



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, OCTOBER 16, 2014

Invocation: Mark Heinrich

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 16, 2014 at the Travis County Administration Building, 700 Lavaca Street, Commissioners Courtroom, 1st Floor, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:12 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of September 30, 2014 and regular meeting of October 2, 2014.
The minutes from the City Council work session of September 30, 2014 and regular meeting of October 2, 2014 were approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

2. Approve an ordinance repealing Exhibits A, B, D, E, and F of Ordinance No. 20140807-017 ordering the November 2014 general and special municipal election, and replacing them with new Exhibits A, B, D, E, F, and G that adopt changes to election day and early voting polling places, list election day judges, central counting station staff, and early voting ballot board, and attach executed joint election agreements; and declaring an emergency.
Ordinance 20141016-002 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

3. Authorize negotiation and execution of an amendment to the professional services agreement with HDR ENGINEERING, INC, for engineering services for the Mopac Bicycle Bridge in the amount of \$191,948, for a total contract amount not to exceed \$2,202,913. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 15.32% MBE and 14.38% WBE participation to date.)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with HDR Engineering, Inc. was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

4. Authorize negotiation and execution of a professional services agreement with the following eight staff recommended firms or one of the other qualified responders: LIMBACHER & GODFREY ARCHITECTS; AUSTIN ARCHITECTURE PLUS INC. dba ARCHITECTURE + PLUS, MWM

DESIGNGROUP; H+UO ARCHITECTS, LLP dba HATCH + ULLAND OWEN ARCHITECTS; MCKINNEY YORK ARCHITECTS; THE LAWRENCE GROUP ARCHITECTS OF AUSTIN, INC.; BLGY INC. and STANLEY ARCHITECTS & ARTISANS/STANLEY SALAIZ JV for architectural and engineering services for the 2015 General Architectural Services Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$4,000,000 divided among the eight firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.)

The motion authorizing the negotiation and execution of a professional services agreement with Limbacher & Godfrey Architects; Austin Architecture Plus Inc. doing business as Architecture + Plus, MWM Designgroup; H+UO Architects, LLP doing business as Hatch + Ulland Owen Architects; Mckinney York Architects; The Lawrence Group Architects of Austin, Inc.; Blgy Inc. and Stanley Architects & Artisans/Stanley Salaiz JV was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

5. Authorize negotiation and execution of an amendment to the legal services agreement with Denton, Navarro, Rocha & Bernal, P.C., for legal counsel provided to the Austin Urban Renewal Agency, by increasing funding in the amount of \$15,000 for a total contract amount not to exceed \$72,500.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Denton, Navarro, Rocha & Bernal, P.C. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

6. Authorize negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 27.11 acres in Travis County, Texas, located at 4507 Brandt Road, from Matthew O'Hayer for a total amount not to exceed \$900,000.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

Item 7 was pulled to be heard after the related Executive Session item.

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

Ordinance 20141016-008 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

9. Authorize payment of the City's annual membership dues for Fiscal Year 2014-2015 to the Lone Star Rail District, in an amount not to exceed \$49,500.

The motion authorizing payment of the City's annual membership dues to the Lone Star Rail District was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

10. Authorize payment of the City's membership fees for Fiscal Year 2014-2015 to the Greater Austin-San Antonio Corridor Council in an amount not to exceed \$100,000.

The motion authorizing payment of the City's membership fees to the Greater Austin-San Antonio Corridor Council was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

11. Authorize award and execution of a 12-month sole source requirements supply agreement with SEEPEX, INC. for the purchase of Seepex Pump Supplies for the Austin Water Utility in an amount not to exceed \$30,000, with two 12-month extension options in an amount not to exceed \$30,000 per extension option, for a total contract amount not to exceed \$90,000. (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 award and execution of a sole source requirements supply agreement with Seepex, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
12. Authorize award and execution of a 12-month sole source requirements supply agreement with IDEXX LABORATORIES, INC., for the purchase of equipment and supplies used in the testing of drinking water and wastewater treatment process for the Austin Water Utility in an amount not to exceed \$45,000, with five 12-month extension options in the amount not to exceed \$45,000 per extension option for a total contract amount not to exceed \$270,000. (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 award and execution of a sole source requirements supply agreement with Idexx Laboratories, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
13. Authorize award and execution of a 36-month requirements supply agreement with EQUIPMENT SOUTHWEST, INC. to provide aftermarket repair parts for garbage truck bodies in an amount not to exceed \$836,235, with three 12-month extension options in a total amount not to exceed \$278,745 per extension option, for a total contract amount not to exceed \$1,672,470. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of a requirements supply agreement with Equipment Southwest, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
14. Authorize award and execution of a 36-month requirements supply agreement with PATHMARK TRAFFIC PRODUCTS OF TEXAS, INC. to provide temporary pavement markers in an amount not to exceed \$119,715, with three 12-month extension options in an amount not to exceed \$39,905 per extension option, for a total contract amount not to exceed \$239,430. (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 Pathmark Traffic Products of Texas, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
15. Authorize award and execution of a 36-month requirements supply agreement with TEXAS CORRUGATORS, INC. to provide metal beam guard railing and materials in an amount not to exceed \$283,365, with three 12-month extension options in an amount not to exceed \$94,455 per extension option, for a total contract amount not to exceed \$566,730. (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 Texas Corrugators, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

16. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative with CALDWELL COUNTRY CHEVROLET DBA BABY JACK II AUTOMOTIVE, LTD for the purchase of two light-duty vehicles in an amount not to exceed \$64,880. (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.)

This item was withdrawn on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

17. Authorize award, negotiation, and execution of 36-month requirements service contracts with VIDTRONIX TICKET AND LABEL, LLC. to provide shared use supplies and spare parts for Vidtronix printers in an amount not to exceed \$287,340, with three 12-month extension options in an amount not to exceed \$95,780 per extension option, for a total contract amount not to exceed \$574,680; PAPER SYSTEMS INCORPORATED to provide shared use supplies and spare parts for IER printers in an amount not to exceed \$72,750, with three 12-month extension options in an amount not to exceed \$24,250 per extension option, for a total contract amount not to exceed \$145,500; and POS SUPPLY SOLUTIONS, INC. to provide thermal paper for Zebra TTP2030 in an amount not to exceed \$61,536, with three 12-month extension options in an amount not to exceed \$20,512 per extension option, for a total contract amount not to exceed \$123,072. (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, negotiation and execution of requirements service contracts with Vidtronix Ticket and Label, LLC.; Paper Systems Incorporated; and Pos Supply Solutions, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

18. Authorize award and execution of a 36-month requirements service agreement with PYRO ENGINEERING, INC. DBA BAY FIREWORKS for IFB-BV No. TLG0102, to provide a firework display for The City's New Year's Eve Celebration, in an amount not to exceed \$57,000 with three 12-month extension options in an amount not to exceed \$19,000 per extension option, for a total contract amount not to exceed \$114,000. (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 Pyro Engineering, Inc. doing business as Bay Fireworks was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

19. Authorize award and execution of a 12-month requirements service contract with AUSTIN RADIOLOGICAL ASSOCIATION to provide chest X-ray and interpretation services for the Austin Fire Department in an amount not to exceed \$25,324 with five 12-month extension options in an amount not to exceed \$25,324 for each extension option, for a total contract amount not to exceed \$151,944. (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 Austin Radiological Association was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.

Item 20 was pulled for discussion.

- 21. 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.
Ordinance 20141016-021 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.
- 22. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments were approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

Nominations

Board/Nominee

Nominated by

Urban Renewal Board
Nathaniel Bradford

Mayor Leffingwell

Urban Renewal Board
Nicole Sunstrum

Mayor Leffingwell

Building & Standards Commission
Jessica Mangrum

Council Member Spelman

Low Income Consumer Advisory Task Force
Richard Halpin

Council Member Morrison

Resolution No. 20141016-022A appointing the City’s representatives to the Pilot Knob Municipal Utility District’s board of directors for districts 1, 2, 3, 4, and 5.

Resolution No. 20141016-022A was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

Resolution No. 20141016-022B appointing the City’s representatives to the Southeast Travis County Municipal Utility District’s board of directors for districts 1, 2, 3, and 4.

Resolution No. 20141016-022B was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

Resolution No. 20141016-022C appointing the City’s representative to the Cascades Municipal Utility District’s board of directors for district 1.

Resolution No. 20141016-022C was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

- 23. Approve a resolution directing the City Manager to negotiate with the Lower Colorado River Authority to amend the Participation Agreement for the Fayette Power Project (Project) to obtain greater operational control of the City's ownership interest in the Project and reaffirming the affordability goal for Austin Energy's rates. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman CO 2: Council Member Chris Riley)
Resolution 20141016-023 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 5-1 vote. Mayor Leffingwell voted nay. Council Member Tovo was off the dais.

Action was taken on item 24 but was reconsidered later in the meeting. See below.

