

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, NOVEMBER 19, 2015**

Invocation: Krishna Gobburu, Austin Hindu Temple

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

Mayor Adler called the Council Meeting to order at 10:15 am.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Special Called Meeting of November 8, 2015 and the Work Session of November 10, 2015.
The minutes from the City Council special called meeting of November 8, 2015 and the work session of November 10, 2015 were approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
2. Authorize execution of an agreement with Strictly Pediatrics to provide a second performance-based incentive for the generation of solar energy at its facility at 4900 Mueller Boulevard, for an estimated additional \$37,514 per year and \$375,140 over a 10-year period, and a combined total with the previous incentive of \$75,069 per year and \$750,690 over a 10-year period.
The motion authorizing the execution of an agreement with Strictly Pediatrics was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.
3. Authorize execution of an agreement with HEB to provide a performance-based incentive for the generation of solar energy at 15 facilities, for an estimated \$155,712 per year, for a total amount not to exceed \$1,557,120 over a 10-year period.
The motion authorizing the execution of an agreement with HEB was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.

Item 4 was pulled for discussion.

5. Authorize negotiation and execution of an interlocal cooperation agreement with Travis County and the acceptance of \$25,000 from Travis County for habitat research and monitoring of the endangered golden-cheeked warbler.
The motion authorizing negotiation and execution of an interlocal cooperation agreement with Travis County was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.
6. Authorize negotiation and execution of an interlocal agreement with Williamson County for the Neenah Road Improvement project, in the amount of \$156,274.13 plus a \$6,046.11 contingency for a total of \$162,320.24. (District 6).
The motion authorizing negotiation and execution of an interlocal cooperation agreement with Williamson County was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
7. Authorize execution of a construction contract with DENUCCI CONSTRUCTORS, LLC, for the Rio Grande 24th Street to 29th Street Reconstruction and Utility Adjustments project, in the amount of \$6,492,548 plus \$324,627.40 contingency, for a total contract amount not to exceed \$6,817,175.40. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 5.29% MBE and 0.99% WBE participation.)
The motion authorizing execution of a construction contract with Denucci Constructors, LLC was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

Items 8 and 9 were pulled for discussion.

10. Authorize execution of a construction contract with BLASTCO TEXAS, INC., for the Howard Lane #1 Reservoir Improvements in the amount \$1,959,723 plus a \$195,972.30 contingency and an allowance of \$50,000 in an amount not to exceed \$2,155,695.30. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A of the City Code Minority Owned and Women Owned Business Enterprise Procurement Program through the achievements of Good Faith Efforts with 2.59% MBE and 5.35% WBE participation.)
The motion authorizing the award and execution of a construction contract with Blastco Texas, Inc. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.
11. Authorize execution of a contract with SJ LOUIS CONSTRUCTION OF TEXAS, LTD. to construct the Harris Branch Interceptor "Lower A" wastewater line in an amount of \$5,163,688.52 plus a \$516,368.85 contingency, for a total contract amount not to exceed \$5,680,057.37. (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 6.13% MBE and 1.28% WBE participation.)

This item was postponed indefinitely on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

12. Authorize execution of a contract with AUSTIN UNDERGROUND, INC. for the construction of a wastewater line for the Lindshire Lift Station Relief project in the amount of \$209,300.50 plus a \$10,465.03 contingency, for a total contract amount not to exceed \$219,765.53. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 92.20% MBE and 2.44% WBE participation.)

The motion authorizing the execution of a contract with Austin Underground, Inc. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

13. Authorize execution of a contract with CENTRAL ROAD AND UTILITY, LTD. to construct a wastewater line for the Lockheed Lift Station Relief project in the amount of \$394,901 plus a \$19,745.05 contingency, for a total contract amount not to exceed \$414,646.05. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 86.07% MBE and 5.82% WBE participation.)

The motion authorizing the execution of a contract with Central Road and Utility, Ltd. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

14. Authorize negotiation and execution of amendments to the professional services agreement with AECOM TECHNICAL SERVICES, INC. for the Albert R. Davis and Albert H. Ullrich Water Treatment Plants Raw Water Hydraulic and Energy Efficiency Improvements project in the amount of \$1,203,726.10, for a total contract amount not to exceed \$2,753,726.10 (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 5.04% MBE and 44.10% WBE participation to date.)

The motion authorizing the negotiation and execution of amendments to the professional services agreement with AECOM Technical Services, Inc. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 15 was pulled for discussion.

16. Authorize additional funding in an amount not to exceed \$12,000,000 for the 2013 Job Order Contract for City of Austin Facilities Improvements with KBR, LLC; WARDEN CONSTRUCTION CORP.; and JAMAIL & SMITH CONSTRUCTION LP, based on work authorization and availability. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program

with 5.88% MBE and 1.81% WBE, 8.20% MBE and 3.10% WBE, and 5.88% MBE and 1.81% WBE participation, respectively.)

The motion authorizing additional funding with KBR, LLC., Warden Construction Corp., and Jamail & Smith Construction LP was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

17. Authorize ratification of a construction contract with TRAVIS COX PLUMBING CO, LLC, for the Service Center #5 wastewater line replacement in an amount not to exceed \$73,800. (Notes: This contract is a Critical Business Need and is exempt from City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program.)

The motion authorizing ratification of a construction contract with Travis Cox Plumbing Co., LLC was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

18. Approve third reading of an ordinance adopting and authorizing execution of an Impervious Cover Transfer Agreement associated with a 5.92 acre property located at 6308 Spicewood Springs Road known as Ace Salvage Yard and Ace Discount Glass (District 10).

Ordinance No. 20151119-018 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Clarification was provided by Council that the ordinance being adopted was the draft ordinance labeled in backup as Exhibit 1, a salvage draft agreement 11-18-15 redlined from the adopted on the second reading.

19. Approve an ordinance setting the assessment rate and approving a proposed 2016 assessment roll for the Austin Downtown Public Improvement District. Related to items #20 and #69.

Ordinance No. 20151119-019 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

20. Approve a resolution adopting the Austin Downtown Public Improvement District service plan and budget for 2016-2017. Related to items #19 and #69.

Resolution No. 20151119-020 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

21. Authorize negotiation and execution of a Family Business Loan Program Section 108 to Bouldin Creek Café LLC for the acquisition and expansion of current property located at 1900 South 1st Street in Austin Texas in an amount not to exceed \$220,050.00

The motion authorizing negotiation and execution of a Family Business Loan Program Section 108 to Bouldin Creek Café LLC was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.

