 23, 2014 at the request of the applicant and the neighborhood on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
69. C14-2014-0034 - St. Elmo's Market and Lofts - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 113 Industrial Boulevard, 4323 South Congress Avenue and the 4300 Block of Willow Springs Road (East Bouldin Creek Watershed; Williamson Creek Watershed) from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning, limited industrial service-neighborhood plan (LI-NP) combining district

zoning and limited industrial service-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Staff Recommendation: To deny limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, with conditions. Owner/Applicant: GFD Holdings, LLC (Brandon Bolin). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to October 23, 2014 at the request of the applicant and the neighborhood on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

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

This item was postponed on consent to October 16, 2014 at the request of the applicant on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

71. C14-2014-0088 1023 Springdale - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1023 Springdale Road (Walnut Creek Watershed; Tannehill Branch Watershed, Boggy Creek Watershed) from rural residence-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, with conditions. Owner: Springdale Partners, LTD (Sid Orton). Applicant: South Llano Strategies (Glen Coleman). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to October 23, 2014 at the request of staff on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

72. C14-2014-0100 - 12008 Pollyanna Avenue - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12008 Pollyanna Avenue (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: Timothy M. Holck. City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for family residence (SF-3) district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

73. C14-2014-0103 - Radio Coffee & Beer - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4204 Manchaca Road and 2008 Fort View Road (West Bouldin Creek Watershed) from neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, with conditions. Planning Commission Recommendation: To grant community

commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, with conditions. Owner: Telvending Corp (Greg Wilson). Applicant: Land Strategies Inc. (Paul Linehan). City Staff: Lee Heckman, 512-974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for commercial-liquor sales- mixed use-conditional overlay (CS-1-MU-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

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

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20141002-074 for general commercial services - conditional overlay (CS-CO) combining district zoning to Tract 1, neighborhood commercial - conditional overlay (LR-CO) combining district zoning to Tract 2, and limited office- conditional overlay (LO-CO) combining district zoning to Tract 3 was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

Items 35 through 38 were acted on in a combined motion.

Action was taken on item 35 but was reconsidered later in the meeting. See below.

36. Approve a resolution relating to the evaluation, compensation and benefits of the City Clerk. (Notes: SPONSOR: Council Member Spelman CO 1: Council Member Mike Martinez)
Resolution 20141002-036 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on 7-0 vote.
37. Approve a resolution relating to the evaluation, compensation and benefits of the City Auditor. (Notes: SPONSOR: Council Member Spelman CO 1: Council Member Mike Martinez)
Resolution 20141002-037 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on 7-0 vote.
38. Approve an ordinance relating to the evaluation, compensation and benefits for the Municipal Court Clerk. (Notes: SPONSOR: Council Member Spelman CO 1: Council Member Mike Martinez)
Ordinance 20141002-038 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on 7-0 vote.
35. Approve a resolution relating to the evaluation, compensation and benefits of the City Manager. (Notes: SPONSOR: Council Member Spelman CO 1: Council Member Mike Martinez)
The motion to approve Resolution 20141002-035 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Martinez voted nay.

The motion to reconsider item 35 was approved on Council Member Spelman's motion, Mayor Pro

Tem Cole's second on a 6-1 vote. Mayor Leffingwell voted nay.

There was an amendment made by Council Member Spelman and seconded by Council Member Martinez to amend the resolution by adding an addendum consisting of a memo from Council Member Spelman to City Manager Ott dated October 2, 2014. The amendment passed on a vote of 4-2. Those voting aye were: Council Members Martinez, Morrison, Riley and Spelman. Those voting nay were: Mayor Leffingwell and Mayor Pro Tem Cole. Council Member Tovo abstained.

Resolution 20141002-035 with the previous amendment was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

58. Approve second and third reading of an ordinance defining transportation network companies (TNCs) and directing the City Manager to enter into agreements with TNCs allowing their operation, creating a penalty, and amending City Code Chapter 13-2 to increase certain penalties.

There was a motion made by Council Member Riley and seconded by Mayor Pro Tem Cole to approve the ordinance on second and third reading with the following amendments and with emergency passage.

The amendments were to:

Have part 3, (B)(10) read,

“(10) As part of the agreement with the City, each TNC shall agree to set aside a sum equivalent to 10 cents for every ride originating in the City of Austin, and use those funds to support the TNC's riders who require ADA accommodations, with the goal of accessible rides being met with wait times that are equivalent to those of other TNC rides.”

Add a new part 3, (B)(11) to read as follows and renumber accordingly.

“(11) An accessible service request indicator must be available on the app within 3 months of the initial agreement, at which time if a driver cannot provide the requested accessible ride the TNC must identify an alternative transportation arrangement for the passenger.”

Have part 3, (B)(19)(c) read,

“(c) ...prior to requesting the ride.”

Have part 3, (B)(20)(a) read,

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

There was a friendly amendment made by Council Member Morrison to include the words “State Inspection Sticker” in part 3, (B)(4). The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Direction was given to staff to amend the language in part 3(B)(5)(b) to clarify that the intent is for preventing anyone from driving for the TNC with more than three moving violations or anyone

charged with driving without insurance or a suspended license within the three-year period prior to the check.

There was a friendly amendment made by Council Member Morrison to amend part 3, (B)(20) to include the language “data should be provided fifteen days after the quarter ends.” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Morrison to amend part 3, (B)(14) to read, “A TNC driver may not drive for more than twelve (12) hours in any 24 hour period.” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Morrison to amend part 3, (B)(16) to read, “TNC shall implement a zero-tolerance policy on the use of drugs or alcohol while operating for the TNC and advertise it on its website along with procedures for filing a complaint about a driver suspected of using drugs or alcohol while driving for the TNC and an explanation warning of deactivation for drivers found in violation of the policy.” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Morrison to amend part 3, (B)(17) to add the following language “Publicize the need for ADA services with the goal of providing equivalent services to all passengers.” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Mayor Pro Tem Cole to amend part 3, (B)(18) to read, “Outreach events to underserved communities”. The amendment was accepted by the maker of the motion.

