



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, SEPTEMBER 17, 2015**

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, September 17, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10: 33 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council Budget Work Session of September 1, 2015. **The minutes from the City Council Budget Work Session of September 1, 2015 were approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

**Item 2 was pulled for discussion.**

3. Approve issuance of a rebate to Austin 18 Hotel, LLC, for the installation of energy efficiency measures at 110 East Second Street, in an amount not to exceed \$198,487. **The motion to approve a rebate to Austin 18 Hotel, LLC, was approved on Council Member Gallo's motion, Council Member Zimmerman'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.**
4. Approve issuance of a rebate to Home Depot U.S.A., Inc., for the installation of energy efficiency measures at 1300 Park Center Drive, in an amount not to exceed \$197,259. **The motion to approve a rebate to Home Depot U.S.A., Inc., was approved on Council Member Gallo's motion, Council Member Zimmerman'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**
5. Approve issuance of a rebate to Samsung Austin Semiconductor, LLC, for the installation of energy efficiency measures at 12100 Samsung Blvd., in an amount not to exceed \$104,028. **The motion to approve a rebate to Samsung Austin Semiconductor, LLC, was approved on Council Member Gallo's motion, Council Member Zimmerman 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 a 12-month agreement with THE UNIVERSITY OF TEXAS on behalf of the Clean Energy Incubator, a program of the Austin Technology Incubator, for mutual assistance in the clean energy field, in an amount not to exceed \$195,000.  
**The motion authorizing the negotiation and execution of an agreement with The University of Texas on behalf of the Clean Energy Incubator was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-1 vote. Council Member Zimmerman voted nay.**
7. Approve an ordinance amending City Code Chapter 6-5 related to the regulation of marine sanitation and protection of water quality.  
**Ordinance No. 20150917-007 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 8 was pulled for discussion.**

9. Authorize negotiation and execution of an interlocal agreement with Travis County for the Elroy Road Improvement Project in the amount of \$62,450.86 plus a \$6,245.09 contingency, for a total contract amount not to exceed \$68,695.95.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
10. Authorize execution of Change Order No. #4 to the construction contract with MOUNTAIN CASCADE OF TEXAS, LLC, for the Boyce Lane Water Main Project in the amount of \$390,506.30, for a total contract amount not to exceed \$5,329,053.32. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 21.51% MBE and 4.47% WBE participation to date.)  
**The motion authorizing the execution of change order number four to the construction contract with Mountain Cascade of Texas, LLC was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
11. Authorize the execution of change order No. #1 to the construction contract with AUSTIN FILTER SYSTEMS, INC., for the Walnut Creek Influent Bank Stabilization Site 5 Project, in the amount of \$236,400, for a total contract amount not to exceed \$1,182,002. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 17.04% MBE and 10.43% WBE participation to date.)  
**The motion authorizing the execution of change order number one to the construction contract with Austin Filter Systems, Inc. was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
12. Authorize execution of a construction contract with PEPPER-LAWSON WATERWORKS, LLC, for the Ullrich Hydraulic and Energy Efficiency Improvements Project in the amount of \$6,498,000 plus a \$649,800 contingency, for a total contract amount not to exceed \$7,147,800.

(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 27.06% MBE and 1.52% WBE participation.)

**The motion authorizing the execution of a construction contract with Pepper-Lawson Waterworks, LLC was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

13. Authorize execution of a construction contract with RS ELLIS INC., DBA SOUTHWEST CORPORATION for the Parking Expansion: Far South Clinic and Montopolis Neighborhood Center Project in the amount of \$535,679.72 plus a \$53,568 contingency, for a total contract amount not to exceed \$589,247.72. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program through the achievements of Good Faith Efforts with 27.00% MBE and 3.00% WBE subcontractor participation.)

**The motion authorizing the execution of a construction contract with RS Ellis Inc., doing business as Southwest Corporation was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

14. Authorize execution of a construction contract with FACILITIES REHABILITATION, INC., for the Elroy Road Water Rehabilitation Phase 3 Project in the amount of \$1,881,330 plus a \$94,066.50 contingency, for a total contract amount not to exceed \$1,975,396.50. (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 98.41% MBE and 1.59% WBE participation.)

**The motion authorizing the execution of a construction contract with Facilities Rehabilitation, Inc. was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

15. Authorize award and execution of a construction contract with VIKING CONSTRUCTION, INC., for the Annual Miscellaneous Streets Slurry Seal 2015 Project in the amount of \$1,250,000 and two 12-month extension options in an amount not to exceed \$1,250,000 per extension, for a total contract amount not to exceed \$3,750,000. (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 19.85% MBE and 0.09% WBE participation.)

**The motion authorizing the award and execution of a construction contract with Viking Construction, Inc. was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 16 was pulled for discussion.**

17. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC., for the Colorado Street Reconstruction and Utility Adjustments from 7th Street to 10th Street Rebid Project in the amount of \$5,773,426.70 plus a \$288,671.33 contingency, for a total contract amount not to exceed \$6,062,098.03. (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 55.31% MBE and 4.38% WBE participation.)