Item 22 was pulled for discussion.

23. Approve an ordinance setting the assessment and approving a proposed 2016 assessment roll for the Estancia Hill Country Public Improvement District. Related to items #24 and #70.
Ordinance No. 20151119-023 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
24. Approve a resolution adopting Estancia Hill Country Public Improvement District service plan and budget for 2016. Related to items #23 and #70.
Resolution No. 20151119-024 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
25. Approve an ordinance setting the assessment and approving a proposed 2016 assessment roll for the Indian Hills Public Improvement District. Related to items #26 and #71.
Ordinance No. 20151119-025 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
26. Approve a resolution adopting Indian Hills Public Improvement District service plan and budget for 2016. Related to items #25 and #71.
Resolution No. 20151119-026 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
27. Approve an ordinance setting the assessments and approving a proposed 2016 assessment roll for the Whisper Valley Public Improvement District. Related to items #28 and #72.
Ordinance No. 20151119-027 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
28. Approve a resolution adopting the Whisper Valley Public Improvement District service plan and budget for 2016. Related to items #27 and #72.
Resolution No. 20151119-028 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
29. Approve the execution of an amendment to renew the interlocal agreement with Travis County to integrate management of hazardous material containment and incidents by sharing personnel, equipment, technology, and data.
The motion approving the execution of an amendment to renew the interlocal agreement with Travis County was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
30. Approve the negotiation and execution of a contract amendment with AIDS SERVICES of AUSTIN, INC., in an amount not to exceed \$24,559 for an annual contract amount of \$201,320, for the period of January 1, 2015 to December 31, 2015, and one 12-month renewal option in an amount not to exceed \$201,320 per renewal option, for a total contract amount not to exceed \$931,516.
The motion authorizing negotiation and execution of a contract amendment with AIDS Services of Austin, Inc. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

31. Approve an ordinance accepting \$22,366 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2015-2016 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to appropriate \$22,366 for the Ryan White Part C HIV Early Intervention Services Grant Program that provides medical and supportive services to people with the human immunodeficiency virus. **Ordinance No. 20151119-031 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.**

Item 32 was pulled for discussion.

33. Approve an ordinance amending the Fiscal Year 2015-2016 Fee Schedule (Ordinance No. 20150908-003) to establish a new registration fee for central preparation facilities serving mobile food establishments. **Ordinance No. 20151119-033 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

Items 34 and 35 were pulled for discussion.

36. Approve an ordinance vacating an approximately 3,620 square foot portion of the Brushy Street right-of-way, between East 4th Street and East 5th Street, to the CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY (District 3). **Ordinance No. 20151119-036 was approved on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.**
37. Authorize negotiation and execution of a lease of retail space of approximately 2,040 square feet, located at 407 Red River Street, Austin, Travis County, Texas, to TEXAS REDS & WHITES LLC for sixty (60) months (District 9). **The motion authorizing negotiation and execution of a lease to Texas Reds & Whites LLC was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.**

Item 38 was pulled for discussion.

39. Approve a resolution renaming an overlook located at Shoal Beach at Town Lake Metro Park, 707 W Cesar Chavez St. to the "Roberta Reed Crenshaw Overlook at Shoal Beach at Town Lake Metro Park." **Resolution No. 20151119-039 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.**
40. Approve an ordinance authorizing the acceptance of \$23,500 in grant funds, and amending the Fiscal Year 2015-2016 Austin Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) and the Fiscal Year 2015-2016 Austin Parks and

Recreation Department Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate these grant funds for the restoration of the 1939 Violet Crown Garden Club Wall.

Ordinance No. 20151119-040 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

41. Approve an ordinance amending the Fiscal Year 2015-2016 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to accept grant funds in the amount of \$849,518; amending the Fiscal Year 2015-2016 Parks and Recreation Department Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate \$849,518 from the Parks and Recreation Department Operating Budget Special Revenue Fund for the development of Waterloo Neighborhood Park.

Ordinance No. 20151119-041 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Item 42 was pulled for discussion.

43. Approve a resolution authorizing the Parks and Recreation Department to apply for \$25,000 in grant funding from the National League of Cities to support connecting children to nature.

Resolution No. 20151119-043 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

44. Authorize negotiation and execution of an interlocal agreement with Travis County for construction of new water lines within the Texas Department of Transportation at FM 1626 from Manchaca Road to Brodie Lane Project, in the amount of \$382,263.00, plus a \$38,227.00 contingency, for a total contract amount not to exceed \$420,490.00.

This item was postponed to December 17, 2015 approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Item 45 was pulled for discussion.

46. Authorize award and execution of a 36-month contract with NUECES POWER EQUIPMENT to provide parts and services for street maintenance equipment in an amount not to exceed \$540,750, with three 12-month extension options in an amount not to exceed \$180,250 per extension option, for a total contract amount not to exceed \$1,081,500. (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 a contract with Nueces Power Equipment was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

47. Authorize negotiation and execution of a contract through the National Joint Powers Alliance Cooperative with GRAINGER for two street sweepers in an amount not to exceed \$358,608. (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 negotiation and execution of a contract through the National Joint Powers Alliance Cooperative with Grainger was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

48. Authorize negotiation and execution of five contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) for vehicles with CALDWELL COUNTRY in an amount not to exceed \$294,330, with HEIL OF TEXAS in an amount not to exceed \$1,956,662, with LONGHORN INTERNATIONAL in an amount not to exceed \$1,358,792, with SILSBEE FORD in an amount not to exceed \$3,680,260, and with TYMCO in an amount not to exceed \$257,753, for total contracts amount not to exceed \$7,547,797. (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 negotiation and execution of five contracts through the Texas Local Government Purchasing Cooperative with Caldwell Country, Heil of Texas, Longhorn International, Silsbee Ford and TYMCO was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

49. Authorize negotiation and execution of three contracts through the Houston-Galveston Area Council Cooperative for vehicles with CHASTANG ENTERPRISES DBA CHASTANG FORD in an amount not to exceed \$573,750, with FREEDOM CHRYSLER DODGE JEEP RAM in an amount not to exceed \$98,350, and with SIDDONS MARTIN EMERGENCY GROUP in an amount not to exceed \$7,970,614 for total contract amounts not to exceed \$8,642,714. (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 negotiation and execution of three contracts through the Houston-Galveston Area Council Cooperative with Chastang Enterprises doing business as Chastang Ford, Freedom Chrysler Dodge Jeep Ram, and Siddons Martin Emergency Group was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

50. Authorize award and execution of a 24-month contract for the purchase of various types and sizes of PVC wastewater line fittings for Austin Water with ACT PIPE AND SUPPLY in an amount not to exceed \$318,428, with two 12-month extension options in an amount not to exceed \$159,214 per extension option, for a total contract amount not to exceed \$636,856. (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 contract with ACT Pipe and Supply was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

51. Authorize award and execution of a contract with SIEMENS ENERGY INC. for the purchase of three KA66SV-GL400 aeration blowers for the South Austin Regional Wastewater Treatment Plant Train A and B Blower Replacement Project in an amount not to exceed \$3,193,775. (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 award and execution of a contract with Siemens Energy Inc. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 52 was pulled for discussion.

