

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 12, 2015**

Invocation: Fr. Ed Lundin of Mobile Loaves and Fishes

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, March 12, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:20 a.m. Council Member Gallo was absent.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called meeting of March 2, 2015, work session of March 3, 2015 and regular meeting of March 5, 2015.
The minutes from the City Council special called meeting of March 2, 2015, work session of March 3, 2015 and regular meeting of March 5, 2015 were approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.
2. Authorize negotiation and execution of interlocal agreements between the City and Lakeway, Rollingwood, West Lake Hills, Pflugerville, and Sunset Valley to obtain address and annexation related data for regional 911 support and ensure compliance with the interlocal agreement between the City and the Capital Area Emergency Communications District.
The motion authorizing the negotiation and execution of interlocal agreements between the City and Lakeway, Rollingwood, West Lake Hills, Pflugerville and Sunset Valley was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

Items 3 and 4 were pulled for discussion.

5. Approve an ordinance accepting grant funds from the Texas Department of Public Safety, and amending the Fiscal Year 2014-2015 Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) in the amount of \$1,690,927 for the following departments: Austin Energy, Austin Water Utility, Austin Resource Recovery, Financial Services, Parks and Recreation, and Public Works; and amending the Fiscal Year 2014-2015 Capital Budget (Ordinance No. 20140908-002) to transfer in and appropriate \$727,704 from the Fiscal Year 2014-2015 Operating Budget Special Revenue Fund for the Parks and Recreation Department and Austin Water Utility for repairs to city facilities and replacement of city property damaged or destroyed by the flooding of October 2013.

Ordinance 20150312-005 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.

Item 6 was pulled for discussion.

7. Approve an ordinance amending the Fiscal Year 2014-2015 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to accept grant funds in the amount of \$725,000 from the Texas Parks and Wildlife Department's Local Park Urban Outdoor Grant Program; and amending the Fiscal Year 2014-2015 Parks and Recreation Department Capital Budget (Ordinance No. 20140908-002) to transfer in and appropriate \$725,000 from the Austin Parks and Recreation Department Operating Budget Special Revenue Fund for the development of phase 1 of the Colony Park District Park. **Ordinance 20150312-007 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.**
8. Approve a resolution naming the deck located at 800 W. Riverside Drive. **Resolution 20150312-008 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.**
9. Approve an ordinance waiving certain development regulations in City Code Title 25 for a project located at the 12800 block of Research Boulevard. **Ordinance 20150312-009 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.**

Item 10 was pulled for discussion.

11. Authorize award and execution of a 24-month contract through the Texas Local Government Purchasing Cooperative with METRO FIRE APPARATUS SPECIALISTS to provide fire rescue equipment for the Austin Fire Department in an amount not to exceed \$150,000. (Notes: This cooperative contract will be awarded in compliance with City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.) **The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with Metro Fire Apparatus Specialists was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.**
12. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative with ENTECH SALES & SERVICE INC. for the purchase and installation of a heating, ventilation, and air conditioning system for the Austin Police Department in an amount not to exceed \$120,999. (Notes: This cooperative contract will be awarded in compliance with City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.) **The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative with Entech Sales & Service Inc. was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.**
13. Approve an ordinance authorizing a letter of credit and reimbursement agreement between the City and Citibank, National Association, related to the City's Water and Wastewater System Variable Rate Revenue Refunding Bonds, Series 2008, and approving and authorizing all related documents, agreements, and fees.

Ordinance 20150312-013 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.

14. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members.
The following appointments were approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

Nominations

Board/Nominee

Nominated by

Austin Integrated Water Resource
Planning Community Task Force
Bill Moriarty

Mayor Adler

Austin Integrated Water Resource
Planning Community Task Force
Ruthie Redmond

Council Member Garza

15. Approve a resolution initiating a neighborhood plan amendment to the East Cesar Chavez Neighborhood Plan to change the land use from Multi-Family to Mixed Use for the approximately 27 acre site that includes the 17.8 acres owned by Rebekah Baines Johnson Center at 21 Waller Street and the adjoining 8.98 acres owned by the City. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Sheri Gallo CO 3: Council Member Ann Kitchen)
Resolution 20150312-015 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.
16. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the 2015 Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin which is to be held Saturday, April 18, 2015 at Fiesta Gardens. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Ora Houston CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Delia Garza CO 4: Council Member Ann Kitchen)
Ordinance 20150312-016 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.
17. Approve a resolution declaring support of the Ayotzinapa caravan as they visit the City to bring international awareness to the disappearance of 43 students which occurred in Iguala, Mexico on September 26, 2014. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Council Member Delia Garza CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Leslie Pool)
Resolution 20150312-017 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.
18. Approve an ordinance modifying certain requirements of City Code Chapter 8-1 regarding extended hours of operation of sound equipment for events at the Mexican American Cultural Center only during the period March 18-21, 2015. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Sabino "Pio" Renteria)
Ordinance 20150312-018 was approved on consent on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

Item 19 was an Executive Session item.

Items 20 through 22 were zoning items set for 2:00 p.m.

Item 23 was a public hearing item set for 4:00 p.m.

DISCUSSION ITEMS

3. Authorize negotiation and execution of a professional services agreement with the following seven staff recommended firms (or other qualified responders) to Request for Qualifications Solicitation No. CLMP172: WISS, JANNEY, ELSTNER ASSOCIATES INC.; RABA-KISTNER CONSULTANTS INC./RABA KISTNER BRYTEST; ENGINEERED EXTERIORS, PLLC; AMTECH BUILDING SCIENCES INC.; BUILDING EXTERIOR SOLUTIONS LLC; PRICE CONSULTING INC.; and ARMKO INDUSTRIES INC. for the 2015 Roofing and Waterproofing Consultant Services Rotation List for an estimated period of three years or until financial authorization is expended, for a total contract amount not to exceed \$1,400,000 divided among the seven firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. Limited subcontracting opportunities were identified; therefore no MBE/WBE participation goals were established for this solicitation.)
The motion authorizing the negotiation and execution of a professional services agreement with Wiss, Janney, Elstner Associates Inc.; Raba-Kistner Consultants Inc./Raba Kistner Brytest; Engineered Exteriors, PLLC; Amtech Building Sciences Inc.; Building Exterior Solutions LLC; Price Consulting Inc.; and Armko Industries Inc. was approved on Council Member Zimmerman's motion, Mayor Adler's second on a 10-0 vote. Council Member Gallo was absent. The Mayor will refer the policy question of rotation contracts to council committee.
4. Authorize execution of a change order to the construction contract with FORSYTHE BROTHERS INFRASTRUCTURE, LLC, for the Lower Shoal Creek 5th Street to Lady Bird Lake Stream Restoration Project in the amount of \$91,084.21, for a total contract amount not to exceed \$1,217,366. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 17.47% MBE and 1.89% WBE participation.)
The motion authorizing the execution of a change order to the construction contract with Forsythe Brothers Infrastructure, LLC was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Council Member Gallo was absent. The Mayor will refer the following question to council committee. The question of how change orders are handled; their frequency of how it relates to the state law, the city ordinances and to the type of contract involved; and how and where there might be an appropriate or meaningful opportunity for oversight discretion on the part of the council.
6. Approve negotiation and execution of an interlocal agreement with Austin Independent School District for the operation and maintenance of an integrated case management software system to track and reduce chronic absenteeism, in an amount not to exceed \$15,000, with five twelve-month renewal options, in an amount not to exceed \$15,000 each, for a total contract amount not to exceed \$90,000.
The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District was approved on Council Member Pool's motion, Council Member Renteria's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Gallo was absent. The Mayor will refer policy discussion of City support of and collaboration with independent school districts to council committee.
10. Approve a resolution authorizing the application for and acceptance of \$124,828 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled Austin Police Services for Victims of Domestic Violence.

Resolution 20150312-010 was approved on Council Member Pool's motion, Council Member Houston's second on a 10-0 vote. Council Member Gallo was absent.

Mayor Adler recessed the Council Meeting at 11:05 a.m.