**The motion authorizing the execution of a construction contract with Muniz Concrete and Contracting Inc. was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 18 was pulled for discussion.**

19. Authorize negotiation and execution of a one-year agreement with Austin Technology Council to provide services to enhance the City's economic development program with an emphasis on science, technology, engineering, and math activities, in an amount not to exceed \$70,000, with two twelve-month extension options for a total contract amount not to exceed \$210,000.  
**The motion authorizing the negotiation and execution of an agreement with Austin Technology Council was approved on Council Member Gallo's motion, Council Member Zimmerman second on a 10-1 vote. Council Member Zimmerman voted nay.**

**Items 20 through 22 were pulled for discussion.**

23. Authorize the negotiation and execution of a 12-month local match agreement with WORKSOURCE GREATER AUSTIN AREA WORKFORCE DEVELOPMENT BOARD d/b/a WORKFORCE SOLUTIONS - CAPITAL AREA WORKFORCE BOARD for child care services in an amount not to exceed \$331,832, with three 12-month extension options in an amount not to exceed \$331,832 per extension option, for a total agreement amount not to exceed \$1,327,328.  
**The motion authorizing the negotiation and execution of a local match agreement with Worksource Greater Austin Area Workforce Development Board doing business as Workforce Solutions - Capital Area Workforce Board was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
24. Approve the negotiation and execution of amendments to contracts in a total amount not to exceed \$109,652 with the following three providers of HIV services under the Ryan White Part A HIV Emergency Relief Program: WATERLOO COUNSELING CENTER, INC. in an amount not to exceed \$15,645 for a revised current 12-month term amount not to exceed \$79,046 and total contract amount not to exceed \$380,212; PROJECT TRANSITIONS INC. in an amount not to exceed \$35,273 for a revised current 12-month term amount not to exceed \$112,273 and total contract amount not to exceed \$492,165; and THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$58,734 for a revised current 12-month term amount not to exceed \$225,696 and a total contract amount not to exceed \$1,042,671.  
**The motion authorizing the negotiation and execution of amendments to contracts with the following three providers Waterloo Counseling Center, Inc.; Project Transitions Inc.; and The Wright House Wellness Center was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 25 and 26 were pulled for discussion.**

27. Approve the negotiation and execution of Amendment No. 1 to a contract with FOUNDATION COMMUNITIES INC., for insurance enrollment educational outreach and navigation services of the Affordable Care Act Health Insurance Marketplace, to increase funding in an amount not to exceed \$100,000 and extend the contract period to June 30, 2016, and add three 12-month renewal options in amounts not to exceed \$100,000 per renewal option, for a total contract amount not to exceed \$500,000.

**The motion authorizing the negotiation and execution of amendment number one to a contract with Foundation Communities, Inc. was approved on Council Member Gallo's motion, Council Member Zimmerman second on a 10-1 vote. Council Member Zimmerman voted nay.**

28. Approve an ordinance authorizing acceptance of \$122,552 in additional grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, AUSTIN, TEXAS, and amending the Fiscal Year 2014-2015 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance 20140908-001) to appropriate \$122,552 for the Regional and Local Services System-Local Public Health System programs.  
**Ordinance No. 20150917-028 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
29. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County to exercise the second of four renewal options, and to update the cost model and work statements under which the City will provide public health services in exchange for payment of \$3,175,922, for a 12-month period beginning October 1, 2015.  
**This item was withdrawn on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
30. Approve an ordinance authorizing acceptance of \$200,000 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, AUSTIN, TEXAS, and amending the Fiscal Year 2014-15 Health and Human Services Operating Budget Special Revenue Fund (Ordinance 20140908-001) to appropriate \$200,000 for the addition of one full-time equivalent position to conduct infectious disease preparedness and response activities.  
**Ordinance No. 20150917-030 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
31. Approve an ordinance authorizing acceptance of \$58,760 in additional grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, AUSTIN, TEXAS, and amending the Fiscal Year 2014-2015 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance 20140908-001) to appropriate \$58,760 for the HIV Surveillance Grant.  
**Ordinance No. 20150917-031 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
32. Approve a resolution regarding appointments of Craig Moore and Andrew Harris; and the reappointment of Enya Canales-Zarate to the Firefighters', Police Officers' and Emergency Medical Services Personnel's Civil Service Commission.  
**Resolution No. 20150917-032 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

**Item 33 was pulled for discussion.**

34. Approve a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Pedcor Investments, LLC, or an affiliated entity, for a proposed affordable multi-family development to be called the West Gate Ridge Apartments, located at 8700 West Gate Boulevard.  
**Resolution No. 20150917-034 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 35 was pulled for discussion.**