53. Authorize negotiation and execution of an amendment to the contract with ORCOM SOLUTIONS LLC DBA VERTEX, for electronic customer information system data archive services, to add one 60-month extension option in an amount not to exceed \$1,260,500, for a revised total contract amount not to exceed \$2,213,420. (Notes: This contract was awarded as a sole source and is exempt from City Code Chapter 2-9C Minority and Women Owned Business Enterprise Procurement Program.)
The motion authorizing negotiation and execution of an amendment to the contract with Orcom Solutions LLC doing business as Vertex was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.
54. Authorize negotiation and execution of a contract with GRAY MATTER SYSTEMS SOUTH LLC, for the replacement of the human-machine interfaces for turbine units 6 and 7 at Sand Hill Energy Center, in an amount not to exceed \$91,308. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9D Minority and Women Owned Business Enterprise Procurement Program.)
The motion authorizing negotiation and execution of a contract with Gray Matter Systems South LLC was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Item 55 was pulled for discussion.

56. Authorize negotiation and execution of a 12-month contract with TITUS SYSTEMS, LP, to provide outside plant fiber expansions and maintenance for the City's telecommunications network in an amount not to exceed \$400,000, with four 12-month extension options in an amount not to exceed \$400,000 per extension option, for a total contract amount not to exceed \$2,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program through the achievements of good faith efforts with 3.61% MBE participation.)
The motion authorizing negotiation and execution of a contract with Titus Systems, LP was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

57. Authorize negotiation and execution of a 12-month contract with MOTOROLA SOLUTIONS, INC. for two-way communications equipment repair services in an amount not to exceed \$500,000, with five 12-month extension options in an amount not to exceed \$500,000 each, for a total contract amount not to exceed \$3,000,000. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)
The motion authorizing negotiation and execution of a contract with Motorola Solutions, Inc. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.
58. Authorize negotiation and execution of a 36-month contract with FDM SOFTWARE LTD. for maintenance and support of the FDM Records Management System software and interface systems in an amount not to exceed \$331,092, with two 12-month extension options in an amount not to exceed \$115,927 for the first extension option and \$118,826 for the second extension option, for a total contract amount not to exceed \$565,845. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)
The motion authorizing negotiation and execution of a contract with FDM Software Ltd. was approved on consent on Council Member Gallo's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.
59. Approve an ordinance amending City Code Chapters 2-9A, 2-9B, 2-9C and 2-9D to extend the Minority-Owned and Women-Owned Business Enterprise Procurement Program and revise its sunset date.
Ordinance No. 20151119-059 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
60. Approve issuance of a street closure permit under City Code Chapter 14-8 with a waiver for Sections 14-8-3(B)(3) and 14-8-15(B) for the 2016 Austin Marathon and Half Marathon which is to be held on Sunday, February 14, 2016 from 7:00 a.m. to 2:00 p.m.
The motion approving the issuance of a street closure permit for the 2016 Austin Marathon and Half Marathon was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.
61. Approve a resolution authorizing the negotiation and execution of an advance funding agreement with the Texas Department of Transportation in an amount not to exceed \$9,200,000 for intersection improvements to the I-35 Southbound Frontage Road at 51st Street Intersection and Ramp Reconfiguration Project.
Resolution No. 20151119-061 was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Item 62 was pulled for discussion.

63. 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 and waivers were approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Nominations

Board/NomineeNominated by

**Historic Landmark Commission
Tiffany Osburn**

Council Member Kitchen

**Public Safety Commission
Emmanuel Loo**

Council Member Garza

**Land Development Code Advisory Group
Jose Valera**

Mayor Adler

**Land Development Code Advisory Group
Farzad Mashhood**

Council Member Casar

Waivers

Approve a waiver under Section 2-1-27(e) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for a person appointed to a City board on or before July 1, 2015, if the person completed the training required by Section 2-1-23 on or before December 11, 2015.

Board	Name
African American Resource Advisory Commission	Clifford Gillard
Asian American Quality of Life Advisory Commission	Richard Jung
Commission for Women	Ana DeFrates
Commission for Women	Mackenzie Kelly
Commission on Immigrant Affairs	Jose Gamboa
Commission on Veterans Affairs	Douglas O'Connell
Community Technology and Telecommunications Comm	Benjamin Graham
Design Commission	Bart Whatley
Downtown Austin Community Court Advisory Committee	Darilynn Cardona-Beiler
Downtown Austin Community Court Advisory Committee	David Courreges
Early Childhood Council	Rhonda Paver
Early Childhood Council	Roscoe Overton, Sr.
Early Childhood Council	Sebastian Wren
Environmental Commission	Peggy Maceo
Ethics Review Commission	Kenneth Smith
Hispanic/Latino Quality of Life Resource Advisory Comm	Isabel Lopez Aguilar
Hispanic/Latino Quality of Life Resource Advisory Comm	Jill Ramirez
Hispanic/Latino Quality of Life Resource Advisory Comm	Yvette Ruiz
Human Rights Commission	Kuo Yang

Mayor's Committee for People with Disabilities	Diane Kearns-Osterweil
Mechanical, Plumbing and Solar Board	Jerry Garza
Mexican American Cultural Center Advisory Board	Blanca Valencia
Mexican American Cultural Center Advisory Board	Kathy Vale Castillo
Parks and Recreation Board	Michael Casias
Parks and Recreation Board	Mark Vane
Planning Commission	Stephen Oliver
Public Safety Commission	Edward Scruggs
Urban Transportation Commission	Celso Baez, III