25. Approve a resolution authorizing the Human Rights Commission to sponsor the annual Transgender Day of Remembrance to be observed on November 20th, 2014 and to be held at City Hall Plaza. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
Resolution 20141016-025 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
26. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the Public Forum on Secure Communities sponsored by the Travis County Democratic Party which took place on Wednesday, October 15, 2014 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Ordinance 20141016-026 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
27. Approve a resolution initiating a code amendment to City Code Chapter 5-2 (Discrimination in Public Accommodations) to prohibit retaliation and directing the City Manager to process the Code amendment by a certain date. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)
Resolution 20141016-027 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
28. 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)
Resolution 20141016-028 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
29. Approve a resolution directing the City Manager to report to the City Council with legal options to address Council concerns regarding proposed road projects located within the Barton Springs Zone of the Edwards Aquifer, including State Highway 45 Southwest. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)
Resolution 20141016-029 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 5-1 vote. Mayor Leffingwell voted nay. Council Member Tovo was off the dais.
30. Approve a resolution directing the City Manager to develop a timeline and budget for improvements to Brodie Lane and report back to Council by November 20, 2014. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)
Resolution 20141016-030 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.
31. Approve an ordinance waiving or reimbursing certain fees and requirements for the Dell Children's Gala 2015 which is to be held on Saturday, January 24, 2015 at the Austin Convention Center. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole)

Ordinance 20141016-031 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

- 32. Approve an ordinance waiving or reimbursing certain temporary vending permit fees required under City Code Chapter 10-3 for the 16th Annual Green Corn Project Fundraiser which is to be held on Sunday, October 26, 2014 at Boggy Creek Farm located at 3414 Lyons Road. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)
Ordinance 20141016-032 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

Item 33 was pulled for discussion.

- 34. Approve a resolution endorsing the report, "Taking Action: Preservation of Affordable Housing in the City of Austin" with the goal of preserving 20,000 affordable housing units, and directing the City Manager to implement the report's recommendations to achieve this goal as appropriate. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)
Resolution 20141016-034 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 5-1 vote. Mayor Leffingwell voted nay. Council Member Tovo was off the dais.

- 35. Approve a resolution establishing a City living wage policy that ties the living wage to an index consistent with a cost of living adjustment for non-sworn personnel on an annual basis during the budget process, directing the City Manager to ensure the City's purchasing policies reflect this annual increase and initiating a staff supported stakeholder group to evaluate the living wage rate. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)
Resolution 20141016-035 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

- 36. Approve an ordinance waiving or reimbursing certain fees and requirements for the 27th annual AIDS Walk Austin event, sponsored by AIDS Services of Austin, which is to be held on Sunday, October 19, 2014. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)
Ordinance 20141016-036 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

Item 37 was pulled for discussion.

Item 38 was an action item.

Items 39 and 40 were briefing items set for 10:30 a.m.

Items 41 through 44 were Executive Session items.

Items 45 through 59 were zoning items set for 2:00 p.m.

Items 60 through 70 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

- 20. Approve issuance of a street closure permit under City Code Chapter 14-8 for the Dia de los Muertos event, to be held at the Pan Am Recreation Center on Saturday October 25, 2014 from 8:00 a.m. to 11:00 p.m. on East 4th Street from Chicon Street to Robert Martinez Jr. Street.

The motion to approve the issuance of a street closure permit for the Diade los Muertos event was approved on Council Member Martinez’ motion, Council Member Riley’s second on a 7-0 vote.

- 37. Approve a resolution directing the City Manager to determine the feasibility of public financial support of the thinkEAST mixed use creative district project for affordable housing, as well as any reduction of infrastructure costs, and capital recovery, connection, and development fees. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)

Resolution 20141016-037 was approved with the following amendment on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote. The amendment was to add direction to the “Be It Resolved” paragraph of the resolution for the City Manager to provide recommendations to Council within 30 days.

- 24. Approve a resolution directing the Ethics Review Commission working group and the City Auditor's Integrity Unit to discuss process improvements for conflict of interest allegations against City Boards and Commissions members, and addressing the City Auditor Integrity Unit report on allegations involving a Zero Waste Advisory Commissioner. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)

Resolution 20141016-024 was approved on consent on Council Member Morrison’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Tovo was off the dais.

A motion to reconsider item 24 was approved on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

Resolution 20141016-024 was approved on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.

BRIEFINGS

- 39. Walter E. Long Request for Qualification Statement Briefing
The presentation was made by Kevin Gomillion, Division Manager - Golf and Tennis, Parks and Recreation Department.
- 40. Austin and Travis County Re-entry Roundtable Update
The presentation was made by Laura Sovine, Austin and Travis County Re-entry Roundtable.

