

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, May 21, 2015**

Invocation: Major Scott Crosley, Chaplain, Texas National Guard

Memorial Day Ceremony

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, May 21, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:39 a.m. Council Member Garza was absent.

8. Authorize award and execution of Amendment No. 2 to a service contract with GE PACKAGED POWER INC., TRANSCANADA TURBINES INC., and WOOD GROUP PRATT & WHITNEY, for maintenance and repair services for gas turbines at Decker Creek Power Station and Sand Hill Energy Center, and for the purchase of a standby LM6000 gas turbine for the Sand Hill Energy Center, increasing the contract amount for the current contract period in an amount not to exceed \$14,000,000, for a revised total contract amount not to exceed \$40,000,000. (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 solicitation.) **There was a motion made by Council Member Zimmerman and seconded by Council Member Houston to refer this item to the Austin Energy Committee for the May 28, 2015 meeting and set action item on Council agenda for meeting immediately following the Austin Energy Committee meeting. The motion passed on a vote of 9-1 Council Member Houston voted nay. Council Member Garza was absent.**

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of May 12, 2015, budget work session of May 13, 2015 and regular meeting of May 14, 2015. **The minutes from the City Council work session of May 12, 2015, budget work session of May 13, 2015 and regular meeting of May 14, 2015 were approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.**

Items 2 through 5 were pulled for discussion.

6. Authorize award and execution of a 12-month service contract through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES contract with VERIZON WIRELESS, AT&T MOBILITY, and T-MOBILE USA to provide wireless communication services and equipment in an amount not to exceed \$2,500,000 each and combined, with four 12-month extension options in an amount each and combined not to exceed \$2,575,000 for the first extension option, \$2,652,250 for the second extension option, \$2,731,818 for the third extension option, and \$2,813,772 for the fourth extension option, for a total contract amount not to exceed \$13,272,840 each and combined. (Notes: The cooperative 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 service contract through the State of Texas Department of Information Resources contract with Verizon Wireless, AT&T Mobility and T-Mobile USA was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.
7. Authorize award and execution of a 36-month service contract with ALLIED FENCE & SECURITY to provide fencing repair and installation in an amount not to exceed \$2,831,296, with three 12-month extension options in an amount not to exceed \$943,765 per extension option, for a total contract amount not to exceed \$5,662,592. (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.) May 18, 2015 – Approved by the Electric Utility Commission on a 6-0 vote with Commissioner Herbert absent.
The motion authorizing the award and execution of a service contract with Allied Fence & Security was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.
9. Authorize award and execution of a 60-month service contract with TEXAS DISPOSAL SYSTEMS, INC., or another qualified offeror to Request for Proposal No. PAX0120, to provide total waste management services for the Aviation Department in an amount not to exceed \$6,450,000, with two 36-month extension options in an amount not to exceed \$4,200,000 per option, for a total contract amount not to exceed \$14,850,000. (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 service contract with Texas Disposal Systems, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-1 vote. Council Member Houston voted nay. Council Member Garza was absent.
10. Authorize negotiation and execution of a 24-month supply contract with IVES EQUIPMENT CORPORATION to provide valve replacement parts for Welland & Tuxhorn brand valves for Austin Energy, in an amount not to exceed \$400,000; with three 12-month extension options, in an amount not to exceed \$200,000 per extension option, for a total contract amount not to exceed \$1,000,000. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program as specified in Texas Governemnt Code Chapter 252.022.)
The motion authorizing the negotiation and execution of a supply contract with Ives Equipment Corporation was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-1 vote. Council Member Houston voted nay. Council Member Garza was absent.
11. Authorize negotiation and execution of a 24-month supply contract with KOBELCO COMPRESSORS AMERICA, INC. to provide replacement parts for Kobelco brand compressors for Austin Energy in an amount not to exceed \$300,000 with three 12-month extension options in an amount not to exceed \$150,000 per extension option, for a total contract amount not to exceed \$750,000. (Notes: This contract

will be awarded as a sole source and is exempt from City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program as specified in Texas Government Code Chapter 252.022.)

The motion authorizing the negotiation and execution of a supply contract with Kobelco Compressors America, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-1 vote. Council Member Houston voted nay. Council Member Garza was absent.

Item 12 was pulled for discussion.

13. Authorize award and execution of a 36-month contract with ONLINE COMPUTER LIBRARY CENTER, INC., for a subscription to access the database of bibliographic records in Machine Readable Cataloging format at the Austin Public Library in an amount not to exceed \$267,276, with three 12-month extension options in an amount not to exceed \$89,092 per extension option, for a total contract amount not to exceed \$534,552. (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 contract with Online Computer Library Center, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-1 vote. Council Member Houston voted nay. Council Member Garza was absent.