36. Approve an ordinance amending the Fiscal Year 2014-2015 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to accept grant funds in the amount of \$499,500 from the Texas Parks and Wildlife Department's Boating Access Grant Program and amending the Fiscal Year 2014-2015 Parks and Recreation Department Capital Budget (Ordinance No. 20140908-002) to transfer in and appropriate \$499,500 from the Parks and Recreation Department Operating Budget Special Revenue Fund for Walsh Boat Landing.  
**Ordinance No. 20150917-036 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
37. Approve negotiation and execution of an amendment to the interlocal agreement with the Austin Independent School District for the ACE: A Community for Education Reading and Tutoring Intervention Program to be offered at Allison, Brooke, Govalle, Metz, Ortega and Zavala elementary schools.  
**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with the Austin Independent School District was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
38. Approve the negotiation and execution of agreements terminating the master lease agreement, the sublease agreement, and the restrictive covenant between the City and the State Theater Company with respect to property located at 719 Congress Avenue (District 9).  
**The motion authorizing the negotiation and execution of agreements terminating the master lease agreement, the sublease agreement, and the restrictive covenant between the City and the State Theater Company was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
- Item 39 was pulled for discussion.**
40. Approve a resolution authorizing the Parks and Recreation Department's application for up to \$1,000,000 in grant funding from the Texas Parks and Wildlife Department's Local Park Urban Outdoor Grant Program for the Govalle Neighborhood Pool and Park Redevelopment (District 3).  
**Resolution No. 20150917-040 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
41. Approve an ordinance extending the expiration date of Ordinance No. 20141120-056 relating to requirements for non-peak hour concrete installation within portions of the Central Business District and Public zoning districts.  
**Ordinance No. 20150917-041 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
42. Authorize the negotiation and execution of an interlocal cooperation contract with Texas State University - San Marcos to reimburse costs of law enforcement services for the Texas Tobacco Enforcement Program for a total reimbursement not to exceed \$28,650.  
**The motion authorizing the negotiation and execution of an interlocal cooperation contract with Texas State University – San Marcos was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
43. Approve a resolution authorizing the application for and acceptance of \$230,310.95 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the

Austin Police Department project entitled Austin Police Department Victim Crisis Intervention Project. Related to Item #44.

**Resolution No. 20150917-043 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

44. Approve an ordinance authorizing the acceptance of \$165,311 in additional grant funds from the State of Texas, Office of the Governor, Criminal Justice Division, and amending the Fiscal Year 2014- 2015 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$165,311 for the Austin Police Department's APD Victim Crisis Intervention Project. Related to Item #43.

**Ordinance No. 20150917-044 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

45. Approve an ordinance authorizing the acceptance of \$8,882 in additional grant funds from the State of Texas, Office of the Governor, Criminal Justice Division, Violence Against Women Act Program and amending the Fiscal Year 2014 - 2015 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$8,882 for the Austin Police Department's Austin Police Services for Victims of Domestic Violence project. Related to Item #46.

**Ordinance No. 20150917-045 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

46. Approve a resolution authorizing the application for and acceptance of \$133,881.08 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled Austin Police Services for Victims of Domestic Violence. Related to Item #45.

**Resolution No. 20150917-046 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

47. Approve an ordinance authorizing the acceptance of \$47,916 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division, State Criminal Justice Planning Fund and amending the Fiscal Year 2014-2015 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$47,916 for the Austin Police Department's APD Juvenile Justice and Delinquency Prevention Project. Related to Item #48.

**Ordinance No. 20150917-047 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

48. Approve a resolution authorizing the application for and acceptance of \$47,916 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled Austin Police Department Juvenile Justice and Delinquency Prevention Project. Related to Item #47.

**Resolution No. 20150917-048 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

49. Approve a resolution authorizing the application for and acceptance of \$98,718 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled the Austin Police Department Coverdell Project.

**Resolution No. 20150917-049 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

**Item 50 was pulled for discussion.**

51. Authorize negotiation and execution of an interlocal agreement with the Texas Department of Transportation for the Violet Crown Trail - South Project. (District 8)  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Texas Department of Transportation was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
52. Authorize negotiation and execution of a 36-month contract with 3M LIBRARY SYSTEMS to provide equipment and software maintenance services for the Austin Public Library in an amount not to exceed \$430,995, with two 12-month extension options in an amount not to exceed \$205,379 for the first option and \$221,101 for the second option, for a total contract amount not to exceed \$857,475. (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 the negotiation and execution of a contract with 3M Library Systems was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
53. Authorize negotiation and execution of a 12-month contract with SIRSIDYNIX for continued maintenance and support of library automation software for collection management for the Austin Public Library in an amount not to exceed \$123,608. (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 the negotiation and execution of a contract with Sirsidynix was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 54 was pulled for discussion.**

55. Authorize recurring procurements exempted under Texas Local Government Code, Chapter 252, for expenditures of appraisal district fees with multiple agencies in separate amounts not to exceed totals listed below, and a total expenditure amount not to exceed \$3,040,000. (Notes: These expenditures are exempt from City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program.)  
**The motion authorizing the recurring procurements exempted under Texas Local Government Code, Chapter 252, was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

**Items 56 through 59 were pulled for discussion.**

60. Authorize negotiation and execution of a 36-month contract with XEROX GOVERNMENT SYSTEMS, LLC to provide continued maintenance and support of the Banner software system for payroll and human resources management in an amount not to exceed \$756,380. (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 the negotiation and execution of a contract with Xerox Government Systems, LLC was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
61. Authorize execution of a contract with TRACKED LIFTS, INC. to provide an articulated lift in an amount not to exceed \$99,800. (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 execution of a contract with Tracked Lifts, Inc. was approved on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 10-0 vote. Council Member Zimmerman abstained.**

- 62. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with FARBER SPECIALTY VEHICLES for a van in an amount not to exceed \$242,739. (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 execution of a contract with Farber Specialty Vehicles was approved on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 10-0 vote. Council Member Zimmerman abstained.**

- 63. Approve an ordinance amending City Code Section 12-4-64 to establish a maximum speed limit of 40 miles per hour on a segment of Airport Commerce Drive. (District 2)

**Ordinance No. 20150917-063 was approved on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.**

- 64. Approve issuance of a street closure permit under City Code Chapter 14-8 for AustOber Fest, a fee-paid event in the 300 block of East 17th Street, which will be held on Saturday, October 17, 2015 from 12:00 p.m. to 12:00 a.m. Sunday, October 18, 2015.