64. Approve a resolution directing the City Manager to provide funding for public safety needs downtown and throughout the City during the 10 days in March defined in City Code Section 9-2-1(14) as the “Spring Festival Season,” which includes the South by Southwest music festival, conferences, and related events. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Sheri Gallo)
Resolution No. 20151119-064 was approved on consent on Council Member Gallo’s motion, Council Member Garza’s second on an 11-0 vote.
65. Approve a resolution congratulating the City of Adelaide on its 175th Anniversary and extending an invitation to the Adelaide City Council to visit Austin for an exchange of Sister City gifts. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Ellen Troxclair)
Resolution No. 20151119-065 was approved on consent on Council Member Gallo’s motion, Council Member Garza’s second on an 11-0 vote.
66. Approve an ordinance waiving or reimbursing certain fees for the grand opening of Austin Habitat for Humanity’s new headquarters which is taking place on Saturday, November 21, 2015 at 500 West Ben White Boulevard at Highway 71 and South 1st Street. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Steve Adler CO 2: Council Member Ann Kitchen CO 3: Council Member Leslie Pool)
Ordinance No. 20151119-066 was approved on consent on Council Member Gallo’s motion, Council Member Garza’s second on an 11-0 vote.
67. Approve an ordinance extending the expiration date of Ordinance No. 20141211-200 related to interim drainage regulations in the South Lamar Neighborhood Area; and waiving City Code Section 25-1-502 related to Planning Commission review. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Gregorio Casar CO 2: Council Member Leslie Pool CO 3: Mayor Pro Tem Kathie Tovo)
Ordinance No. 20151119-067 was approved on consent on Council Member Gallo’s motion, Council Member Garza’s second on an 11-0 vote.
68. Set a public hearing to consider an ordinance amending City Code Title 25 relating to approval requirements for planned unit development zoning cases. (Suggested date and time: January 28, 2016, 4:00 p.m. at Austin City Hall. 301 W. Second Street, Austin, TX).

The public hearing was set on consent for January 28, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

69. Set a public hearing to consider the Austin Downtown Public Improvement District 2016 assessments. (Suggested date and time: December 10, 2015, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Related to items #19 and #20.

The public hearing was set on consent for December 10, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

70. Set a public hearing to consider the Estancia Hill Country Public Improvement District 2016 assessments. (Suggested date and time: December 10, 2015, 4:00 pm, at Austin City Hall, 301 W. Second Street, Austin, TX). Related to items #23 and #24.

The public hearing was set on consent for December 10, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

71. Set a public hearing to consider the Indian Hills Public Improvement District 2016 assessments. (Suggested date and time: December 10, 2015, 4:00 pm, at Austin City Hall, 301 W. Second Street, Austin, TX). Related to items #25 and #26.

The public hearing was set on consent for December 10, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

72. Set a public hearing to consider the Whisper Valley Public Improvement District 2016 assessments. (Suggested date and time: December 10, 2015, 4:00 pm, at Austin City Hall, 301 W. Second Street, Austin, TX). Related to items #27 and #28.

The public hearing was set on consent for December 10, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

73. Set a public hearing to consider an ordinance regarding floodplain variances for the redevelopment of St. Catherine of Siena Church located at 4800 Convict Hill Road (Council District 8) as requested by the owner of the property. The property is partially in the 25-year and 100-year floodplain of the Kincheon Branch, a tributary of Williamson Creek. (Suggested date and time: December 10, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street).

The public hearing was set on consent for December 10, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Items 74 through 80 were referred from Council Committees.

Items 81 and 82 were Eminent Domain.

Items 83 and 84 were Zoning Ordinances/Restrictive Covenants (Hearings Closed).

Items 85 through 89 were Executive Session items.

Item 90 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Items 91 through 98 were public hearing items set for 4:00 p.m.

ITEMS REFERRED FROM COUNCIL COMMITTEES

76. Approve a co-development agreement with the Rocky Mountain Institute to conduct a multi-year “Mobility Transformation” program, which focuses on approaches for transforming personal mobility.

The motion approving a co-development agreement with Rocky Mountain Institute was approved on Council Member Kitchen’s motion, Council Member Pool’s second on a 10-1 vote. Council Member Zimmerman voted nay.

DISCUSSION ITEMS

Items 4 and 38 were acted upon in a combined motion.

4. Approve an ordinance amending the Fiscal Year 2015-16 Operating Budget of Austin Resource Recovery (Ordinance No. 20150908-001) to increase transfers out by \$2,792,001 and amending the Fiscal Year 2015-2016 Austin Resource Recovery Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate \$2,792,001 from the Austin Resource Recovery Operating Budget for facility development and construction. Related to item #38.

This item was postponed to December 10, 2015 on Council Member Zimmerman’s motion, Council Member Garza’s second on an 11-0 vote.

38. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell approximately 9.405 acres of land, located at Lot 1, Block "E", Missouri-Pacific Industrial Park, Section One, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 52, Page 21 of the Plat Records of Travis County, Texas, and locally known as 4711 Winnebago Lane, to Jimmy Nassour in the amount of \$1,450,001 for the land (District 2). Related to item #4.

This item was postponed to December 10, 2015 on Council Member Zimmerman’s motion, Council Member Garza’s second on an 11-0 vote.

Items 8 and 9 were acted upon in a combined motion.

8. Authorize negotiation and execution of a professional services agreement with the following 12 staff recommended firms (or other qualified responders) to Request For Qualifications Solicitation No. CLMP180, AECOM TECHNICAL SERVICES, INC., FREESE & NICHOLS, INC., HDR ENGINEERING, INC., CHAN & PARTNERS ENGINEERING, LLC (MBE), HALFF ASSOCIATES, INC., S&B INFRASTRUCTURE, LTD., BROWN & GAY ENGINEERS, INC., PARSONS WATER & INFRASTRUCTURE INC., WALKER

PARTNERS, LLC, ESPEY CONSULTANTS, INC., dba RPS, CAS CONSULTING & SERVICES, INC. (MBE), JACOBS ENGINEERING GROUP INC., for engineering services for the 2016 Large Scale General Civil Engineering Services Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$9,600,000 divided among the 12 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 sub-consultant participation.)