CITIZEN COMMUNICATIONS: GENERAL

- Jere Locke - Generation Plan & Climate
- Derrick Norris - Opposing building the Central Booking facility in Northeast Austin **Not present when name was called.**
- Sylvia Servin - Swimming pool for senior citizens
- Linda Greene - 10 fluoride facts which Austin City Council is ignorant of
- Danny Miller - West Bouldin Creek against building anything that will make my property flood

John Woodley City of Austin accommodation issues and discrimination

Paul Robbins - City and budget issues

CAROLANNROSEKENNEDY - VICE-PREIDENTIAL ASPIRATIONS **Not present when name was called.**

Carlos León - 1) Glory to GOD, Jesus Christ, and the Holy Ghost 2) Canning Chemtrails 3) Truth obliterates lies

Rae Nadler-Olenick - Water fluoridation

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

EXECUTIVE SESSION

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

The Mayor announced that Council would discuss item number 7 on the regular agenda during Executive Session.

- 41. 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.
- 42. 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.
- 43. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
- 44. Discuss legal issues related to Waller Creek Tunnel Project (Private consultation with legal counsel - Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:41 p.m.

ZONING CONSENT ITEMS

- 45. C14-2014-0082 - Stokes Ranch - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11900 Buckner Road (Lake Travis Watershed) from single family residence-standard lot (SF-2) district zoning and development reserve (DR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and townhouse & condominium residence (SF-6-CO) combining district zoning for Tract 2. First reading approved for general commercial services-conditional overlay (CS-CO) combining district zoning on August 7, 2014. Vote: 7-0. Owner: Robert H. Stokes. Applicant/Agent: MFH Engineering (Martha H. Mangum, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

Ordinance No. 20141016-045 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

46. C14-2014-0095 -Pour House Pints and Pies - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11835 Jollyville Road (Walnut Creek Watershed) from limited office (LO) district zoning, family residence (SF-3) district and community commercial (GR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading approved on September 25, 2014. Vote: 7-0. Owner: Jollyville Holdings, LLC (Gregg Scott). Applicant/Agent: McLean & Howard (Jeffrey S. Howard). City Staff: Sherri Sirwaitis, 512-974-3057.

Ordinance No. 20141016-046 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

47. C14-2014-0103 - Radio Coffee & Beer - Approve second and third readings of 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-mixed use-conditional overlay (CS-1-MU-CO) combining district zoning, with conditions. First Reading approved on October 2, 2014. Vote: 7-0. Owner: Telvending Corp (Greg Wilson). Applicant: Land Strategies Inc. (Paul Linehan). City Staff: Lee Heckman, 512-974-7604.

Ordinance No. 20141016-047 for commercial-liquor sales-mixed use-conditional overlay (CS-1-MU-CO) combining district zoning with conditions was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

48. C14-2014-0118 - NL Land Holdings, Ltd. - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by zoning and rezoning property locally known as 9101-9201 South IH 35 Service Road Northbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. First Reading approved on September 25, 2014. Vote: 7-0. Owner/Applicant: NL Land Holdings, Ltd. (Jimmy Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

Ordinance No. 20141016-048 for multi-family residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

49. NPA-2014-0011.01 - MDC Programs Annex - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, the North Loop 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 1001 East 50th Street and 4915 Harmon Ave (Boggy Creek Watershed; Tannehill Branch Watershed) from Single Family to Office land use. Staff Recommendation: To grant Office land use. Planning Commission Recommendation: To grant Office land use. Owner/Applicant: Dick Rathgeber. City Staff: Maureen Meredith, 512-974-2695.

This item was postponed on consent to November 6, 2014 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

50. C14-2014-0028 - MDC Programs Annex -- Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1001 East 50th Street and 4915 Harmon Avenue (Boggy Creek Watershed; Tannehill Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, as amended. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning.

Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. Owner: Rathgeber Investment GP, Inc. and Manos de Cristo, Inc. (Dick Rathgeber). Applicant: Dick Rathgeber. City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to November 6, 2014 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

54. C14-2014-0072 - Roberts Tract - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 710 Augusta Avenue (Lady Bird Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To grant single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single-family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning. Owner: Chris Robert. Applicant: Land Answers (Jim Wittliff). City Staff: Lee Heckman, 512-974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20141016-054 for single-family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

55. C14-2014-0111 - 4500 Speedway - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4500 Speedway (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to neighborhood commercial-neighborhood conservation combining district-neighborhood plan (LR-NCCD-NP) combining district zoning. Staff recommendation: To deny neighborhood commercial-neighborhood conservation combining district-neighborhood plan (LR-NCCD-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on October 14, 2014. Owner: Navid Hoomanrad. Applicant/Agent: Husch Blackwell, LLP (Alexandra Jashinsky). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed on consent to November 6, 2014 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