Mayor Adler called the Council Meeting back to order at 12:11 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.

19. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.

CITIZEN COMMUNICATIONS: GENERAL

Librado Almanza - Celebrate the legacy of Cesar E Chavez on March 28, 2015, assemble at 10 am at Terrazas Library and march to City Hall Plaza. Special Guest Speaker is Paul Chavez, son of E Cesar E. Chavez

Paul Robbins - City and budget issues

Rae Nadler-Olenick - Water fluoridation

Monika Hernandez-Mota - It's time for a change **Not present when name was called**

Carlos León - 1) Glory to GOD, Jesus Christ, and the Holy Spirit. 2) Downing Chemtrails 3) Lose your Marbles--Part III.

CAROLANNROSEKENNEDY – TAXES

Mayor Adler recessed the Council Meeting at 12:31 p.m.

Mayor Adler called the Council Meeting back to order at 2:06 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

22. C14-2014-0199 - Lakeline Plaza-Total Wine & More - (District 6) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11066 Pecan Park Boulevard (Lake Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Owner: Nathan-Jeffrey LLC & Jefan Trust. Applicant/Agent: Armbrust & Brown (Eric deYoung). 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 commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member

Houston's second on a 9-0 vote. Council Member Renteria was off the dais. Council Member Gallo was absent.

20. C14-2014-0096 - Wildhorse Commercial Tract 1 (125.570 acres) - (District 1) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 9701 East Farmer Lane (Gilleland Creek Watershed) from interim-rural residence (I-RR) district zoning and planned unit development (PUD) district zoning to commercial highway services (CH) district zoning and planned unit development (PUD) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on March 17, 2015. Owner: Butler Family Partnership (Edward A. Butler). Agent: Drenner Group (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed to April 16, 2015 at 10:00 a.m. at the staff's request on Council Member Houston's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Renteria was off the dais. Council Member Gallo was absent.

21. C14-2014-0136 - Cameron Apartments - (District 1) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9201 Cameron Road (Little Walnut Creek Watershed) from limited industrial services (LI) district zoning to multi-family residence-high density (MF-5) district zoning. Staff Recommendation: To deny multi-family residence-high density (MF-5) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner: FSI Cameron Crossing, LP (Philip Capron). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122.
This item was withdrawn without objection.

Mayor Adler recessed the Council Meeting at 2:10 p.m.

Mayor Adler called the Council Meeting back to order at 4:02 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

23. Conduct a public hearing and consider an appeal by Gregory Bow and Simmi Mehta, of a decision by the Residential Design and Compatibility Commission to increase the maximum allowable floor-to-area ratio to an existing single-family residence located at 905 Columbus.
The public hearing was conducted and the motion to close the public hearing and grant the appeal was approved on Council Member Zimmerman's motion, Council Member Kitchen's second on a 6-4 vote. Those voting aye were: Mayor Adler and Council Members Casar, Garza, Kitchen, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Houston, Pool and Renteria. Council Member Gallo was absent.

Mayor Adler adjourned the meeting at 5:05 p.m. without objection.

LIVE MUSIC

Annie & Kate

PROCLAMATIONS

Proclamation – Communities In Schools Day (30th Anniversary) – to be presented by Mayor Steve Adler and to be accepted by Suki Steinhauer

Distinguished Service Award - Retirement -- Rebecca Stark, Municipal Court Clerk -- to be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation -- Red Cross Month -- to be presented by Mayor Steve Adler and to be accepted by Marty Mckellips

Proclamation – Mary Serrano Chapa Salinas Day – to be presented by Mayor Steve Adler and to be accepted by the honoree

Distinguished Service Award – Linda Libby, Austin Energy – to be presented by Mayor Pro Tem Kathie Tovo and to be accepted by the honoree

Proclamation – Bitcoin Conference – to be presented by Council Member Don Zimmerman and to be accepted by Paul Snow

The minutes were approved on this the 26th day of March, 2015 on Council Member Zimmerman's motion, Council Member Casar's second on a 8-0 vote. Mayor Adler and Council Members Gallo and Renteria were off the dais.