**The motion approving the issuance of a street closure permit for AustOber Fest was approved on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.**

- 65. 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 Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.**

**Nominations**

<u>Board/Nominee</u>	<u>Nominated by</u>
African American Resource Advisory Commission LaTisha Anderson	Council Member Casar
Commission on Veterans Affairs Ed Colinsky	Council Member Zimmerman
Joint Cultural Committee Francoise Luca	Parks & Recreation Board Rep.
Joint Sustainability Committee Tom Donovan	Parks & Recreation Board Rep.
Joint Sustainability Committee	

Kelly Davis	Urban Transportation Commission Rep.
Joint Sustainability Committee Nhat Ho	Water & Wastewater Commission Rep.
Flood Mitigation Task Force Ana Aguirre	Council Member Garza
Flood Mitigation Task Force Robert Kibbie	Council Member Garza
Flood Mitigation Task Force John Gleason	Mayor Pro Tem Tovo
Parkland Events Task Force Debbie Stanley	Council Member Casar
Task Force on Community Engagement Herbert "Ken" Rigsbee	Council Member Troxclair

#### Waivers

**There are no waivers at this time.**

66. Approve the waiver or reimbursement of certain fees, the waiver of certain requirements, and authorize payment of certain costs under City Code Chapter 14-8 for the City co-sponsored Viva la Vida Festival which is to be held on October 31, 2015 at 4th Street and Congress Avenue. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Gregorio Casar CO 3: Council Member Leslie Pool)  
**The motion approving the waiver or reimbursement of certain fees, the waiver of certain requirements, and authorize payment of certain costs for Viva la Vida Festival was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

**Items 67 through 70 were pulled for discussion.**

71. Approve a resolution providing a 3.0% base pay increase to the compensation of the City Clerk on the same terms as the base pay increase provided to non-sworn employees in the City's Fiscal Year 2015-2016 budget. (Notes: SPONSOR: Mayor Steve Adler CO1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Council Member Leslie Pool)  
**Resolution 20150917-071 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
72. Set a public hearing and consider an ordinance amending City Code Title 25 to amend the East Riverside Corridor Regulating Plan relating to existing drive-throughs. (Suggested date and time: October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The motion to set a public hearing to October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

73. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, Subchapter F, commonly known as "McMansion," relating to property within the East Riverside Corridor or Transit Oriented District zoning districts. (Suggested date and time: October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The motion to set a public hearing to October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
74. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, Subchapter F, commonly known as "McMansion," relating to the calculation of gross floor area for garages and carports. (Suggested date and time: October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The motion to set a public hearing to October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
75. Set a public hearing to consider a request by Jim Bennett, agent for Two Hands Brew LLC (dba Two Hands Brew), located at 1007 South Congress Avenue, to waive 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. (Suggested date and time: October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The motion to set a public hearing to October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**
76. Set a public hearing to consider an ordinance granting a site specific amendment to City Code Section 25-8-514 and granting a variance to City Code Section 25-8-261 to allow redevelopment of St. Catherine of Siena Church. This action requires a site-specific amendment of the Save Our Springs Initiative and concerns property in the Barton Springs Zone (District 8). (Suggested date and time: October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street).  
**The motion to set a public hearing to October 15, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX was approved on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.**

### DISCUSSION ITEMS

Items 25 and 25 were acted on in a combined motion.

25. Authorize the negotiation and execution of a contract with SICKLE CELL ANEMIA ASSOCIATION OF AUSTIN, MARC THOMAS CHAPTER, to provide services to clients with sickle cell disease, their families, and at-risk populations, for a 12-month term beginning October 1, 2015 through September 30, 2016, in an amount not to exceed \$139,364, with three 12-month renewal options, each in an amount not to exceed \$139,364, for a total contract amount not to exceed \$557,456.  
**The motion authorizing the negotiation and execution of a contract with Sickle Cell Anemia Association of Austin, Marc Thomas Chapter was approved on Council Member Gallo's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.**
26. Authorize the negotiation and execution of Amendment No. 6 to the Austin Shelter for Women and Children Agreement with THE SALVATION ARMY, INC. to add two additional twelve-

month renewal options beginning October 1, 2015, in an amount not to exceed \$1,686,715 per renewal option, for a total contract amount not to exceed \$11,646,776.

