

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 15, 2015****Invocation: Rev. Chris Jimmerson, First Unitarian Universalist Church of Austin**

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, October 15, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:21 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council regular meeting of October 8, 2015.
The minutes from the City Council regular meeting of October 8, 2015 were approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.
2. Approve an ordinance amending City Code Chapter 15-9 related to electric meter totalization.
Ordinance No. 20151015-002 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

Item 3 was pulled for discussion.

4. Authorize \$79,156.22 for execution of a change order to the construction contract with PRISM DEVELOPMENT INC. for the Information System Building Emergency Power Improvements at the Austin - Bergstrom International Airport Project for a total contract amount not to exceed \$1,217,063.12. (Notes: This contract was 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 49.63% MBE and 0.24% WBE participation to date including this change order.) October 13, 2015 - Recommended by the Airport Advisory Commission on a 7-0 vote with Commissioners Legate and Saulmon absent.

The motion authorizing the execution of a change order to the construction contract with Prism Development Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

5. Authorize negotiation and execution of a professional services contract with DESIGN WORKSHOP INC. or one of the other qualified responders to Request for Qualifications CLMP185, to provide architectural services for the Shipe Neighborhood Pool Facility in an amount not to exceed \$300,000. (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 15.80% MBE and 15.80% WBE participation.)

The motion authorizing the negotiation and execution of a professional services contract with Design Workshop Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 6 and 7 was pulled for discussion.

8. Authorize negotiation and execution of a job order assignment agreement with one of the City's facilities improvement job order contractors, for the renovation and improvements to the Milwood Branch Library project for a total contract amount not to exceed \$600,000, inclusive of contingency. (Notes: This 2013 Job Order 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 5.88% MBE and 1.81% WBE participation.)

The motion authorizing the negotiation and execution of a job order assignment agreement with one of the City's facilities improvement job order contractors was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

9. Authorize negotiation and execution of an interlocal agreement with Travis County to provide for the collection of the City's alcohol permit fee in the amount of \$95,000.04, and renewed annually subject to future appropriations.

The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

Item 10 was pulled for discussion.

11. Authorize negotiation and execution of two 12-month contracts with MEXIC-ARTE MUSEUM for a total contract amount not to exceed \$74,985.06 and THEATRE ACTION PROJECT dba CREATIVE ACTION for a total contract amount not to exceed \$78,346.94 for Community Youth Development Program juvenile delinquency prevention services.

The motion authorizing the negotiation and execution of two contracts with Mexic-Arte Museum and Theatre Action Project doing business as Creative Action was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo recused herself on the Theatre Action Project.

12. Authorize execution of an amendment of a legal services agreement with Thompson and Knight for legal representation in the Hopkins v. City of Austin et al, Cause Nos., D-1-GN-15-001711, D-1-GN-15-003115 and D-1-GN-15-000927, Travis County District Court lawsuits. The amount of the increase is \$140,000. This increase would bring the total amount of the professional services contract to \$198,000.
The motion authorizing the execution of an amendment of a legal services agreement with Thompson and Knight was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.
13. Approve an ordinance setting the council meeting schedule for calendar year 2016.
Ordinance No. 20151015-013 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.
14. Approve a resolution authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately six acres in Travis County, Texas, located at Interstate Highway 35 and Showplace Lane for a total amount not to exceed \$770,000, and waiving the third party agreement requirements of Council Resolution Nos. 20120112-058 (M/WBE), 20110728-106 (worker safety), and 20080605-047 (prevailing wage) in connection with parkland improvements seller intends to construct in Brownie Pocket Park (District 4).
Resolution No. 20151015-014 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.
15. Authorize negotiation and execution of a 38 month lease extension agreement for approximately 14,327 square feet of office space for the Public Works Department, located at 105 West Riverside Drive, Suites 100, 200, 205, 210, and 220, from BY WELL I, LTD., in an amount not to exceed \$925,380.52 (District 9).
The motion authorizing the negotiation and execution of a lease extension agreement with By Well I, LTD. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
16. Authorize negotiation and execution of a one-year parking license agreement renewal to use and occupy up to 110 parking spaces for employees of the Faulk Central Library and the Austin History Center of the Austin Public Library, located at 800 Lavaca Street, also known as the 700 Lavaca Building Parking Garage, with TRAVIS COUNTY, in the amount not to exceed \$198,000 (District 9).
The motion authorizing the negotiation and execution of a parking license agreement renewal with Travis County was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.
17. 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 \$30,000 from the Austin Community Foundation's Nelson Puett Youth Football Grant Program; and amending the Fiscal Year 2015-2016 Parks and Recreation Department Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate \$30,000 from the Austin Parks and

Recreation Department Operating Budget Special Revenue Fund for a new multi-purpose field at the Dove Springs Recreation Center.