14. Authorize award and execution of a 12-month service contract with PURE TECHNOLOGIES US, INC. for non-destructive leak and condition assessment of large diameter transmission mains for Austin Water in an amount not to exceed \$685,508, with two 12-month extension options in an amount not to exceed \$685,508 per extension option, for a total contract amount not to exceed \$2,056,524. (Notes: This contract will be awarded as a sole source and is exempt from City Code 2-9C Minority-Owned and Women-Owned Business Enterprise Procurement Program as specified in Texas Government Code Section 252.022.)

The motion authorizing the award and execution of a service contract with Pure Technologies US, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-1 vote. Council Member Houston voted nay. Council Member Garza was absent.

Items 15 and 17 were pulled for discussion.

18. Approve an ordinance suspending a Gas Reliability Infrastructure Program interim customer surcharge proposed by CenterPoint Energy Resources and requesting reimbursement for expenses to review the rate adjustment.

Ordinance No. 20150521-018 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.

Item 19 was pulled for discussion.

20. Approve an ordinance amending the Fiscal Year 2014-2015 Watershed Protection Department Capital Budget (Ordinance No. 20140908-002) to accept and appropriate \$16,300,000 for the implementation of the Onion Creek Forest/Yarrabee Bend Partnership Project with the United States Army Corps of Engineers, including the buyout and demolition of single family houses in the floodplain of Onion Creek near the intersection of South Pleasant Valley Road and East William Cannon Drive, ecosystem restoration, and the creation of recreational facilities.

Ordinance No. 20150521-020 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Garza was absent.

21. 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 Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.

Nominations

Board/Nominee

Nominated by

Arts Commission

Latifah Taormina

Council Member Pool

Arts Commission

Jaime Castillo

Council Member Garza

Building & Fire Code Board of Appeals

Michael Cannatti

Council Member Gallo

Building & Standards Commission

Jessica Mangrum

Council Member Gallo

Commission on Veterans Affairs

David Thomas

Council Member Houston

Commission on Veterans Affairs

Cassandra Melgar-C'De Baca

Council Member Garza

Commission on Veterans Affairs

Guillermo Villarreal

Council Member Renteria

Commission for Women

Amanda Lewis

Council Member Casar

Community Technology &

Telecommunications Commission

Lemuel Williams, Jr.

Council Member Zimmerman

Community Technology &

Telecommunications Commission

Sumit DasGupta

Council Member Gallo

Construction Advisory Committee

Jeremy Hendricks

Council Member Casar

Downtown Austin Community Court

Advisory Committee

Tanisa Bernard

Council Member Houston

Electric Utility Commission

Ruby Roa

Council Member Casar

Environmental Commission

Andrew Creel

Council Member Houston

Ethics Review Commission

Paul Quinzi

Council Member Casar

Hispanic/Latino Quality of Life Resource

Advisory Commission

Teofilio Tijerina

Council Member Casar

MBE/WBE & Small Business Enterprise

Procurement Program Advisory Committee

Regina McKinnie

Council Member Zimmerman

MBE/WBE & Small Business Enterprise

Procurement Program Advisory Committee

Marjorie Burciaga

Council Member Gallo

Mexican American Cultural Center

Advisory Board

Juan Oyervides

Council Member Houston

Public Safety Commission

William Worsham

Council Member Zimmerman

Resource Management Commission

Luke Metzger

Council Member Houston

Urban Transportation Commission

Alfred Bingham

Council Member Houston

Parkland Events Task Force

Carol Lee

Council Member Gallo

Items 22 and 23 were pulled for discussion.

24. Approve a resolution directing the City Manager to take steps to increase opportunities to let dogs out of their kennels while housed at the Austin Animal Center; and to provide a report on long-term options to improve animal welfare at the Austin Animal Center and to increase the Animal Service Office's online capabilities. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Council Member Delia Garza CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Ann Kitchen CO 4: Council Member Sherri Gallo)

Resolution No. 20150521-024 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.

Item 25 was pulled for discussion.

26. Approve a resolution increasing the number of members on the Land Development Code Advisory Group. Related to Item #40. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Sheri Gallo)
Resolution No. 20150521-026 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.
27. Set a public hearing to consider a request by Tiny Boxwoods LLC d/b/a Tiny Boxwoods, located at 1503 W. 35th St., for a waiver of the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school.(District 10). (Suggested date and time: June 18, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 18, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Garza was absent.

