

**AUSTIN CITY COUNCIL
MINUTES****SPECIAL CALLED MEETING
TUESDAY, JUNE 23, 2015**

The City Council of Austin, Texas convened in a Special Called Meeting on Tuesday, June 23, 2015, City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 9:40 a.m. Council Member Garza was absent.

CONSENT AGENDA

The following items were acted on by one motion.

Items 1 through 8 were pulled for discussion.

9. Authorize award, negotiation, and execution of a 12-month social services contract with the COUNCIL ON AT-RISK YOUTH to operate of a juvenile justice youth program for the Police Department in an amount not to exceed \$128,000.

The motion authorizing the award, negotiation and execution of a social services contract with the Council on At-Risk Youth was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Garza was absent. Council Member Pool was off the dais; upon her return to the dais requested the record show her in support of the motion.

Item 10 was pulled for discussion.

11. Authorize award, negotiation, and execution of two 12-month contracts for Request for Proposal No. PAX0124 with FRONT STEPS, INC. to provide temporary housing services, peer to peer support, on-call case management support, and life skills training and with ANEWENTRY, INC. to provide temporary housing services, peer to peer support, and life skills training in an amount not to exceed \$304,058 combined, with four 12-month extension options in an amount not to exceed \$304,058 per extension option combined, for total contracts amount not to exceed \$1,520,290 combined. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. Per the City's Small and Minority Resources Department, no subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of two contracts with Front Steps, Inc. and Anewentry, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Garza was absent. Council Member Pool was off the dais; upon her return to the dais requested the record show her in support of the motion.

12. Authorize award, negotiation and execution of 12-month contracts with McCULLOUGH HEATING & A/C, INC.; 360 ENERGY SAVERS, LLC; RAM'S WEATHERIZATION & CONSTRUCTION, LLC;

1st CHOICE ENERGY, LLC; GOOD NEIGHBOR MANAGEMENT DBA CITY CONSERVATION; ENERGY GUYS LLC; AMERICAN CONSERVATION & AIR INC.; AIRTECH ENERGY SYSTEMS, INC.; CONSERVATION SPECIALIST OF AUSTIN LLC; GREAT AMERICAN INSULATION, INC.; AMERICAN YOUTHWORKS; VALDEZ REMODELING & WEATHERIZATION, INC. (MBE); and EFFICIENT ENERGY ENTERPRISES, INC. DBA GO GREEN SQUADS (WBE), or one of the other qualified responders to Request For Proposal No. OPJ0116, for basic weatherization services in an amount not to exceed \$2,800,000 each and combined, with four 12-month extension options in an amount not to exceed \$2,800,000 each and combined, for a total contract amount not to exceed \$14,000,000 each and combined. (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, negotiation and execution of contracts with McCullough Heating & A/C, Inc.; 360 Energy Savers, LLC; Ram's Weatherization & Construction, LLC; 1st Choice Energy, LLC; Good Neighbor Management doing business as City Conservation; Energy Guys LLC; American Conservation & Air Inc.; Airtech Energy Systems, Inc.; Conservation Specialist of Austin LLC; Great American Insulation, Inc.; American Youthworks; Valdez Remodeling & Weatherization, Inc. (MBE); and Efficient Energy Enterprises, Inc. doing business as Go Green Squads (WBE) was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Garza was absent. Council Member Pool was off the dais; upon her return to the dais requested the record show her in support of the motion.

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

This item was withdrawn on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Garza was absent. Council Member Pool was off the dais; upon her return to the dais requested the record show her in support of the motion.

Item 14 was pulled for discussion.

15. Approve an ordinance waiving or reimbursing fees for the Cristo Rey Jamaica event sponsored by Cristo Rey Parish which was held Sunday, June 7, 2015 at the Oswaldo A.B. Cantu/Pan American Recreation Center. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Gregorio Casar)

Ordinance No. 20150623-015 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Garza was absent. Council Member Pool was off the dais; upon her return to the dais requested the record show her in support of the motion.