56. C14-2014-0114 - 11712 North Lamar Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11712 North Lamar Boulevard (Walnut Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To be reviewed on October 21, 2014. Owner: Sheahan Business Center (Dennis W. Sheahan). Applicant/Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed on consent to November 6, 2014 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

57. C14-2014-0121 - Holt Cat South Austin - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9200-9500 South IH-35 Service Road Northbound (Onion Creek Watershed) from single family residence-standard lot (SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, as amended. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Holt Texas, Ltd. (Anthony Shedrock). Agent: BEFCO Engineering, Inc. (Joseph Willrich, P.E.). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20141016-057 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Mayor Pro Tem Cole’s motion, Council Member Morrison’s second on a 7-0 vote.

- 58. C14-2014-0128 - The Vistas of Western Hills - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2910 West William Cannon Drive (Williamson Creek Watershed-Barton Springs Zone) from single family residence-standard lot (SF-2) district zoning to multi-family residence-low density (MF-2) district zoning. Staff Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on November 4, 2014. Owner/Applicant: Umstatted Investments (James Umstatted). Agent: Garrett-Ihnen Civil Engineers (Norma Raven Divine). City Staff: Wendy Rhoades, 512-974-7719.
This item was postponed on consent to November 20, 2014 at the staff’s request on Mayor Pro Tem Cole’s motion, Council Member Morrison’s second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

- 33. Approve a resolution initiating Code amendments relating to the powers, duties, and functions of the City Auditor and the Ethics Review Commission. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole)
Resolution 20141016-033 was approved with the following amendment on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

The amendment was to have the second to the last “Be it Further Resolved” read, “Be It Further Resolved, that the City Manager and City Auditor shall jointly create a process that eliminates the potential for conflict of interest among the City Attorney’s staff, provides adequate legal representation to support the Auditor’s investigations, and is consistent with both the City Charter and the Texas Disciplinary Rules of Professional Conduct, and that any necessary codification of this process be incorporated into the amendments presented to the Council;”

There was a friendly amendment made by Council Member Morrison to amend the first “Be It Further Resolved” paragraph to read, “Be It Further Resolved, that the City Manager shall process the amendments and present them to the Ethics Review Commission at its meeting of 20 October 2014 and to Council for consideration on or before 20 November 2014. The City Manager may revise the proposed Code language to comply with City Charter requirements and other laws and to conform the proposed ordinance to standard ordinance format and language;” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

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

PROCLAMATIONS

Proclamation -- Arbor Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Angela Hanson

Distinguished Service Award -- Garo Harutunian -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Social Innovation Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Dan Graham

Proclamation -- Archives Week -- to be presented by Council Member Kathie Tovo and to be accepted by Jennifer Hecker

Proclamation -- Disability Mentoring Month -- to be presented by Council Member Kathie Tovo and to be accepted by Tanya Winters

Certificate of Congratulations -- Monique Benavides, Toastmasters -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by the honoree

Proclamation -- National Dyslexia Awareness Month -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Heather Hardeman

Proclamation -- Save for Retirement Week -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Art Padilla

Proclamation -- National Reuse Day -- to be presented by Council Member Chris Riley and to be accepted by Reuse Alliance - Texas Chapter (Rebecca Stuch)

Mayor Leffingwell called the Council Meeting back to order at 6:47 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

- 60. Conduct a public hearing and consider an ordinance naming parkland located at 800 W. Riverside Drive. **The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20141016-060 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.**

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

- 38. Approve 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 with the following amendments.**

There was a friendly amendment made by Council Member Riley to amend part 3(B)(22) as follows. The amendment was accepted by Mayor Pro Tem Cole, who made the second.

Part 3(B)(22) should read, “This agreement does not regulate or authorize the operation of TNCs, including vehicles or operators, at the Austin Bergstrom International Airport (ABIA). Such operation shall be with the approval of the ABIA Director and under such terms and conditions as the Director shall prescribe, including assessment of a fee.”

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

Part 3(A) should read, “(A) A TNC may operate in accordance with the process set forth in this ordinance, waiving the chauffeur’s permit requirement in City Code 13-2-101 for TNC drivers.”

There was a friendly amendment made by Council Member Riley to amend part 3,(B)(2) by striking the word primary. The amendment was accepted by Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Spelman to amend Part 3(B)(2)(b) as follows. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Part 3(B)(2)(b) should read, “(b) transportation network company insurance or commercial insurance maintained by a ...”

There was a friendly amendment made by Council Member Martinez to add a new (4) to Part 3(B) as follows. The amendment was accepted by Council Member Riley and Mayor Pro Tem Cole, who made the second.