Item 28 was pulled for discussion.

Items 29 through 42 were items from Council Committees.

Item 43 was a zoning item set for 10:00 a.m.

Item 44 was a briefing item set for 10:30 a.m.

Items 45 through 47 were Executive Session items.

Item 48 was a public hearing item set for 2:00 p.m.

Items 49 through 53 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

2. Approve an ordinance amending Ordinance No. 20141120-014 increasing the percentage-based ad valorem (property) tax exemption on the assessed value of residence homesteads.
This item was postponed to June 4, 2015 without objection.
15. Authorize negotiation and execution of a 36-month contract with COMVERGE, INC., or one of the other qualified offerors to Request for Proposal No. OPJ0113, for the installation and maintenance of load-control devices in single-family and multi-family residential housing and commercial facilities, in an amount not to exceed \$2,574,075, with two 12-month extension options, in an amount not to exceed \$858,025 per extension option, for a total contract amount not to exceed \$4,290,125. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 5.28% MBE and 1.23% WBE subcontractor participation.)
The motion authorizing the negotiation and execution of a contract with Comverge, Inc. was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Garza was absent.
23. Approve a resolution directing the City Manager to increase the City's minimum wage for City employees in the FY2015-2016 budget and future budgets. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Leslie Pool)
Resolution No. 20150521-023 was approved with the following amendment on Council Member Casar's motion, Council Member Renteria's second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Houston, Kitchen, Pool and

Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Garza was absent.

The amendment was to add an additional “Be it Further Resolved” paragraph to read, “The City Council, in considering the recommendations of the Living Wage Task Force, directs the City Manager to identify associated costs, and present options, including a staff-recommended minimum wage for employees and temporary employees, and recommendations on a range of living wage rates and potential indexes to the Council during the FY 2015-2016 budget development process.”

25. Approve a resolution directing the City Manager to convene a working group to develop recommendations related to the use of conviction history in hiring (fair chance hiring practices) by private employers in the City of Austin. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Mayor Pro Tem Kathie Tovo)
Resolution No. 20150521-025 was approved on Council Member Casar’s motion, Council Member Zimmerman’s second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Garza was absent.

CITIZEN COMMUNICATIONS: GENERAL

Gus Peña - 1) Memorial Day is to remember those military personnel who made the ultimate sacrifice in defense of our country's freedom, safety and democracy, and other countries' freedom, safety and democracy. 2) Memorial Day is May 25th, 2015. You all have the day off. A lot of us veterans won't. We will honor those who died in combat and we should remember their sacrifices forever. Wiley Guerrero, Toby Rodriguez, Booker T. Lofton, Alex Quiroz, the last infantry man to die in Vietnam are my friends from Johnston High School who died in our service to our country. I miss you friends, but you will never be forgotten. Happy Memorial Day, Semper Fi Marines.

Sylvia Servin - Traffic Problems

Kathy Green - Summer Food Service Program starting in June.

John Goldstone - Homestead Exemption and renters

CAROLANNROSE KENNEDY - HAPPY MOTHER'S DAY 2015 Not present when name was called.

Carlos León - 1) God, Jesus Christ, and the Holy Spirit reign supreme 2) May Austin's airspace be free & clear of chemtrails 3) Losing your marbles - Part X

DISCUSSION ITEMS CONTINUED

5. Approve an ordinance amending City Code Chapter 13-6 to authorize contracting with a private vendor to manage tow truck responses to accident scenes and other police requests for towing, and amending Ordinance No. 20140908-003, relating to nonconsent towing fees. Related to Item #17.
Ordinance No. 20150521-005 was approved on Council Member Zimmerman’s motion, Council Member Troxclair’s second on a 9-0 vote. Council Member Zimmerman voted nay. Council Member Garza was absent.
17. Authorize award, negotiation, and execution of a 36-month revenue contract with TEGSO, LLC DBA AUTORETURN, or another qualified offeror to RFP EAD0119REBID, for total management of dispatch, towing, and impound services for the Austin Police Department for estimated revenue of \$2,400,000, with three 12-month extension options with an estimated revenue of \$800,000 for each extension option, for a total estimated revenue amount of \$4,800,000. Related to Item #5. (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.)

There was a motion made by Council Member Casar and seconded by Council Member Renteria to authorize the award, negotiation and execution of a revenue contract with Tegso, LLC doing business as Autoreturn with a condition.