**The motion authorizing the negotiation and execution of amendment number six to the Austin Shelter for Women and Children Agreement with The Salvation Army, Inc. was approved on Council Member Gallo's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 56 through 59 were acted on in a combined motion.**

56. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2015-2016 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer, telephone, and network hardware and related maintenance in an amount not to exceed \$36,857,255. (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.)

**There was a motion to refer the item to a Council Committee by Council Member Zimmerman. The motion failed due to a lack of a second.**

**The motion authorizing the negotiation and execution of various cooperative contracts through the State of Texas Department of Information Resources cooperative purchasing program was approved on Council Member Houston's motion, Council Member Tovo's second on a 10-0 vote. Council Member Zimmerman abstained.**

57. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2015-2016 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of technology services in an amount not to exceed \$38,642,523. (Notes: This 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.)

**There was a motion to refer the item to a Council Committee by Council Member Zimmerman. The motion failed due to a lack of a second.**

**The motion authorizing the negotiation and execution of various cooperative contracts through the State of Texas Department of Information Resources cooperative purchasing program was approved on Council Member Houston's motion, Council Member Tovo's second on a 10-0 vote. Council Member Zimmerman abstained.**

58. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2015-2016 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer software, software maintenance, and software support in an amount not to exceed \$22,374,665. (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.)

**There was a motion to refer the item to a Council Committee by Council Member Zimmerman. The motion failed due to a lack of a second.**

**The motion authorizing the negotiation and execution of various cooperative contracts through the State of Texas Department of Information Resources cooperative purchasing**

**program was approved on Council Member Houston's motion, Council Member Tovo's second on a 10-0 vote. Council Member Zimmerman abstained.**

59. Authorize negotiation and execution of a 36-month contract, through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES, with SHI-GOVERNMENT SOLUTIONS INC for Microsoft Office 365 for all City departments in an amount not to exceed \$17,594,810. (Notes: This 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.)

**There was a motion to refer the item to a Council Committee by Council Member Zimmerman. The motion failed due to a lack of a second.**

**The motion authorizing the negotiation and execution of a contract through the State of Texas Department of Information Resources with Shi-Government Solutions Inc. was approved on Council Member Houston's motion, Council Member Tovo's second on a 10-0 vote. Council Member Zimmerman abstained.**

50. Authorize the negotiation and execution of an interlocal agreement with the UNIVERSITY OF TEXAS AT AUSTIN and the City of Austin, to provide special events services on an as-needed basis.

**The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas at Austin was approved on Council Member Zimmerman's motion, Council Member Tovo's second on an 11-0 vote.**

54. Authorize negotiation and execution of a 60-month contract with TRITECH SOFTWARE SYSTEMS for licenses, maintenance, and support of the emergency services dispatch software and interface system in an amount not to exceed \$8,604,207, with two 12-month extension options in an amount not to exceed \$1,951,492 for the first extension option and \$2,033,721 for the second extension option, for a total contract amount not to exceed \$12,589,420. (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 the negotiation and execution of a contract with Trittech Software Systems was approved on Council Member Houston's motion, Council Member Pool's second on a 10-0 vote. Council Member Zimmerman abstained.**

18. Approve a resolution adopting the Austin Convention and Visitors Bureau 2015-2016 marketing plan and proposed budget of \$17,013,633, setting the contract payment in an amount not to exceed \$14,473,733, and authorizing the City Manager to file the approved documents with the City Clerk's Office as required by the Texas Tax Code.

**Resolution No. 20150917-018 was approved on Council Member Zimmerman's motion, Council Member Troxclair's second on an 11-0 vote.**

**A request was made to the Austin Convention and Visitors Bureau to provide a Council Committee with a briefing on the results of or recommendations contained within the music census report and the demographics of the musicians being used in marketing the Austin music scene.**

33. Approve execution of an amendment to an interlocal agreement with TRAVIS COUNTY to add an additional one year term for the continuation of the intervention pilot program for juvenile Class C cases, in an amount not to exceed \$98,454.

**There was a motion to refer the item to a Council Committee by Council Member Zimmerman. The motion failed due to a lack of a second.**

**The motion authorizing the execution of an amendment to an interlocal agreement with Travis County was approved on Council Member Pool's motion, Council Member Tovo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

**Direction was given to staff to come back to Council with an update on the performance of the pilot program.**

16. Authorize execution of Change Order No. 2 to a construction contract with S.J. LOUIS CONSTRUCTION OF TEXAS, LTD., for the East 5th Street Chilled Water Piping Extension from San Jacinto to Red River Phase II Project in the amount of \$1,500,000 for a total contract amount not to exceed \$6,277,031.80. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 3.37% MBE and 1.57% WBE participation to date.)  
**The motion authorizing the execution of change order number two to a construction contract with S.J. Louis Construction of Texas, LTD., was approved on Council Member Casar's motion, Council Member Zimmerman's second on an 11-0 vote.**
39. Approve the Historic Cemeteries Master Plan, which includes recommendations for Oakwood Cemetery (District 1), Oakwood Cemetery Annex (District 1), Plummers Cemetery (District 1), Evergreen Cemetery (District 1), and Austin Memorial Park Cemetery. (District 7)  
**The motion to approve the Historic Cemeteries Master plan was approved on Council Member Pool's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.**

#### **CITIZEN COMMUNICATION: GENERAL**

George Wortell – Taxes – **Not Present**

Paul Robbins - City and Budget issues.