The motion authorizing the negotiation and execution of a professional services agreement with AECOM Technical Services, Inc., Freese & Nichols, Inc., HDR Engineering, Inc., Chan & Partners Engineering, LLC., Halff Associates, Inc., S&B Infrastructure, LTD., Brown & Gay Engineers, Inc., Parsons Water & Infrastructure Inc., Walker Partners, LLC., Espey Consultants, Inc., doing business as RPS, CAS Consulting & Services, Inc., and Jacobs Engineering Group Inc. was approved on Council Member Troxclair's motion, Council Member Gallo's second on a 9-0 vote. Mayor Pro Tem Tovo and Council Member Houston were off the dais.

9. Authorize negotiation and execution of a professional services agreement with the following 16 staff recommended firms or other qualified responders to Request for Qualifications Solicitation No. CLMP181: MWM DESIGNGROUP, INC. (WBE), ATKINS NORTH AMERICA, INC., K FRIESE & ASSOCIATES, INC. (WBE), URBAN DESIGN GROUP, PC (WBE), ENCOTECH ENGINEERING CONSULTANTS, INC. (MBE), HVJ ASSOCIATES, INC. (MBE), OTHON, INC., TRC ENGINEERS, INC., CP&Y, INC., , DANNENBAUM ENGINEERING COMPANY - AUSTIN, LLC, LJA ENGINEERING, INC., COBB, FENDLEY & ASSOCIATES, INC., HEJL, LEE & ASSOCIATES, INC (MBE), KELLOGG BROWN & ROOT SERVICES, ARCADIS U.S., INC., KING ENGINEERING ASSOCIATES, INC., for engineering services for the 2016 SMALL SCALE GENERAL CIVIL ENGINEERING SERVICES ROTATION LIST for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$6,400,000 divided among the 16 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 participation.)

The motion authorizing the negotiation and execution of a professional services agreement with MWM DesignGroup, Inc., Atkins North American, Inc., K. Friese & Associates, Inc., Urban Design Group, PC, Encotech Engineering Consultants, Inc., HVJ Associates, Inc., Othon Inc., TRC Engineering, Inc., CP&Y Inc., Dannenbaum Engineering Company – Austin, LLC., LJA Engineering, Inc., Cobb, Fendley & Associates, Inc., HEJL, Lee & Associates, Inc., Kellogg Brown & Roots Services, Arcadis U.S., Inc., and King Engineering Associates, Inc. was approved on Council Member Troxclair's motion, Council Member Gallo's second on a 9-0 vote. Mayor Pro Tem Tovo and Council Member Houston were off the dais.

Action was taken on Item 15 but later reconsidered, see below.

42. Approve a resolution regarding the renaming of the Austin Tennis Center, located at 7800 Johnny Morris Road.

This item was postponed to February 4, 2016 on Council Member Gallo's motion, Council Member Houston's second on an 11-0 vote.

CITIZENS COMMUNICATIONS: GENERAL

12:00 PM - Citizen Communications: General

Richard Boland - Austin Police participation in federal task forces.

Zolla Vega - Keep current coyote management policy & contract.

Skylar Buffington - TBD

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.

85. Discuss legal issues related to open government matters (private consultation with legal counsel - Section 551.071 of the Government Code).

The item was withdrawn without objection.

86. Discuss legal issues related to the Austin Energy Nacogdoches biomass power purchase contract (private consultation with legal counsel - Section 551.071 of the Government Code).

The item was withdrawn without objection.

87. Discuss legal issues related to vested rights ("grandfathering") under Texas Local Government Code Chapter 245 and/or Section 43.002, both generally and as related to development at ACE Salvage Yard, 6308 Spicewood Springs Road (private consultation with legal counsel - Section 551.071 of the Government Code).

The item was withdrawn without objection.

88. Discuss legal issues related to Donald Zimmerman v. City of Austin, Cause No. 1:15-cv-00628, in the United States District Court for the Western Division of Texas. (private consultation with legal counsel - Section 551.071 of the Government Code).

The item was withdrawn without objection.

89. Discuss legal issues related to a resolution directing the City Manager to clarify the physical boundaries of the Town Lake Community Event Center Venue project (private consultation with legal counsel - Section 551.071 of the Government Code).

The item was withdrawn without objection.

Mayor Adler recessed the Council Meeting at 12:23 p.m.

Mayor Adler reconvened the meeting at 1:46 p.m.

DISCUSSION ITEMS CONTINUED

15. Authorize negotiation and execution of a professional services agreement with DEMATTEI WONG ARCHITECTURE, INC., (staff recommendation) or one of the other qualified responders to Request For Qualifications Solicitation No CLMP182 to provide architectural services for the Austin Bergstrom International Airport Parking Garage and Administration Building in an amount not to exceed \$13,000,000. (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 21.50% MBE and 16.50% WBE participation.)

A motion authorizing the negotiation and execution of a professional services agreement with Pierce, Goodwin, Alexander & Linville, Inc. was made by Council Member Renteria and seconded by Council Member Gallo.

A substitute motion to postpone the item to December 17, 2015 and refer the item to the Public Utilities Committee was approved on Council Member Garza's motion, Council Member Troxclair's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Gallo, Garza, Houston, Troxclair and Zimmerman. Those voting nay were: Council Members Casar, Kitchen, Pool and Renteria.

A motion to reconsider was approved on Council Member Garza's motion, Council Member Renteria's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was off the dais.

The motion authorizing the negotiation and execution of a professional services agreement with Pierce, Goodwin, Alexander & Linville, Inc. doing business as PGAL, was approved on Council Member Renteria's motion, Council Member Gallo's second on a 10-0 vote. Council Member Troxclair was off the dais.

22. Approve a resolution to nominate Freescale Semiconductor, Inc. for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Chapter 2303 of the Texas Government Code.

Resolution No. 20151119-022 was approved on Council Member Garza's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Houston abstained. Mayor Pro Tem Tovo was off the dais.

32. Authorize the negotiation and execution of Amendment No. 2 to the interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for case management services for an additional 12-month term in an amount not to exceed \$100,000, for a total contract amount not to exceed \$257,000.

The motion authorizing negotiation and execution of amendment number two to an interlocal agreement with Austin Independent School District was approved on Council Member Garza's motion, Council Member Renteria's second on a 9-1 vote. Council Member Zimmerman voted nay. Mayor Pro Tem Tovo was off the dais.

52. Authorize execution of Amendment No. 4 to the contract with AMERICAN EXPRESS for credit card acceptance services to add a 36-month extension option in an amount not to exceed \$800,000, a 24-month extension option in an amount not to exceed \$1,050,000, and an additional 24-month extension option in an amount not to exceed \$1,850,000, for a revised total contract amount not to exceed \$4,298,344. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing execution of amendment number four to the contract with American Express was approved on Council Member Troxclair's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais.