There was an amendment made by Council Member Zimmerman and seconded by Council Member Houston to amend the Autoreturn contract to reduce the fee from \$25.00 to \$5.00. The amendment failed on a vote of 1-9. Council Member Zimmerman voted aye. Council Member Garza was absent.

The motion authorizing the award, negotiation and execution of a revenue contract with Tegso, LLC doing business as Autoreturn was approved with the following condition on Council Member Casar's motion, Council Member Renteria's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Garza was absent. The condition was to preserve certain requirements associated with the towing rotation list as it exists and as long as the persons on the list are in compliance they are allowed to participate in the rotation.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

48. Conduct a public hearing and consider an appeal by Daniel Llanes, regarding the Planning Commission's approval of a variance from City Code Section 25-2-721(B)(1), which prohibits the construction of a building or parking area within the primary setback of the Waterfront Overlay in the Red Bluff Subdistrict (District 3).

This item was postponed to June 11, 2015 on Council Member Zimmerman's motion, Council Member Kitchen's second on a 9-0 vote. Council Member Houston was off the dais. Council Member Garza was absent.

ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S)

39. Authorize execution of an amendment to the August 2013 Parkland Improvement and Use Agreement with the West Austin Youth Association regarding Lamar Beach and Town Lake Metropolitan Park. (Notes: Parks and Recreation - Item #10 on February 26, 2015.)

This item was postponed indefinitely on Council Member Pool's motion, Council Member Zimmerman's second on an 8-0 vote. Council Members Casar and Zimmerman were off the dais. Council Member Garza was absent.

42. Authorize negotiation and execution of a 50-year license agreement with DECKER LAKE GOLF, LLC to provide funding, design, development, management, and maintenance services for a golf course at Walter E. Long Metropolitan Park. (THE PUBLIC COMMENT FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 20, 2014). (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. Goals will be established in future construction phases.) (Purchasing - Item #28 on March 5, 2015.)

This item was postponed indefinitely on Council Member Houston's motion, Council Member Pool's second on a 10-0 vote. Council Member Garza was absent.

Mayor Adler recessed the Council Meeting at 2:35 p.m.

Mayor Adler called the Council Meeting back to order at 3:19 p.m.

ZONING ORDINANCES / RESTRICTIVE COVENANTS

43. C14-2015-0007 - Alice Mae Rezoning - District 5 - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9500 Alice Mae Lane (Slaughter Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First Reading approved on March 26, 2015. Vote: 11-0. Owner/Applicant: SP Meadows West, Ltd. (David Roche). Agent: Armbrust & Brown, LLC (Richard T. Suttle, Jr.). City Staff: Wendy Rhoades, 512-974-7719.
Ordinance No. 20150521-043 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Pool was off the dais. Council Member Garza was absent.

ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S) CONTINUED

Items 30 through 33 were acted on in a combined motion.

30. Approve an ordinance on second reading relating to the Austin Cab I, Incorporated d.b.a. Austin Cab taxicab franchise. (Notes: Transportation)
The second reading of the ordinance was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Garza was absent.
31. Approve an ordinance on second reading relating to the Greater Austin Transportation Company, d.b.a. Yellow Cab Company taxicab franchise. (Notes: Transportation)
The second reading of the ordinance was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Garza was absent.
32. Approve an ordinance on second reading relating to the Lone Star Cab Company taxicab franchise. (Notes: Transportation)
The second reading of the ordinance was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Garza was absent.
33. Approve an ordinance amending City Code Chapter 13-2 relating to ground transportation passenger service requirements.
The first and second reading of the ordinance was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Garza was absent.
34. Approve a resolution directing the City Manager to explore the feasibility of a fourth taxi cab franchise.
Resolution No. 20150521-034 was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Garza was absent.

DISCUSSION ITEMS CONTINUED

3. Authorize negotiation and execution of an interlocal cooperation agreement between the City and Travis County Emergency Services District (ESD) 5, to allow the Emergency Medical Services Department to locate an ambulance at ESD 5, Station #1.
The motion authorizing the negotiation and execution of an interlocal cooperation agreement between the City and Travis County Emergency Services District (ESD) 5 was approved on Mayor Pro Tem Tovo's Council Member Renteria's second on a 10-0 vote. Council Member Garza was absent.
4. Authorize negotiation and execution of an agreement between the City and the Federal Bureau of Investigation (FBI) to authorize the Emergency Medical Services Department (EMS) to allow a FBI SWAT employee to temporarily ride out on an EMS ambulance.

There was a motion made by Council Member Pool and seconded by Council Member Houston to approve the agreement.