Add Part 3(B)(4) to read, “(4) A transportation network company shall disclose in writing to participating drivers, as part of its agreement with those drivers, the insurance coverage and limits of liability that the transportation network company provides while the driver uses a vehicle in connection with a transportation network company’s online-enabled application or platform. A transportation network company shall also disclose in writing to participating drivers, as part of its agreement with those drivers, that the driver’s personal automobile insurance policy may not provide collision or comprehensive coverage for damage to the vehicle used by the driver from the moment the driver logs on to the transportation network company’s online-enabled application or platform to the moment the driver logs off the transportation network company’s online-enabled application or platform.”

There was a friendly amendment made by Council Member Tovo to amend Part 3(B)(2) to read as follows. The amendment was accepted by Council Member Riley and Mayor Pro Tem Cole, who made the second.

Part 3(B)(2) should read, “...The requirements for the coverage required by this paragraph shall be satisfied by any of the following:”

There was a friendly amendment made by Council Member Tovo to replace Part 3(B)(18)(a)(b)(c) with the following language. The amendment was not accepted by the maker of the motion.

Part 3(B)(18)(a)(b)(i), (ii), and (iii) should read,
“(18) 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 an amendment made by Council Member Tovo and seconded by Council Member Morrison to to replace Part 3(B)(18)(a)(b)(c) with the following language. 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.

Part 3(B)(18)(a)(b)(i), (ii), and (iii) should read,

“(18) 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:

- (c) Dynamic pricing may not exceed two and one half (2 ½) times the normal rate of fare.**
- (d) The software application must:**
 - (iv) Provide clear and visible indication that dynamic pricing is in effect prior to requesting a ride;**
 - (v) 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**
 - (vi) 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 Morrison to amend part 3(B)(5) to read as follows. The amendment was not accepted by the maker of the motion.

Amend Part 3(B)(5) by adding a new (c) and (d) to read,

“(c) The TNC shall pay for the costs associated with these background checks.

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

There was an amendment made by Council Member Morrison and seconded by Council Member Martinez to amend part 3(B)(5) to read as follows. The amendment passed on a vote of 4-3. Those voting aye were: Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell and Council Members Riley and Spelman.

Amend Part 3(B)(5) by adding a new (c) and (d) to read,

“(c) The TNC shall pay for the costs associated with these background checks.

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

There was a friendly amendment made by Council Member Morrison to amend part 3(B)(4) to read as follows. The amendment was not accepted by the maker of the motion.

Part 3(B)(4) should read,

“(4) To operate a vehicle for a TNC, a driver must have:

- (a) A valid driver’s license;**
- (b) Proof of vehicle registration;**
- (c) Current automobile liability insurance;**
- (d) Reached the age of 21 years;**
- (e) Proof that the vehicle to be operated for the TNC has successfully passed a 20-point inspection conducted by a mechanic certified by the State of Texas to perform state inspections. This proof must be carried in the subject vehicle on trips operated through the use of a TNC app. These inspections must include testing of the following:**
 - (1) Emergency brakes;**
 - (2) Foot brakes;**
 - (3) Steering mechanism;**
 - (4) Windshield;**
 - (5) Rear window and other glass;**
 - (6) Windshield wipers;**
 - (7) Headlights;**
 - (8) Tail lights;**
 - (9) Turn indicator lights;**
 - (10) Stop lights;**
 - (11) Front seat adjustment mechanism;**
 - (12) Doors (open, close, lock);**

- (13) Horn;
- (14) Speedometer;
- (15) Bumpers;
- (16) Muffler and exhaust system;
- (17) Condition of tires, including tread depth;
- (18) Interior and exterior rear view mirrors;
- (19) Safety belts for drivers and passengers; and
- (20) Fire extinguisher

There was an amendment made by Council Member Morrison and seconded by Council Member Tovo to amend part 3(B)(4) to read as follows. 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.

Part 3(B)(4) should read,

“(4) To operate a vehicle for a TNC, a driver must have:

- (f) A valid driver’s license;
- (g) Proof of vehicle registration;
- (h) Current automobile liability insurance;
- (i) Reached the age of 21 years;
- (j) Proof that the vehicle to be operated for the TNC has successfully passed a 20-point inspection conducted by a mechanic certified by the State of Texas to perform state inspections. This proof must be carried in the subject vehicle on trips operated through the use of a TNC app. These inspections must include testing of the following:
 - (1) Emergency brakes;
 - (2) Foot brakes;
 - (3) Steering mechanism;
 - (4) Windshield;
 - (5) Rear window and other glass;
 - (6) Windshield wipers;
 - (7) Headlights;
 - (8) Tail lights;
 - (9) Turn indicator lights;
 - (10) Stop lights;
 - (11) Front seat adjustment mechanism;
 - (12) Doors (open, close, lock);
 - (13) Horn;
 - (14) Speedometer;
 - (15) Bumpers;
 - (16) Muffler and exhaust system;
 - (17) Condition of tires, including tread depth;
 - (18) Interior and exterior rear view mirrors;
 - (19) Safety belts for drivers and passengers; and
 - (20) Fire extinguiser