62. Authorize negotiation and execution of Amendment No. 9 to an interlocal agreement with the University of North Texas for a native vegetation restoration project to be conducted in Lake Austin and Lady Bird Lake in an estimated amount not to exceed \$150,000 over three years, for a revised estimated contract amount not to exceed \$795,000.

The motion authorizing negotiation and execution amendment number nine to an interlocal was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Zimmerman abstained.

45. Authorize execution of a 12-month extension of the contract with REPUBLIC SERVICES INC. for the management and disposal of industrial Class 2 non-hazardous waste in an amount not to exceed \$264,820, for a total contract amount not to exceed \$794,460. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

This item was postponed to December 10, 2015 approved on consent on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

ITEMS REFERRED FROM COUNCIL COMMITTEES

Action was taken on Item 80 but later reconsidered, see below.

74. Authorize negotiation and execution of two 24-month contracts with PRO SERV INDUSTRIAL CONTRACTORS, LLC and THIELSCH ENGINEERING, INC., to provide power plant and chiller maintenance services, in an amount not to exceed \$5,400,000 each and combined, with two 24-month extension options in an amount not to exceed \$5,400,000 each and combined per extension option, for a total contract amount not to exceed \$16,200,000 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 by meeting the goals with 2.00% MBE and 1.75% WBE participation; and 1.87% MBE and 1.64% WBE participation, respectively.)

The motion authorizing the negotiation and execution of two contracts with Pro Serv Industrial Contractors, LLC and Thielsch Engineering, Inc. was approved on Council Member Renteria's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

75. Authorize negotiation and execution of a 24-month contract with MASTEC NORTH AMERICA INC., or one of the other qualified offerors to Request for Proposal GAL0022, for underground transmission and distribution electrical construction services in an amount not to exceed \$20,000,000, with four 12-month extension options in an amount not to exceed \$10,000,000 per extension option, for a total contract amount not to exceed \$60,000,000. (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 14.88% MBE and 2.34% WBE participation.)

The motion authorizing the negotiation and execution of a contracts with Mastec North America Inc. was approved on Council Member Gallo's motion, Council Member Renteria's second on an 11-0 vote.

77. Approve a resolution directing the City Manager to clarify the physical boundaries of the Town Lake Community Event Center Venue project.

This item was postponed to December 10, 2015 was approved on Mayor Pro Tem Tovo's motion, Council Member Zimmerman's second on an 11-0 vote.

78. Approve an ordinance amending the Fiscal Year 2015-2016 Fee Schedule (Ordinance No. 20150908-003) to allow all City residents 80 years or older to use City swimming pools for free. **Ordinance No. 20151119-078 was approved on Council Member Pool's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

EMINENT DOMAIN

Items 81 and 82 were acted upon in a combined motion.

81. Approve a resolution authorizing the filing of eminent domain proceedings for the Onion Creek Floodplain Buyout Program Project for the fee simple acquisition of Lot 22, Block K, of Onion Creek Forest Section 2, Amended Plat, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 68, Page 54, of the Plat Records of Travis County, Texas, in the amount of \$160,000. The owners of the needed property interests are Jose Cruz Chavez a/k/a Jose Chavez a/k/a Joe Chavez and Maria Chavez a/k/a Mary Elizabeth Chavez. The property is located entirely in District 2, at 6901 Thornwood Court, Austin, Texas 78744-5835. The general route covered by this project includes the area along Lower Onion Creek, in the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods, near the intersection of South

Pleasant Valley Road and East William Cannon Drive, in Austin, Travis County, Texas (District 2).

Resolution No. 20151119-081 was approved on Council Member Renteria's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

82. Approve a resolution authorizing the filing of eminent domain proceedings for the Onion Creek Floodplain Buyout Program Project for the fee simple acquisition of Lot 22, Block "C", of Onion Creek Plantations Section One, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 64, Page 50, of the Plat Records of Travis County, Texas, in the amount of \$139,000. The owners of the needed property interests are Daniel R. Gonzales and Natalie H. Gonzales. The property is located entirely in District 2, at 7211 Lake Charles Drive, Austin, Texas 78744-6607. The general route covered by this project includes the area along Lower Onion Creek, in the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods, near the intersection of South Pleasant Valley Road and East William Cannon Drive, in Austin, Travis County, Texas (District 2).

Resolution No. 20151119-082 was approved on Council Member Renteria's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.

ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED

80. Approve an ordinance on third reading to amend City Code Title 25 relating to secondary dwelling units. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON JUNE 18, 2015).

A motion to approve the ordinance on second reading only was made by Council Member Casar and seconded by Mayor Adler.

A motion to allow an additional speaker was approved on Council Member Zimmerman's motion, Council Member Houston's second with no objection.

A motion to amend the ordinance as listed below was made by Mayor Adler and seconded by Council Member Casar.

A motion to reconsider was approved on Council Member Zimmerman's motion, Council Member Renteria's second on an 11-0 vote.

Ordinance No. 20151119-080 was approved with the amendments listed below on Council Member Casar's motion, Mayor Adler's second on an 8-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Gallo, Garza, Pool, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo, Council Members Houston and Kitchen.

A motion amending the ordinance was approved on Mayor Adler's motion, Council Member Casar's second on a 9-2 vote. Those voting aye were: Mayor Adler, Council Members Casar, Gallo, Garza, Kitchen, Pool, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Member Houston.

The amendment was to:

- Strike SF-2 as areas open to ADU
- Cap the size of the ADU at 1100 square feet
- Waive parking within a quarter mile from an activity corridor that is a bus or transit route.

A motion was made to include the following language “Regulations related to ADUs will be analyzed as part of the Code Next review of the Land Development Code. The CodeNext team is directed to review and report on Austin’s two-family residential and secondary apartment dwelling unit regulatory, economic, and fiscal impacts as part of the CodeNext process, including impact on housing affordability options throughout the city.” The motion was approved on Council Member Kitchen’s motion, Mayor Adler’s second on a 10-0 vote. Council Member Zimmerman abstained.

A motion was made to include the following language “Application of these sections of the code will not supersede established neighborhood plans that have not adopted the secondary apartment infill tool.” The motion failed on Council Member Kitchen’s motion, Council Member Pool’s second on a 4-7 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Houston, Kitchen and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Gallo, Garza, Renteria, Troxclair and Zimmerman.