There was a friendly amendment made by Council Member Morrison to direct staff to add requirements from section 13-2-161 “Application Requirements” into the ordinance. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Tovo to amend part 3, (B)(2) to read, “(2) During the time period beginning when a TNC driver has logged into a TNC’s digital network and indicated that they are available to receive requests for transportation and until such time when the TNC driver accepts a request for transportation through the TNC’s digital network, primary commercial insurance coverage must be provided of at least \$30,000 per person for bodily injury and at least \$60,000 for personal injury of two or more persons per accident, and at least \$25,000 for property damage per accident. The required insurance coverage must be provided by the TNC.” The amendment was not accepted by the maker of the motion.

There was an amendment made by Council Member Tovo and seconded by Council Member Spelman to amend part 3, (B)(2) to read, “(2) During the time period beginning when a TNC driver has logged into a TNC’s digital network and indicated that they are available to receive requests for transportation and until such time when the TNC driver accepts a request for transportation through the TNC’s digital network, primary commercial insurance coverage must be provided of at least \$30,000 per person for bodily injury and at least \$60,000 for personal injury of two or more persons per accident, and at least \$25,000 for property damage per accident. The required insurance coverage must be provided by the TNC.” The amendment passed on a vote of 4-3. Those voting aye were: Council Members Martinez, Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Riley.

Direction was given to staff to craft the language of part 3, (B)(20) to allow the City the ability to audit any information addressed in this ordinance.

There was a friendly amendment made by Council Member Tovo to amend part 6 by adding the language “At which time the City Council may in its sole discretion repeal or amend the ordinance to provide the opportunity to address any concerns that might arise in the interim that has not been anticipated.” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was an amendment made by Council Member Tovo and seconded by Council Member Martinez to replace part 3, (B)(19) with the following wording. The amendment failed on a vote of 3-4. Those voting aye were: Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman.

Amend Part 3, (B)(19) to read:

“(19) If a TNC utilizes dynamic pricing through its software application to incentivize drivers in an effort to maximize the supply of available vehicles on the network to match the demand for rides and increase reliability, the following requirements apply:

(a) Dynamic pricing may not exceed two and one half (2 ½) times the normal rate of fare.

(b) The software application must:

- (i) provide clear and visible indication that dynamic pricing is in effect prior to requesting a ride;
- (ii) include a feature that requires riders to confirm that they understand that dynamic pricing will be applied in order for the ride request to be completed; and
- (iii) provide a fare estimator that enables the user to estimate the cost under dynamic pricing prior to requesting the ride.”

There was a friendly amendment made by Council Member Tovo to amend part 3, (B) (19) to add the following wording. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

“(19) This section refers to TNCs that utilize dynamic pricing to incentivize drivers in an effort to maximize the supply of available vehicles on the network to match the demand for rides and increase reliability:

(d) During periods of abnormal market disruptions dynamic or surge pricing may not exceed two times the normal rate.

(e) ‘Abnormal market disruptions’ are defined as any change in the ground transportation market, whether actual or imminently threatened, resulting from stress of weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in the declaration of a state of emergency by the governor.”

There was a friendly amendment made by Council Member Martinez to amend part 3(B)(19)(d) of Council Member Tovo’s previous friendly amendment to prohibit surge pricing during an emergency. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Riley to approve the ordinance on second reading only. The amendment was accepted by Mayor Pro Tem Cole, who made the second.

The second reading of the ordinance was approved with the previous friendly amendments, amendments and direction on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Morrison voted nay.

Mayor Leffingwell recessed the Council Meeting for Proclamations at 5:30 p.m.

PROCLAMATIONS

Proclamation -- Metastatic Breast Cancer Awareness Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Ray Anne Evans

Proclamation -- National Night Out -- to be presented by Mayor Lee Leffingwell and to be accepted by Chief of Staff Raul Munguia

Proclamation -- National Manufacturing Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Edward Latson

Proclamation -- National Code Month -- to be presented by Council Member Mike Martinez and to be accepted by Carl Smart

Proclamation -- Fire Prevention Month -- to be presented by Council Member Mike Martinez and to be accepted by Chief of Staff Harry Evans

Proclamation -- Lesbian, Gay, Bisexual, Transgender History Month -- to be presented by Council Member Laura Morrison and to be accepted by Carlos Rivera

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

Proclamation -- National Protect Your Hearing Month -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Soriya Estes and Kelli House

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

PUBLIC HEARINGS AND POSSIBLE ACTIONS

76. Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to the regulation of efficiency dwelling units in certain multifamily zoning districts.
This item was postponed to October 16, 2014 on Council Member Riley's motion, Council Member Spelman's second on a 5-0 vote. Mayor Pro Tem Cole and Council Member Tovo were off the dais.

BRIEFING

75. CodeNext: Approach Alternatives Briefing
The presentation was made by George Zapalac, Development Services Manager, Planning & Development Review Department and Daniel Parolek, Principal, Opticos Design, Inc.

Public Hearings and Possible Actions

77. Conduct a public hearing and consider an ordinance regarding floodplain variances for the development of a multifamily building and associated parking at 1010 W. 10th Street. This property is partially in the 25-year and 100-year floodplains of Shoal Creek.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20141002-077 was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 8:00 p.m. without objection.

The minutes were approved on this the 16th day of October, 2014 on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.