16. Approve a resolution directing the City Manager to partner with Austin's school districts in the promotion of pre-kindergarten enrollment. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Delia Garza CO 2: Council Member Ora Houston CO 3: Mayor Steve Adler)

Resolution No. 20150623-016 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Garza was absent. Council Member Pool was off the dais; upon her return to the dais requested the record show her in support of the motion.

17. Approve an ordinance waiving or reimbursing fees and authorizing payment of certain other costs under City Code Chapter 14-8 for the North Shoal Creek Neighborhood July 4th Independence Day Parade and Celebration sponsored by the North Shoal Creek Neighborhood Association, which is to be held on Saturday, July 4, 2015 on the streets surrounding Pillow School. (Notes: SPONSOR: Council Member

Leslie Pool CO 1: Mayor Steve Adler CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Gregorio Casar CO 3: Council Member Sheri Gallo)

Ordinance No. 20150623-017 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Garza was absent. Council Member Pool was off the dais; upon her return to the dais requested the record show her in support of the motion.

Item 18 was pulled for discussion.

Item 19 was an item referred from committees.

Item 20 was a discussion item.

Item 21 was an Executive Session item.

DISCUSSION

20. Discuss process for evaluating council appointees.
This item was withdrawn without objection.

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.

21. Discuss legal issues related to Mercer et al v. City of Austin et al, Cause No. 1:13-cv-00830, in the United States District Court for the Western Division of Texas. (Private consultation with legal counsel - Section 551.071 of the Government Code) (Related to July 26, 2013 officer-involved shooting).
This item was withdrawn.

DISCUSSION ITEMS

2. Authorize award and execution of a 24-month construction services contract with BILFINGER TEPSCO for chilled water piping construction on customer distribution sites in an amount not to exceed \$6,000,000, with three 12-month extension options in an amount not to exceed \$2,000,000 per extension option, for a total contract amount not to exceed \$12,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 10.94% MBE and 1.24% WBE participation.)
This item was postponed to June 25, 2015 without objection.
3. Authorize negotiation and execution of an amendment to the professional services agreement with FOUND DESIGN LLC, dba MERJE, to provide design services for the Austin Downtown Wayfinding System in the amount of \$144,324 for a total contract amount not to exceed \$463,478. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 21.08% MBE and 21.96% WBE participation to date.)
The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Found Design LLC doing business as Merje was approved without objection on a vote of 6-3. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Kitchen, Pool and Renteria. Those voting nay were: Council Members Gallo, Troxclair and Zimmerman. Council Member Houston was off the dais. Council Member Garza was absent.