A motion postponing adoption of the third reading pending construction of an ordinance that would allow for an opt in/opt out process failed on Mayor Pro Tovo’s motion, Council Houston’s second on a 4-7 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Houston, Kitchen and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Gallo, Garza, Renteria, Troxclair and Zimmerman.

A motion to include the following language “Within 30 days the City Manager shall develop recommendations for an accessory dwelling unit opt-in opt-out process for the entire City, including areas with no Neighborhood Plans” was made by Mayor Pro Tem Tovo and seconded by Council Member Kitchen. There was a friendly amendment which was incorporated to include an appeal mechanism for a property owner whose Neighborhood opted out, but the property owner would still like to build an accessory dwelling unit, recognizing that final approval would still need Council action. The motion failed on Mayor Pro Tem Tovo’s motion, Council Member Kitchen’s second on a 5-6 vote. Those voting aye: Mayor Pro Tem Tovo, Council Members Houston, Kitchen, Pool and Zimmerman. Those voting nay: Mayor Adler, Council Members Casar, Gallo, Garza, Renteria and Troxclair.

A motion to include the following language “Within 30 days the City Manager is directed to develop recommendation for a two family residential use and secondary apartment opt-in process for areas of the city with no neighborhood plans” failed on Council Member Troxclair’s motion, Council Member Casar’s second on a 5-6 vote. Those voting aye were: Council Members Casar, Gallo, Houston, Troxclair and Zimmerman. Those voting nay

were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Garza, Kitchen, Pool and Renteria.

A motion to reconsider was approved on Council Member Zimmerman's motion, Council Member Renteria's second on an 11-0 vote.

Ordinance No. 20151119-080 was approved as with the amendments listed above on Council Member Casar's motion, Mayor Adler's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Gallo, Garza, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo, Council Members Houston, Kitchen and Pool.

Mayor Adler recessed the meeting at 5:45 p.m.

LIVE MUSIC

Alesia Lani

PROCLAMATIONS

Distinguished Service Award - Kalpana Sutaria - To be presented by Council Member Leslie Pool and to be accepted by Kalpana Sutaria

Certificate of Congratulations - AWU Outstanding Rangeland Management Award - To be presented by Mayor Pro Tem Kathie Tovo and to be accepted by Kevin Thuesen

Proclamation - Center for Maximum Potential Building Systems Day - To be presented by Council Member Ora Houston and to be accepted by Pliny Fisk III and Gail Vittori

Proclamation - D.C. Bloom Day - To be presented by Mayor Steve Adler and to be accepted by D.C. Bloom

Mayor Adler called the Council Meeting back to order at 7:06 p.m.

DISCUSSION ITEMS CONTINUED

55. Authorize negotiation and execution of a contract with OXFORD ADVISORS, LLC for independent consumer advocate services for residential and small commercial electric utility customers, in an amount not to exceed \$200,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-C 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 postponed to December 3, 2015 on Council Member Casar's motion, Council Member Renteria's second on a 10-1 vote. Council Member Troxclair voted nay.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

83. C814-2012-0152 - Pilot Knob Planned Unit Development - District 2 - Approve second reading of an ordinance amending City Code Chapter 25-2 by zoning property locally known as east and southeast of the intersection of East William Cannon Drive and McKinney Falls Parkway, and west of South U.S. Highway 183 and FM 1625 (Cottonmouth Creek Watershed; North Fork Creek Watershed; South Fork Creek Watershed) from interim-rural residence (I-RR) district zoning and interim-single family residence-standard lot (SF-4A) district zoning to planned unit development (PUD) district zoning. First Reading approved on October 8, 2015. Vote: 10-0, Council Member Pool was off the dais. Owner/Applicant: Carma Easton, Inc. (Logan Kimble). Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Wendy Rhoades, 512-974-7719.

The motion to adopt the second reading of the ordinance for planned unit development (PUD) district zoning was approved on Council Member Garza's motion, Council Member Renteria's second on an 11-0 vote.

84. C14-2015-0061 - Townbridge Homes Rezoning - District 2 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7513 and 7603 Cooper Lane South Boggy Creek Watershed) from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Townbridge Homes, LLC (Aaron Levy). Agent: Thrower Design (Ron Thrower). Agent: City Staff: Wendy Rhoades, 512-974-7719.

The motion to adopt the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning and keep the public hearing open was approved on Council Member Garza's motion, Council Member Casar's second on an 11-0 vote.

ZONING AND PUBLIC HEARINGS

Items 96, 34 and 35 were acted upon in a combined motion.

96. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by 6725 Urban Oaks Partnership, LP, or an affiliated entity, for a proposed affordable multi-family development to be called the Urban Oaks Apartments, located at 6725 Circle S Road (District 2).

The public hearing was conducted and the motion to close the public hearing and approved Resolution 20151119-096 was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-1 vote. Council Member Zimmerman voted nay.

34. Approve a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by 6725 Urban Oaks Partnership, LP, or an affiliated entity, for

a proposed affordable multi-family development to be called the Urban Oaks Apartments, located at 6725 Circle S Road. (District 2).

Resolution No. 20151119-034 was approved on Council Member Renteria's motion, Council Member Garza's second on a 10-1 vote. Council Member Zimmerman voted nay.

35. Approve a resolution consenting to the issuance by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, of \$20,000,000 in Multi-family Private Housing Revenue Bonds to finance, in part, a proposed multi-family rental development to be known as the Urban Oaks Apartments, located at 6725 Circle S Road.

Resolution No. 20151119-035 was approved on Council Member Renteria's motion, Council Member Garza's second on a 10-1 vote. Council Member Zimmerman voted nay.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 8:20 p.m. See separate minutes.

90. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene.

Mayor Adler called the Council Meeting back to order at 8:29 p.m.

ZONING AND PUBLIC HEARINGS

91. Conduct a public hearing and consider a resolution related to an application to be submitted to the Texas Department of Housing and Community Affairs by NRP Group, or an affiliated entity, for a proposed affordable multi-family development to be called the Terrace at Walnut Creek Apartments, located in the Austin Extraterritorial Jurisdiction at Old Manor Road and U.S. Highway 290 East.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20151119-091 was approved on Council Member Renteria's motion, Council Member Garza's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Gallo, Kitchen, Pool and Renteria. Those voting nay were: Council Members Houston, Troxclair and Zimmerman.

92. Conduct a public hearing and consider an ordinance amending City Code Title 25 related to planned unit development density bonuses.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151119-092 as amended on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Zimmerman voted nay.