There was a substitute motion made by Council Member Zimmerman and seconded by Council Member Troxclair to refer this item to a Council Committee.

There was an amendment made by Council Member Zimmerman to strike the words “and execution”. The amendment failed for lack of a second.

The motion authorizing the negotiation and execution of an agreement between the City and the Federal Bureau of Investigation (FBI) was approved on Council Member Pool’s motion, Council Member Houston’s second on a 8-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained. Council Member Garza was absent.

12. Authorize award, negotiation, and execution of a contract with COPPER RIVER INFORMATION TECHNOLOGY LLC to complete the upgrade of the City's fiber optic networking system including software and hardware in an amount not to exceed \$4,331,067. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program through achievement of Good Faith Efforts.)
The motion authorizing the award, negotiation and execution of a contract with Copper River Information Technology LLC was approved on consent on Council Member Houston’s motion, Mayor Pro Tem Tovo’s second on a 6-0 vote. Council Member Zimmerman abstained. Council Members Gallo, Kitchen and Pool were off the dais. Council Member Garza was absent.
19. Approve a resolution authorizing the City Manager to submit an application to the U.S. Department of Transportation, Transportation Investment Generating Economic Recovery competitive grant program for funding for improvements to North Lamar Boulevard and Burnet Road.
Resolution No. 20150521-019 was approved on Council Member Houston’s motion, Council Member Casar’s second on an 8-0 vote. Council Members Gallo and Kitchen were off the dais. Council Member Garza was absent.
16. Authorize award and execution of Amendment No. 4 to a contract with LONGHORN CAR-TRUCK RENTALS, INC., to provide vehicle rental services in an amount not to exceed \$149,500, for a revised total contract amount not to exceed \$1,312,500. (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 amendment number four to a contract with Longhorn Car-Truck Rentals, Inc. was approved on an 8-2. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Kitchen, Pool, Renteria and Troxclair. Those voting nay were: Council Members Houston and Zimmerman. Council Member Garza was abset.

ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S) CONTINUED

40. Approve a recommendation to expand the CodeNEXT Advisory Group. Related to Item #26.
The motion to approve the Planning and Neighborhoods Committee recommendation was approved with the following friendly amendment on Council Member Casar’s motion, Council Member Houston’s second on a 9-0 vote. Council Member Troxclair was off the dais. Council Member Garza was absent.

There was a friendly amendment made by Council Member Kitchen to amend the motion as follows. The amendment was accepted by the maker of the motion and Council Member Houston, who made the second.

The friendly amendment was to have the “Be it Resolved” paragraphs read as follows.

“BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The Code Advisory Group (CAG), established to assist in public outreach and to provide feedback on the development and implementation of a revised land development code, shall be reappointed. The CAG shall focus its efforts to ensure the CodeNext process supports all the Priority Programs as outlined in the Imagine Austin Comprehensive Plan for the City of Austin. Effective on September 30, 2015.

1. The advisory group shall consist of up to 17 members, 10 members shall be appointed by the City Council, one from each district and two from the Mayor by September 1, 2015 up to five additional members appointed by the appropriate council committees as designated by the Mayor to address representation.
2. Appointments shall provide for geographic representation as well as a diversity of viewpoints. Members shall be selected based on their experiences in the fields of household affordability, environment and conservation, green planning and design, urban planning and architecture, construction and permitting, historic and neighborhood preservation, health and human services, small and local business as well as providing representation from homeowners and renters.
3. If a member of the advisory group subsequently resigns or fails to serve, the remaining members may select an individual to fill the vacancy subject to approval by the City Council. A member fails to serve if he or she misses 3 consecutive meetings or one-third of the meetings held in a twelve-month period. Membership may not exceed the number of individuals appointed to the advisory group by the City Council.

BE IT FURTHER RESOLVED:

The City Manager is directed to continue to coordinate with the advisory group in the development and preparation of a revised land development code.

BE IT FURTHER RESOLVED:

Members of this advisory board must agree to comply with the City’s ethics and personal responsibilities guidelines.

BE IT FURTHER RESOLVED:

A person who is registered or required to register as a lobbyist under Chapter 4-8 or who is employed by a person registered or required to register under Chapter 4-8 is prohibited from serving as a member of this advisory board.”