There was a friendly amendment made by Council Member Morrison to amend part 3(B)(13) as follows. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Part 3(B)(13) should read,

“(13) A TNC driver may not drive-for-hire for more than twelve hours within any 24-hour period. In this ordinance, “drive-for-hire,” is defined as offering, making available, or using:

- (a) a vehicle to provide a transportation network service, including any time when a driver is logged onto the transportation network company’s internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the TNC’s dispatch records show that the vehicle is dispatched; or when the driver has accepted a dispatch and is enroute to provide transportation network service to a passenger; and
- (b) a ground transportation service vehicle or operating a ground transportation service as defined in Code §13-2 (Ground Transportation Passenger Services).”

There was a friendly amendment made by Council Member Morrison to include the language “underserved communities are of lower social economic strata without adequate transit options and the goal would be to increase access transportation options.” The amendment was accepted by Council Member Riley and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Morrison to add requirements for the agreements as follows. The amendment was accepted by Council Member Riley and Mayor Pro Tem Cole, who made the second.

The additional language should read,
“A TNC shall comply with the provisions of the TNC’s agreement and applicable federal, state, and local laws and rules.

A TNC shall establish and enforce policies requiring compliance with the applicable provisions of this ordinance and agreements by drivers who contract with the TNC.”

There was a friendly amendment made by Council Member Morrison add requirements for the agreements as follows. The amendment was not accepted by the maker of the motion.

The additional language should read,
“A TNC must provide documentation that any property used as vehicle for hire by any person driving for the TNC has been rendered annually for ad valorem taxes.”

There was a friendly amendment made by Council Member Morrison include language in the ordinance to state “appropriate taxes must be paid or the vehicle is not allowed to operate on the streets of Austin.” The amendment was accepted by Council Member Riley and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Mayor Pro Tem Cole to adopt section 46-7(A)(B) of the Houston code. The amendment was accepted by Council Member Riley and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Martinez to add “other vehicles for hire” in part 12 and that recommendations are returned to Council within 30 days. The amendment was accepted by Council Member Riley and Mayor Pro Tem Cole, who made the second.

Ordinance No. 20141016-038 was approved with the amendments and friendly amendments listed above on Council Member Riley’s motion, Mayor Pro Tem Cole’s second on a 6-1 vote. Council Member Morrison voted nay.

DISCUSSION ITEMS CONTINUED

- 7. Consider a resolution expressing the City's intent to purchase in fee simple a tract of land totaling approximately 75.19 acres in Travis County, Texas, located at the intersection of Bull Creek Road and 45th Street, Austin, Texas, from the TEXAS DEPARTMENT OF TRANSPORTATION, for a total amount not to exceed \$28,900,000 for acquisition expenses and \$3,000,000 for immediate repair and lease expenses, and authorizing the negotiation and execution of all documents and instruments, including any related leases, necessary to acquire the property.

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

The amendments were to:

Amend the “Be It Resolved” by adding the following language to the end of the paragraph.

“If the City is able to obtain the funds needed to purchase the property by entering into a partnership or agreement for the development of the property.”

Amend the existing “Be It Further Resolved” paragraph to read,

“The City Manager is directed to pursue funding options with third parties, and if successful, to negotiate and execute all documents, including a three-year lease to TxDot, related to the acquisition of the Property in an amount not to exceed \$28,900,000 for acquisition costs.”

ZONING DISCUSSION ITEMS

- 53. 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.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for central business district-central urban redevelopment (CBD-CURE) combining district zoning, with conditions was approved with the following direction on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

Direction was given to staff to work with all parties to work out the differences.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Martinez was off the dias.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

- 61. Conduct a public hearing and consider the Pease Park Master Plan, developed in conjunction with the Parks and Recreation Department, Pease Park Conservancy, and Wallace Roberts & Todd.
The public hearing was conducted and the motion to close the public hearing and approve the Pease Park Master Plan was approved on Council Member Riley’s motion, Council Member Spelman’s second on a 7-0 vote.
- 62. Conduct a public hearing and consider a resolution authorizing the South Congress Preservation and Improvement District, under Texas Local Government Code, Chapter 372.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20141016-062 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

63. Conduct a public hearing and consider the full purpose annexation of the Braker Valley annexation area (approximately 375 acres in northeastern Travis County at the northeast corner of the intersection of Blue Goose Road and Cameron Road).