Andrew Brown - Data security. Possible new commission/ committee/ agency.

**Mayor Adler recessed the meeting at 12:17 p.m.**

**Mayor called the meeting back to order at 1:35 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

2. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County to exercise the second of four renewal options, and to update the cost model and work statement, under which the City will provide certain animal services to Travis County, in exchange for payment of \$1,445,691, for a 12-month period beginning October 1, 2015.  
**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with Travis County was approved on Council Member Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Gallo was off the dais; but requested the record show her in support of the item.**
20. Approve a resolution authorizing the City Manager to award cultural arts services contracts for Fiscal Year 2015-2016 in an amount not to exceed \$6,365,587, authorizing the City Manager to

negotiate and execute such contracts, and further authorizing payment in the amount of \$60,000 for Zachary Scott Theatre Center maintenance under a separate current operations agreement.

**Resolution 20150917-020 was approved on Council Member Pool's motion, Council Member Kitchen's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained. Council Member Tovo recused herself regarding the creative action plan. Council Members Houston and Renteria abstained from the Zachary Scott Theater Center items.**

**Items 21 and 22 were acted on in a combined motion.**

21. Approve a resolution authorizing negotiation and execution of federal representative services contracts for a total combined amount not to exceed \$270,000.

**Resolution No. 20150917-021 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

22. Approve a resolution authorizing negotiation and execution of state legislative representative services contracts for a total combined amount not to exceed \$860,000.

**The motion to postpone this item failed on Council Member Zimmerman's motion, Council Member Troxclair second, on a 2-9 vote. Those voting aye were: Council Member Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Member Casar, Garza, Gallo, Houston, Kitchen, Pool and Renteria.**

**Resolution No. 20150917-022 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

35. Authorize negotiation and execution of a 60-month lease renewal agreement with SIXTH WEST OF 723, L.C. to provide approximately 4,900 square feet of office space, located at 719 and 721 East 6th Street, Austin, Texas, for the Downtown Austin Community Court, in an amount not to exceed \$729,193.88 for the renewal term (District 9).

**The motion authorizing negotiation and execution of a lease renewal agreement with Sixth West of 723, L.C., was approved on Council Member Casar's motion, Council Member Garza's second on a 10-1 vote. Council Member Zimmerman voted nay.**

**Items 82 and 84 were acted on in a combined motion.**

82. C14-2014-0186 - Hopper-Finley Tract - District 7 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2500 South Heatherwilde Boulevard (Harris Branch Watershed) from development reserve (DR) district zoning to single family residence-small lot (SF-4A) district zoning for Tract 1, multifamily residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3. Staff Recommendation: To grant single family residence-small lot (SF-4A) district zoning for Tract 1, multifamily residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3. Zoning and Platting Commission Recommendation: To grant single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 1, multi-family residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR)

district zoning for Tract 3. Owner/Applicant: Finley Company (Tim Finley). Agent: Jones and Carter, Inc. (Gemsong Ryan, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

**This item was postponed indefinitely by the applicant on Mayor Pro Tem Tovo's motion, Council Member Zimmerman's second on an 11-0 vote.**

84. C14H-2010-0006 - Castle Hill Historic District - District 9 - Conduct a public hearing and approve an ordinance amending Ordinance 2010930-038 establishing the Castle Hill Historic District to modify the Castle Hill Historic District Design Standards for property locally known as 614 Blanco Street. Staff Recommendation: To modify the Design Standards as proposed. Historic Landmark Commission Recommendation: To modify the Design Standards as proposed. Planning Commission Recommendation: No recommendation - no quorum vote. Applicant: City of Austin Planning and Zoning Department. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department: 512-974-6454.

**The motion to approve the ordinance on first reading was approved on Mayor Pro Tem Tovo's motion, Council Member Zimmerman's second on an 11-0 vote.**

67. Approve a resolution relieving the Task Force on Community Engagement of strict compliance with the Open Meetings Act, while requiring it to conduct its meetings openly, and providing a deadline for its report. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Council Member Sheri Gallo CO 2: Council Member Ora Houston CO 3: Council Member Sabino "Pio" Renteria) **Resolution No. 20150917-067 was approved on Council Member Pool's motion, Council Member Gallo's second on an 11-0 vote.**

**Mayor Adler recessed the meeting at 5:37 p.m. for Live Music and Proclamations**

### LIVE MUSIC

The Singing Waiters

### PROCLAMATIONS

Betty Himmelblau Memorial - To be presented by Mayor Adler and Council Member Gallo and to be accepted by Ms. Himmelblau's children and their spouses

Dyslexia Awareness Month - To be presented by Mayor Adler and to be accepted by Heather Hardeman

Welcoming Week - Peace Day Austin 2015 - To be presented by Mayor Pro Tem Tovo and to be accepted by TBA

Take a Loved One for a Checkup Day - To be presented by Council Member Houston and to be accepted by Adrian Sturup

Certificate of Recognition - Austin Aces - To be presented by Council Member Gallo and to be accepted by Lorne Abony