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

35. Authorize negotiation and execution of a professional services agreement with URS CORPORATION (staff recommendation) or one of the other qualified responders to Request for Qualifications Solicitation No. CLMP166, to provide engineering services for the Barton Springs Road Bridge over Barton Creek Project in an amount not to exceed \$300,000. Related to Item #36. (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 15.90 % WBE participation.) (Contract Management)

The motion authorizing the negotiation and execution of a professional services agreement with URS Corporation was approved on Council Member Kitchen’s motion, Council Member

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

36. Authorize negotiation and execution of a professional services agreement with WISS, JANNEY, ELSTNER ASSOCIATES, INC., (staff recommendation) or one of the other qualified responders to Request for Qualifications Solicitation No. CLMP167, to provide engineering services for the peer review of Barton Springs Road Bridge over Barton Creek Project in an amount not to exceed \$200,000. Related to Item #35. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore no goals were established for this solicitation.) (Contract Management)

The motion authorizing the negotiation and execution of a professional services agreement with Wiss, Janney, Elstner Associates, Inc. was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Houston was off the dais. Council Member Garza was absent.

37. Authorize negotiation and execution of a professional services agreement with URS CORPORATION (staff recommendation) or one of the other qualified responders to Request for Qualifications Solicitation No. CLMP168, to provide engineering services for the Redbud Trail Bridge over Lady Bird Lake Project in an amount not to exceed \$875,000. Related to Item #38. (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 participation.) (Contract Management)

The motion authorizing the negotiation and execution of a professional services agreement with URS Corporation was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Houston was off the dais. Council Member Garza was absent.

38. Authorize negotiation and execution of a professional services agreement with CHIANG PATEL & YERBY, INC., (staff recommendation) or one of the other qualified responders to Request for Qualifications Solicitation No. CLMP169, to provide engineering services for the peer review of the Redbud Trail Bridge over Lady Bird Lake Project in an amount not to exceed \$258,000. Related to Item #37. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore no MBE/WBE participation goals were established for this solicitation.) (Contract Management)

The motion authorizing the negotiation and execution of a professional services agreement with Chiang Patel & Yerby, Inc. was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Houston was off the dais. Council Member Garza was absent.

DISCUSSION ITEMS CONTINUED

28. Set a public hearing to receive citizen comments on the City's draft Fiscal Year 2015-2016 Action Plan as required by the U.S. Department of Housing and Urban Development, and the Community Development 2015-2016 Program as required by Texas Local Government Code Chapter 373. (Suggested date and time: June 11, 2015, 1:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for June 11, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Renteria's motion, Council Member Casar's second on a 9-0 vote. Council Member Kitchen was off the dais. Council Member Garza was absent.

Mayor Adler recessed the Council Meeting for Live Music and Proclamation at 5:32 p.m.

LIVE MUSIC

Jackie Venson

PROCLAMATIONS

Distinguished Service Award -- Don Haynes, LBJ High School -- to be presented by Council Member Ora Houston and to be accepted by the honoree

Proclamation -- EMS Week -- to be presented by Mayor Steve Adler and to be accepted by Chief of Staff James Shamard

Proclamation -- Public Works Week -- to be presented by Mayor Steve Adler and to be accepted by Howard Lazarus

Distinguished Service Award -- Dr. Norman Chenven, Austin Regional Clinic -- to be presented by Mayor Steve Adler and to be accepted by the honoree

Distinguished Service Award -- Betty Baker -- to be presented by Mayor Pro Tem Kathie Tovo and to be accepted by the honoree

Proclamation -- Motorcycle Safety Month -- to be presented by Mayor Steve Adler and to be accepted by Jason Hill, Ty Yokam and John Johnston

Distinguished Service Award, retirement -- Ateja Dukes, Neighborhood Housing -- to be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation -- Safe Boating Month -- to be presented by Council Member Ellen Troxclair and to be accepted by Jacob Thayer

Certificate of Congratulations -- Anderson High School Water Polo Team -- to be presented by Council Member Sheri Gallo and to be accepted by the honorees

Mayor Adler called the Council Meeting back to order at 7:04 p.m.

PUBLIC HEARING AND POSSIBLE ACTION

53. Conduct a public hearing and consider an ordinance on second and third readings amending the electric rate schedules in Ordinance No. 20140908-003 with regard to contract rates for large primary and transmission voltage customers.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20150521-053A to read as follows was approved on Council Member Casar's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Pool was off the dais. Council Member Garza was absent.

The ordinance was to read:

"An ordinance adopting a rate schedule for High Load Factor Large Transmission service and amending the large primary special service contract rider II of ordinance 20140908-003 to extend the expiration date of large primary service contracts.

Be it Ordained by the City Council of the City of Austin:

Part 1. The Council adopts the rate schedule for High Load Factor Large Transmission electric service attached as "Attachment A."