The motion amending Part 3 of the draft code amendment by deleting the words "remain affordable for 99 years from the date of certificate of occupancy is issued" and replacing them with the words "affordable in perpetuity from the date a certificate of occupancy is issued" was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-1 vote. Council Member Zimmerman voted nay.

The motion amending Part 4 of the draft code amendment by adding a new Subsection D was approved on Mayor Adler's motion, Council Member Pool's second on a 10-1 vote. Council Member Zimmerman voted nay.

The amendment was to have Part 4 Subsection D read as follows:

"D. Regardless of whether a developer requests an exception under this section, the Director of Neighborhood Housing and Community Development may recommend that a developer be allowed to pay a fee in lieu in order to comply with the contract commitments and performance guarantees in Section 2.5.3 (Requirements for Rental Housing) and Section 2.5.4 (Requirements for Ownership Housing). The recommendation must be in writing, supported by the Director's reasons as to why the fee in lieu option is appropriate, and approved by city council to be effective."

The motion amending Part 4 of the draft code amendment by amending Subsection B was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Members Gallo and Troxclair abstained.

The amendment was to have Part 4 Subsection B as read follows:

"B. Subject to approval by the city council, the developer may provide all or a portion of the amount established under Subsection 2.5.6 (In Lieu Donation) for each square foot of bonus square footage above baseline to the Affordable Housing Trust Fund to be used for producing or financing affordable housing, as determined by the Director of the Neighborhood Housing and Community Development Department."

The motion amending Subsection D was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 8-1 vote. Council Member Zimmerman voted nay.

The amendment was to have Part 4 Subsection D read as follows:

"D. Council approval of alternative affordable housing project shall expire 36 months after the date of the approval, if the project has not been initiated."

The motion directing the CodeNext team to review and report on Austin's planned development density bonus regulatory, economic and fiscal impacts as part of the CodeNext process, including impact on housing affordability options throughout the city was approved on Council Member Gallo's motion, Mayor Adler's second on a 10-0 vote. Council Member Zimmerman abstained.

Items 93 through 95 were acted upon in a combined motion.

93. Conduct a public hearing regarding Homestead Preservation District B in southeast Austin bounded generally by Interstate 35 and Parker Lane to the west, the Colorado River to the north, Bastrop Highway to the east, and Highway 71 to the South. Related items #94 and #95.
- The public hearing was conducted and the motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Casar's second on a 7-0 vote. Council Members Houston, Troxclair and Zimmerman abstained. Council Member Garza was off the dais.**

94. Conduct a public hearing regarding establishing Homestead Preservation District C in east Austin and generally located north of the Colorado River, east of Springdale Road and Airport Boulevard, continuing east just beyond Ed Bluestein Boulevard, and extending to the north until Oak Springs Drive. Related to items #93 and #95.
The public hearing was conducted and the motion to close the public hearing was approved Council Member Renteria's motion, Council Member Casar's second on a 7-0 vote. Council Members Houston, Troxclair and Zimmerman abstained. Council Member Garza was off the dais.
95. Conduct a public hearing regarding Homestead Preservation District D in north Austin located near the intersection of Interstate 35 and East Anderson Lane. Related to items #93 and #94.
The public hearing was conducted and the motion to close the public hearing was approved Council Member Renteria's motion, Council Member Casar's second on a 7-0 vote. Council Members Houston, Troxclair and Zimmerman abstained. Council Member Garza was off the dais.
97. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by The Mulholland Group, LLC, and its affiliates, for the Cross Creek Apartments, located at 1124 Rutland Drive. (District 4)
The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20151119-097 was approved on Council Member Casar's motion, Council Member Renteria's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

Items 79 and 98 were acted upon in a combined motion.

79. Approve amendments to administrative rules related to City Code Chapter 15-6 (Solid Waste Service) relating to recycling and reuse of materials generated by construction and demolition projects. Related to item #98.
The motion approving amendments to administrative rules to City Code Chapter 15-6 was approved Council Member Kitchen's motion, Council Member Renteria's second on an 8-3 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay: Council Members Gallo, Troxclair and Zimmerman.
98. Conduct a public hearing and consider an ordinance amending City Code Titles 15 and 25 regarding recycling and reuse of materials generated by certain construction and demolition projects. Related to item #79.
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Gallo's motion, Council Member Pool's second on a 10-0 vote. Council Member Garza was off the dais.

Ordinance No. 20151119-098 was approved with the amendments listed below on Council Member Casar's motion, Council Member Renteria's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston,

Kitchen, Pool and Renteria. Those voting nay were: Council Members Gallo, Troxclair and Zimmerman.

The amendments were:

§ 15-6-151 PROJECT DISPOSAL RATES

- (A) Beginning October 1, 2016, a permittee or its agents may not dispose more than 2.5 pounds of materials per square foot of the project.
- (B) Beginning October 1, 2020, subject to approval by City Council of the report required in Section 15-6-157(A), a permittee or its agents may not dispose more than 1.5 pounds of materials per square foot of the project.
- (C) Beginning October 1, 2030, subject to approval by City Council of the report required in Section 15-6-157(B), a permittee or its agents may not dispose more than 0.5 pounds of materials per square foot of the project.

§ 15-6-152 PROJECT DIVERSION RATES

- (A) Beginning October 1, 2016, a permittee or its agents shall divert a minimum of 50 percent of materials generated by the project for beneficial use.
- (B) Beginning October 1, 2020, subject to approval by City Council of the report required in Section 15-6-157(A), a permittee or its agents shall divert a minimum of 75 percent of materials generated by the project for beneficial use.
- (C) Beginning October 1, 2030, subject to approval by City Council of the report required in Section 15-6-157(B), a permittee or its agents shall divert a minimum of 95 percent of materials generated by the project for beneficial use.

§ 15-6-152 REPORTS

- (A) The City Manager must provide a report concerning the economic impact of existing disposal and diversion rates on household affordability and an assessment of future markets for reuse of construction and demolition materials on or before April 2, 2020.
- (B) The City Manager must provide a report concerning the economic impact of existing disposal and diversion rates on household affordability and an assessment of future markets for reuse of construction and demolition materials on or before April 2, 2030.
- (C) The City Council may approve each report by resolution.

Mayor Adler adjourned the meeting at 9:28 p.m. without objection.

The minutes were approved on this the 10th day of December 2015 on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.