**Mayor Adler called the meeting back to order at 7:15 p.m.**

### PUBLIC HEARINGS AND POSSIBLE ACTION



90. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2015-2016.  
**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Zimmerman's motion, Council Member Troxclair's second on an 11-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

8. Approve an ordinance authorizing negotiation and execution of an amended water cost reimbursement agreement with CLUB DEAL 120 WHISPER VALLEY, L.P., and CLUB DEAL 116 INDIAN HILLS TX, L.P., that will modify the payment schedule and acceptance criteria for the design and construction of water mains, in an amount not to exceed \$21,200,000, and waiving City Code Section 25-9-66 (Cost Participation Payment).  
**Ordinance No. 20150917-008 was approved on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Garza abstained.**

#### **ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED**

79. Approve a resolution directing the City Manager to initiate a code amendment related to the requirements of Multifamily Residence Highest Density (MF-6) district zoning.  
**This item was postponed to October 15, 2015 on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.**
80. Approve an ordinance authorizing the City Manager to release seventeen lots served by the Travis Vista Water and Sewer Supply Corporation from paying the City's Waste Water impact fees.  
**Ordinance No. 20150917-080 was approved on Council Member Zimmerman motion, Council Member Houston's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.**

#### **EMINENT DOMAIN**

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 19, Block "B," 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, being the same property mistakenly conveyed as Lot 19, Block "E" in Volume 11545, Page 740, of the Real Property Records of Travis County, Texas, in the amount of \$24,000. The owner of the needed property interests is Stephen D. Zerschausky, Jr. The property is a vacant lot, located entirely in District 2, at 6108 Orleans Drive, Austin, Texas 78744-6610. 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. 20150917-081 was approved on Council Member Garza's motion, Council Member Casar second on a 10-0 vote. Council Member Zimmerman abstained.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

83. C14-2015-0080 - 11200 N. Ranch Road 620 - District 6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11200 North FM 620 Road (Lake Travis and Bull Creek Watersheds) from development

reserve (DR) district zoning and community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services (CS) district zoning. Staff recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner: Robinson Investments (Blake Robinson). Applicant/Agent: Lenworth Consulting, LLC (Nash Gonzales). City Staff: Sherri Sirwaitis, 512-974-3057.

**The motion to approve the first reading of the ordinance for general commercial services (CS) district zoning with a single use approved for convenience storage was approved on Council Member Zimmerman's motion, Council Member Casar's second on an 11-0 vote.**

87. Conduct a public hearing and consider an ordinance regarding floodplain variances for the construction of a new single family residence at 6109 Oakclaire Drive, which is located partially in the 25-year and 100-year floodplains of the Gaines Creek, a tributary of Barton Creek (District 8).

**The public hearing was conducted and the motion to close the public hearing and deny the floodplain variance was approved on Council Member Troxclair's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.**

89. Conduct a public hearing and consider an ordinance regarding a floodplain variance for the construction of a new duplex at 1006 Payne Avenue, which is partially located in the 25-year and 100-year floodplains of the Grover Tributary of Shoal Creek (District 7).

**This item was withdrawn without objection.**

**The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 9-0 vote. Mayor Pro Tem Tovo and Council Member Troxclair were off the dais.**

#### **ITEMS REFERRED FROM COUNCIL COMMITTEES**

77. Discussion and possible action on a resolution regarding the procurement of solar generation. (SPONSORS: Council Member Delia Garza, Mayor Pro Tem Kathie Tovo, Council Member Gregorio Casar, Council Member Leslie Pool & Council Member Ann Kitchen).

**Resolution 20150917-077 was approved on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

78. Approve a recommendation regarding short-term rentals.

**The following recommendations for amendments to the City Code were approved as follows:**

**The motion to add short-term rentals to Section 1301 in City Code Section 25-12-213 (Local Amendments to the International Property Maintenance Code) inspection requirements in Chapter 13 of the Local Amendments was approved on Council Member Renteria's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Garza was off the dais.**

**The motion to require an inspection and a septic system evaluation during the initial application process for all Type 2 short-term rentals and renewal inspections as recommended by the Austin City Code was approved on Council Member Renteria's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

The motion to require either certificate of occupancy issued within a reasonable amount of time or require an inspection for Type 2 short-term rentals was approved by Council Member Troxclair, seconded by Council Member Zimmerman on a 10-0 vote with Council Member Zimmerman abstaining.

The motion to require short-term rentals to have property insurance that provides liability coverage when the property is rented; require the applicant to provide proof of liability coverage during the application process; and make failure to maintain liability coverage grounds to suspend or revoke the licenses failed on a 4-6 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Gallo, Pool and Renteria. Council Member Casar was off the dais.

The motion to prohibit clustering of Type 2 short-term rentals and grandfather existing Type 2 short-term rentals that comply with City Code was approved on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

The motion to enforce the occupancy limit for short-term rentals through the administrative hearing process was approved on Council Member Gallo's motion, Council Member Renteria's second on a 10-1 vote. Council Member Zimmerman voted nay.