Part 2. A customer whose metered demand was at least 20,000 kW in two of the last six billing months, and whose annual average monthly load factor is at least 85 percent, may opt to extend the term of a service contract under the LPSSC Rider II, and the LPSSC Industrial Rider for Qualifying loads of at least 25,000 kW, to the end of the customer's billing month that includes November 30, 2015.

Part 3. The LPSSC Rider II remains closed to new customers.

Part 4. Upon expiration of an LPSSC Rider II contract, service to the customer shall automatically revert to the applicable non-contract rate schedule.

Part 5. This ordinance takes effect on _____, 2015."

The public hearing was conducted and there was a motion made by Mayor Adler and seconded by Council Member Gallo to close the public hearing and approve the ordinance as follows. The motion failed on a vote of 4-5. Those voting aye were: Mayor Adler and Council Members Gallo, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Houston, Kitchin and Renteria. Council Member Pool was off the dais. Council Member Garza was absent.

The ordinance was to read:

"An ordinance amending the Large Primary Special Service Contract Rider II of ordinance 20140908-003 to extend the expiration date of large primary service contracts.

Be it Ordained by the City Council of the City of Austin:

Part 1. A customer may opt to extend the term of a service contract in effect on May 1, 2015, under the LPDDC Rider II to the end of the customer's billing month that includes November 30, 2015.

Part 2. A customer with a service contract in effect on January 1, 2015, under the LPSSC Rider I may execute a service contract under the LPSSC Rider II with a term of June 1, 2015, to the end of the customer's billing month that includes November 30, 2015.

Part 3. The Large Primary Special Service Contract ("LPSSC") Rider II in the electric rate schedules of Ordinance No. 20140908-003 is amended as follows:

The special contract rate is effective through the end of the customer's billing month that includes November 30, 2015 for non-governmental electric customers.

Part 4. Notwithstanding Parts 1 through 3 and any provision of the LPSSC Rider II, base and fuel charges under the LPSSC Rider II do not apply past May 31, 2015, to service at a location with a demand that does not qualify under a rate schedule for more than 3,000 kW at primary voltage."

The public hearing was conducted and there was a motion made by Council Member Kitchen and seconded by Council Member Troxclair to close the public hearing and approve the second reading of the ordinance to read as follows. The motion failed on a vote of 5-4 due to lack of a majority on the dais. Those voting aye were: Mayor Adler and Council Members Gallo, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Houston and Zimmerman. Council Member Pool was off the dais. Council Member Garza was absent.

“Any Hospital System that (i) currently has a Large Primary Special Service Contract (LPSSC) Rider II contract and (ii) provides more than \$10 million in uncompensated care annually as reported to the State of Texas, may extend their existing Large Primary Service Special Contract Rider II agreement to provide a term of June 1, 2015, to the end of the customer’s billing month that includes November 30, 2015.”

The public hearing was conducted and there was a motion to close the public hearing and approve the second reading of the ordinance to read as follows on Council Member Kitchen’s motion, Council Member Troxclair’s second on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Gallo, Kitchen, Renteria and Troxclair. Those voting nay were: Council Members Casar, Houston and Zimmerman. Council Member Pool was off the dais. Council Member Garza was absent.

The ordinance was to read:

“An ordinance amending the Large Primary Special Service Contract Rider II of ordinance 20140908-003 to extend the expiration date of Large Primary Service Contracts with hospitals systems.

Be it Ordained by the City Council of the City of Austin:

Part 1. Any hospital system that (i) currently has a Large Primary Service Special Contract (“LPSSCR”) Rider II contract and (ii) provides more than \$10 million in uncompensated care annually as reported to the State of Texas, may extend their existing LPSSC Rider II agreement to provide a term of June 1, 2015, to the end of the customer’s billing month that includes November 30, 2015.

Part 2. Notwithstanding any provision of the LPSSC Rider II, base and fuel charges under the LPSSC Rider II do not apply under a contract extended pursuant to Part 1 of this ordinance past May 31, 2015, to service at a location with a demand that does not qualify under a rate schedule for more than 3,000 kW at primary voltage.

Part 3. This ordinance takes effect on _____, 2015.”

52. Conduct a public hearing and consider an ordinance amending City Code Chapters 15-2 and 15-9 relating to the drainage charge.

The public hearing was conducted and the motion to close the public hearing and approve the first and second reading of the ordinance as drafted with the following amendments was approved and to referred to Council Committee on Council Member Kitchen’s motion, Council Member Zimmerman’s second on an 8-1 vote. Council Member Renteria voted nay. Council Member Houston abstained. Council Member Garza was absent.