The public hearing was conducted and the motion to close the public hearing and approve the full purpose annexation of the Braker Valley annexation area 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.

A motion to reconsider item 63 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

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

64. Conduct a public hearing and consider the full purpose annexation of the Landmark Conservancy annexation area (approximately 23 acres in southwestern Travis County south of Old Bee Caves Road, approximately 130 feet east of the intersection of State Highway 71 and Old Bee Caves Road).

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

65. Conduct a public hearing and consider the full purpose annexation of the Vistas of Austin annexation area (approximately 152 acres in southern Travis County south of Old Lockhart Road, approximately 1,920 feet east of the intersection of Old Lockhart Road and Bradshaw Road).

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

66. Conduct a public hearing and consider the full purpose annexation of the Bridge Point Parkway annexation area (approximately 71 acres in Travis County west of Capital of Texas Highway, approximately one quarter mile south of the intersection of City Park Road and Bridge Point Parkway).

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 6-0 vote. Council Member Spelman was off the dais.

67. Conduct a public hearing and consider the full purpose annexation of the Parke North annexation area (approximately 49 acres in western Travis County west of FM 620, approximately two miles north of the intersection of FM 620 and FM 2222).

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

68. Conduct a public hearing and consider the full purpose annexation of the City of Austin FM 812 Landfill annexation area (approximately 422 acres in southeastern Travis County at the southwest corner of the intersection of Burleson Road and FM 973).

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

69. Conduct a public hearing and consider the full purpose annexation of the Stonecreek Ranch annexation area (approximately 10 acres in southern Travis County north of Slaughter Lane, approximately 2,100 feet east 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 Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

70. 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.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved with the following amendments on Council Member Riley's motion, Council Member Spelman's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was off the dais.

The amendments were to:

- **Change definition to 500 square feet or less.**
- **Remove the requirement of an efficiency layout**
- **Remove the requirement that micro units only be allowed on core transit corridors and future core transit corridors.**
- **On a Core Transit Corridor, a Future Core Transit Corridor, or in a Transit Oriented Development District, micro units do not count toward site area requirements or parking minimum requirements if 10% of the micro units (but not less than 1) are provided at 50% MFI.**

The motion to reconsider the item was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was off the dais.

The public hearing was conducted and the motion to hold the public hearing open and approve the first reading of the ordinance with the amendments listed above was approved on Council Member Riley's motion, Council Member Spelman's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was off the dais.

ZONING DISCUSSION ITEMS CONTINUED

51. NPA-2014-0017.01 - Korean United Presbyterian Church FLUM Amendment - Conduct a public hearing and approve an ordinance amending the Crestview/Wooten Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2000 Justin Lane and 2009 Cullen Avenue (Shoal Creek Watershed) from Civic land use and Multifamily land use to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use/Office land use. Owner/Applicant: Korean United Presbyterian Church (Roy M. Kimm). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 512-974-2695.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance to change the land use designation on the future land use map (FLUM) to mixed use/office land use was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Martinez and Tovo. Council Member Morrison was off the dais.

52. C14-2014-0036 - Korean United Presbyterian Church Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2000 Justin Lane and 2009 Cullen Avenue (Shoal Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, with conditions. Owner: Korean United Presbyterian Church (Roy M. Kimm). Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 512-974-7604. A valid petition has been filed in opposition to this rezoning request.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for general office-mixed use-conditional overlay (GO-MU-CO) combined district zoning was approved with the following conditions on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Martinez and Tovo. Council Member Morrison was off the dais.

Conditions

LO site development regulations and uses with the exception of building coverage and impervious coverage

Limit trips to 1,110 trips per day

Height limitation of 30 ft for entire site (With the exception of an area of approximately 10,000 square feet which would be limited to 40 feet in height.)

Height for habitable buildings limited to 2 stories (With the exception of the 10,000 square feet area limited to 40 feet in height.)

Prohibitions

Medical offices

Allow residential uses facing Cullen and half of Hardy Lane.

59. C14H-2014-0007 - Red River International House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3805 Red River Street (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Planning Commission Recommendation: To deny family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 512-974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for family residence-historic landmark-conditional overlay-neighborhood plan (SF-3-H-CO-NP) combining district zoning was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Martinez voted no.

Mayor Leffingwell adjourned the meeting at 1:01 a.m. without objection.

The minutes were approved on this the 23rd day of October, 2014 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Leffingwell was absent.