The motion to prohibit the use of short-term rentals for large gatherings of ten or more, such as weddings, bachelor parties, and corporate events. Advertising of large gatherings or corporate events shall be evidence of a violation and shall result in penalties and probable forfeiture of the short-term rental lease was approved with the following amendments on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-0 vote. Council member Zimmerman abstained. The amendments were:

Council Member Kitchen made a friendly amendment to strike the word "probable". The amendment was accepted by the Mayor Pro Tem Tovo and Council Member Garza who seconded the motion.

The motion to strike "of ten or more" from the first sentence and to prohibit gatherings of people other than those who are staying at the rental was approved on Council Member Troxclair's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

The motion to suspend all new Type 2 short-term rental licenses. The Council further directs the City Manager to schedule a public hearing six months after the date of adoption of new code enforcement amendments to gauge their effectiveness and consider revisions;" was approved with the following amendments on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.

There was a motion to amend the suspension to six months by Council Member Troxclair's motion and seconded by Council Member Zimmerman.

The motion to amend the "six months" to "one year" was approved on Council Member Casar's office, Mayor Adler's seconded on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Member's Casar, Gallo, Garza, Kitchen, Pool, Renteria and Troxclair. Those voting nay were: Zimmerman and Houston.

A motion to include a provision requiring an affirmative vote of the Council in one-year to remove the suspension was approved made by Mayor Pro Tem Tovo, Council Member Garza's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Member's Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Member's Casar, Gallo, Troxclair and Zimmerman.

The remaining discussion items relating to short-term rentals will be addressed during a future Council Meeting.

### PUBLIC HEARINGS AND POSSIBLE ACTION

86. Conduct a public hearing and consider an appeal by Libby Bernhard, representing the adjacent property owners and residents, regarding the Planning Commission's approval of a conditional use permit (CUP) to grant the use of "transportation terminal" to the property at 1500 San Jacinto (District 1).

**The public hearing was conducted and the motion to close the public hearing, deny the appeal and approved the following modifications to the Conditional Use Permit was approved Council Member Houston's motion, Council Member Garza's second on an 11-0 vote.**

**The modifications to the Conditional Use Permit were:**

**1. Modify Condition #3:**

**a. Replace the language with the following:**

**Megabus will install signs as follows, and will educate customers on appropriate and legal places to park nearby:**

- **2 signs reading "No Parking, Tow Away" along the north property line**
- **2 signs reading "No Parking, Tow Away" along the west property line**
- **2 signs reading "Be Respectful of our Neighbors, Be Quiet After 10 pm, No Smoking At All Times" along the west property line on the south side of the building**
- **1 sign reading "Be Respectful of our Neighbors, Be Quiet After 10 pm, No Smoking At All Times" along the west property line on the north side of the building**

**2. Modify Condition #11:**

- a. The hours of operation will be 6 am to midnight, with no buses scheduled before 7 am.**

**3. Modify Condition #16:**

- a. Megabus will report to the Planning Commission after one year, and the City will send public notification of the scheduled Planning Commission meeting date.**

88. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-1 and Ordinance No. 20070621-027 relating to parkland dedication requirements and associated fees imposed as a condition to development approval.

**The motion to keep the public hearing open and to postpone the item to October 15, 2015 on Council Member Zimmerman's motion, Council Member Renteria's second was approved on a 7-4 vote. Those voting aye were: Mayor Adler and Council Members Gallo, Garza, Houston, Kitchen, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Kitchen and Pool.**

### DISCUSSION ITEMS CONTINUED

**Items 68 thru 70 were acted on in a combined motion.**

68. Approve a resolution providing a 3.0% base pay increase to the compensation of the City Auditor on the same terms as the base pay increase provided to non-sworn employees in the City's Fiscal Year 2015-2016 budget. (Notes: SPONSOR: Mayor Steve Adler CO1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Council Member Leslie Pool)  
**Resolution 20150917-068 was approved on Council Member Houston's motion, Council Member Casar's second on an 8-0 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Council Members Gallo, Troxclair and Zimmerman abstained.**
69. Approve a resolution providing a 3.0% base pay increase to the compensation of the City Manager on the same terms as the base pay increase provided to non-sworn employees in the City's Fiscal Year 2015-2016 budget. (Notes: SPONSOR: Mayor Steve Adler CO1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Council Member Leslie Pool)  
**Resolution 20150917-069 was approved on Council Member Houston's motion, Council Member Casar's second on an 8-0 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Council Members Gallo, Troxclair and Zimmerman abstained.**
70. Approve an ordinance providing a 3.0% base pay increase to the compensation of the Acting Municipal Court Clerk on the same terms as the base pay increase provided to non-sworn employees in the City's Fiscal Year 2015-2016 budget. (Notes: SPONSOR: Mayor Steve Adler CO1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Council Member Leslie Pool) **Resolution 20150917-070 was approved on Council Member Houston's motion, Council Member Casar's second on an 8-0 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Council Members Gallo, Troxclair and Zimmerman abstained.**

**EXECUTIVE SESSION**

85. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code)  
**This item was withdrawn without objection**

**Mayor Adler adjourned the meeting at 11:41 p.m. without objection.**

**The minutes were approved on this the 1<sup>st</sup> day of October 2015 on Mayor Pro Tem Tovo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Casar was off the dais.**