The amendments were.

Amend Part 7, section 15-2-8, (C) was to read:

“(C) If more than one utility customer is associated with a benefitted property, the City shall bill the drainage charge to the owner of the benefitted property unless:

- (1) The benefitted property is a single family, duplex, triplex, or fourplex residence, in which case the City shall divide the drainage charge equally among the utility customers and bill the utility customers accordingly; or**
- (2) The owner of the benefitted property cannot reasonably be determined or located, in which case the City shall determine an equitable method to allocate the drainage charges among the utility customers based upon information available and bill the utility customers accordingly.”**

Amend Part 12, section 15-2-13, (B) was to read:

“(A) A benefitted property described in Section 552.053(c) (Exemptions) of the Texas Local Government Code is exempt from the drainage charge established by this chapter.

(B) A benefitted property is exempt from the drainabe charge established by this chapter if the property is owned and occupied by:

(1) a request for an exemption from the drainage charge;

(2) a copy of the organization’s tax exemption certificate; and

(3) an affidavit executed by a person authorized to contract for the organization stating that the organization participates in a program that provides housing for the homeless, at a monetary amount at least equal to the drainage charge.

(D) The city manager shall review the effectiveness of the exemption under Subsection (C) and report the manager’s findings and recommendations to council annually.”

DISCUSSION ITEMS CONTINUED

22. Approve a resolution directing the City Manager to file a challenge petition with the Appraisal Review Board relating to the level of appraisals of commercial property values in the City by the Travis Central Appraisal District pursuant to Chapter 41 of the Texas Tax Code. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ellen Troxclair CO 2: Council Member Don Zimmerman CO 3: Council Member Ann Kitchen)

There was no action taken on this item.

The motion to waive the rules and allow Council to meet after 10p.m. was approved on Council Member Zimmerman’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Garza was absent.

29. Authorize negotiation and execution of a design and commission agreement with Virginia Fleck in an amount not to exceed \$68,000 for artwork for the Women and Children's Shelter Renovations and Expansion Project at 4523 Tannehill Road, Austin, TX (District 1). (Notes: Economic Development - Item #8 on April 23, 2015.)

The motion authorizing the negotiation and execution of a design and commission agreement with Virginia Fleck was approved on Council Member Renteria’s motion, Council Member Pool’s second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Garza was absent.

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.

45. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn.

46. Discuss matters related to large primary and transmission electric customers (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).

This item was withdrawn.

47. Discuss legal issues associated with City Council Resolution No. 20140612-065 that directs the City Manager to file a challenge petition with the Travis County Appraisal Review Board relating to

commercial property values in the City set by the Travis Central Appraisal District (Private consultation with legal counsel-Section 551.071).

This item was withdrawn.

ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S) CONTINUED

41. Authorize execution of an amendment to the cost reimbursement agreement with CENTURY LAND HOLDINGS II, LLC. to increase the City's cost reimbursement in the amount of \$646,807.24 for a total contract amount not to exceed \$2,778,484.43. (Notes: Austin Water Utility)

This item was postponed to June 4, 2015 without objection.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

49. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's proposal to increase customer rates.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20150521-049 was approved on Council Member Pool's motion, Council Member Kitchen's second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Kitchen, Pool and Troxclair. Those voting nay were: Council Members Houston, Renteria and Zimmerman. Council Member Garza was absent.

50. Conduct a public hearing and consider an ordinance relating to Atmos Energy Corporation-MidTex Division's proposal to increase customer gas rates.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20150521-050 was approved on Council Member Kitchen's motion, Council Member Pool's second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Kitchen, Pool and Troxclair. Those voting nay were: Council Members Houston, Renteria and Zimmerman. Council Member Garza was absent.

51. Conduct a public hearing regarding the full purpose annexation of the LES Burleson annexation area (approximately 13.2 acres in southern Travis County south of Burleson Road, approximately 870 feet east of the intersection of Burleson Road and Smith School Road; contiguous to Council District 2).

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Garza was absent.

BRIEFINGS

44. Briefing on the possibility of filing a challenge petition with the Appraisal Review Board for the Travis Central Appraisal District relating to commercial property values in the City set by the Travis Central Appraisal District.

This item was withdrawn without objection.

Mayor Adler adjourned the meeting at 10:32 p.m. without objection.

The minutes were approved on this the 4th day of June, 2015 on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Garza was off the dais.