4. Approve an ordinance vacating approximately 4,646 square feet of an unnamed street located between South 1st Street and South 2nd Street (adjacent to 900 South 1st Street); approximately 5,996 square feet of South 2nd Street; and approximately 2,184 square feet of an alley north of Copeland Street, between South 1st Street and South 2nd Street, to 1ST STREET HIGHLANDS, LP, for the appraised value of \$137,838, subject to retaining public utility easements and a waterline easement, dedication of public access easements, relocation of utilities at the developer's expense, and concurrent dedication by plat of new right-of-way (District 9).
Ordinance No. 20150623-004 was approved on Council Member Zimmerman's motion, Council Member Pool's second on a 9-0 vote. Mayor Pro Tem Tovo recused herself. Council Member Garza was absent.
5. Approve a resolution concerning renaming the Quick Start Tennis Courts at the Austin Tennis Center, located at 7800 Johnny Morris Road and repealing Resolution No. 20150507-008.
This item was postponed indefinitely and referred to the Council Open Space Committee with direction to staff to make recommendations to the committee on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Garza was absent.
6. Discussion of a contract with PACE GLOBAL, a wholly-owned subsidiary of SIEMENS INDUSTRY, INC., or another qualified offeror to Request For Proposal No. GAL0021, for an independent review of Austin Energy's Resource, Generation and Climate Protection Plan in an amount not to exceed \$300,000. (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 5.0% MBE and 2.0% WBE participation.)
The discussion of a contract with Pace Global was conducted.
7. Authorize award and execution of a 60-month revenue contract with ALLEN CLICK to provide the cutting, baling, and sale of hay, and the harvest and sale of pecans for Austin Water for an estimated revenue of \$305,000, with one 60-month extension option with an estimated revenue of \$305,000, for a total estimated revenue amount of \$610,000.
The motion authorizing the award and execution of a revenue contract with Allen Click was approved with a primary term of five years and five one year options on Council Member Zimmerman's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Garza was absent.
8. Authorize award, negotiation and execution of a 36-month contract with LAPTOPSANYTIME to provide a laptop and tablet kiosk distribution system for the Austin Public Library in an amount not to exceed \$85,361, with two 12-month extension options in an amount not to exceed \$7,437 each, for a total contract amount not to exceed \$100,235. (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.)
The motion authorizing the award, negotiation and execution of a contract with Laptopsanytime was approved on Council Member Pool's motion, Council Member Casar's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Garza was absent.
10. Authorize award and execution of five contracts through the Texas Local Government Purchasing Cooperative (Buyboard) for light duty vehicles and equipment with CALDWELL COUNTRY CHEVROLET DBA BABY JACK II AUTOMOTIVE, LTD. in an amount not to exceed \$1,915,979; DEERE & COMPANY in an amount not to exceed \$106,717; GRAPEVINE DODGE CHRYSLER JEEP, LLC DBA GRAPEVINE DCJ, LLC in an amount not to exceed \$3,029,838; SILSBEE FORD, INC. in an amount not to exceed \$2,756,457; and WIRTGEN AMERICA in an amount not to exceed \$458,301, for a total amount not to exceed \$8,267,292. (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 five contracts through the Texas Local Government Purchasing Cooperative with Caldwell Country Chevrolet doing business as Baby Jack II Automotive, LTD.; Deere & Company; Grapevine Dodge Chrysler Jeep, LLC doing business as Grapevine DCJ, LLC; Silsbee Ford, Inc.; and Wirtgen America 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 Garza was absent.

1. Approve an ordinance amending City Code Chapter 15-9 regarding utility deferred payment agreements. **There was a motion made by Mayor Pro Tem Tovo and seconded by Council Member Pool to approve the ordinance with an amendment.**

There was an amendment made by Council Member Kitchen and seconded by Mayor Pro Tem Tovo to have the ordinance read "after an appointment" rather than "arrange an appointment". The amendment passed on a vote of 7-1. Council Member Troxclair voted nay. Council Members Houston and Zimmerman abstained. Council Member Garza was absent.

Ordinance No. 20150623-001 was approved with the amendments listed above on Mayor Pro Tem Tovo's motion, Council member Pool's second on an 8-0 vote. Council Members Troxclair and Zimmerman abstained. Council Member Garza was absent.

14. Approve a resolution amending Resolution No. 20140807-114 and directing the City Manager to negotiate and execute an amendment to the existing parkland improvement and use agreement with West Austin Youth Association. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Don Zimmerman)
Postponed to June 25, 2015 without objection.
18. Approve a resolution relating to the location of Fun Fun Fun Fest on Auditorium Shores. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Leslie Pool)
Postponed to June 25, 2015 without objection.

ITEM(S) REFERRED FROM COMMITTEE(S)

19. Approve third reading of an ordinance amending City Code Chapters 15-2 and 15-9 relating to the drainage charge. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON MAY 21, 2015).
Postponed to June 25, 2015 without objection.

Mayor Adler adjourned the meeting at 12:51 p.m. without objection.

The minutes were approved on this the 6th day of August 2015 on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.