Ordinance No. 20151015-017 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

18. Authorize execution of a 46-month contract through the National Joint Powers Alliance through STAPLES CONTRACT AND COMMERCIAL, INC. with SUMMUS INDUSTRIES, INC. (MBE), to purchase office and workplace related supplies and services, in an amount not to exceed \$15,184,000, with one 12-month extension option in an amount not to exceed \$3,796,000, for a total contract amount not to exceed \$18,980,000. (Notes: This cooperative contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.) October 14, 2015 – Recommended by the Water & Wastewater Commission on a 9-0 vote with Commissioner Blanding absent.
The motion authorizing the execution of a contract through the National Joint Powers Alliance through Staples Contract and Commercial, Inc. with Summus Industries, Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
19. Authorize negotiation and execution of a contract with HERRERA & BOYLE, PLLC, or another qualified offeror to Request for Qualification Statement LAG0501, for impartial hearing examiner services for Austin Energy's 2016 cost of service and rate review in an amount not to exceed \$350,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the negotiation and execution of a contract with Herrera and Boyle, PLLC was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.
20. Authorize execution of a 36-month contract with TEXAS SPORTS SANDS, INC. to provide white sureplay silica sand in an amount not to exceed \$192,510, with three 12-month extension options in an amount not to exceed \$64,170 per extension option, for a total contract amount not to exceed \$385,020, and OSBURN MATERIALS, INC. to provide topdress silica sand in an amount not to exceed \$295,365, with three 12-month extension options in an amount not to exceed \$98,455 per extension option, for a total contract amount not to exceed \$1,772,190. (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 Texas Sports Sands, Inc. and Osburn Materials, Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
21. Authorize negotiation and execution of a service contract with HARDY-HECK-MOORE INC., or one of the other qualified offerors to Request for Proposal MPM0305, to provide a historic resources survey in an amount not to exceed \$299,995. (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 negotiation and execution of a service contract with Hardy-Heck-Moore Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

22. Authorize execution of a 36-month contract with MG LIMON CORPORATION DBA LIMON CONSTRUCTION to provide trucking and hauling services in an amount not to exceed \$1,510,026 with three 12-month extension options in an amount not to exceed \$503,342 per extension option, for a total contract amount not to exceed \$3,020,052. (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 execution of a contract with MG Limon Corporation doing business as Limon Construction was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
23. Authorize execution of a 36-month contract with BRAZOS VALLEY HYDROSEEDING LLC to provide hydromulch services in an amount not to exceed \$1,671,231, with three 12-month extension options in an amount not to exceed \$557,077 per extension option, for a total contract amount not to exceed \$3,342,462. (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 execution of a contract with Brazos Valley Hydroseeding LLC was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
24. Authorize execution of a 36-month contract with AMIGOS LIBRARY SERVICES to provide radio frequency identification systems and parts for the Austin Public Library in an amount not to exceed \$1,248,960, with two 12-month extension options in an amount not to exceed \$35,160 for the first extension option and \$26,860 for the second extension option, for a total contract amount not to exceed \$1,310,980. (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 Amigos Library Services was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.
25. Authorize execution of a 48-month contract with PLAYERS CONCESSIONS INC., or one of the other qualified offerors to Request for Proposal TVN0053, to provide café management services for Zilker Park Café for an estimated revenue amount of \$558,000, with two 36-month extension options in an estimated revenue amount of \$418,500 per option period, for a total estimated revenue amount of \$1,395,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the execution of a contract with Players Concessions Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.
26. Authorize execution of a contract with PRIESTER-MELL & NICHOLSON INC. for the one-time purchase of 54 streetlight poles for Austin Energy in an amount not to exceed \$74,412. (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 Priester-Mell and Nicholson Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

27. Authorize negotiation and execution of a 24-month contract with CONTROL PANELS USA, INC., or with another qualified offeror to Request for Proposal JXH0505 REBID, to provide installation and support services for Austin Water's Supervisory Control and Data Acquisition systems in an amount not to exceed \$1,000,000, with three 12-month extension options in an amount not to exceed \$500,000 per extension option, for a total contract amount not to exceed \$2,500,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program by exceeding the goals with 7.5% MBE and 2.5% WBE participation.) October 14, 2015 – Recommended by the Water & Wastewater Commission on a 9-0 vote with Commissioner Blanding absent.

The motion authorizing the negotiation and execution of a contract with Control Panels USA, Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

28. Authorize negotiation and execution of Amendment No. 6 to a contract with SOCRATA, INC. to add 60 months to the contract term and expand the vendor-hosted open data platform services in an amount not to exceed \$1,200,000, for a total contract amount not to exceed \$1,410,000. (Notes: This contract was 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 amendment number six to a contract with Socrata, Inc. was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

29. Authorize negotiation and execution of a 48-month interlocal agreement with the TEXAS DEPARTMENT OF PUBLIC SAFETY to provide a cooperative purchasing agreement and criminal history reporting services in an amount not to exceed \$232,000 with three 24-month extension options in an amount not to exceed \$116,000 per extension option for a total contract amount not to exceed \$580,000. (Notes: This contract 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 an interlocal agreement with the Texas Department of Public Safety was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

Item 30 was pulled for discussion.

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

The following appointments and waivers were approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

Bond Oversight Commission

Santiago Rodriguez

Council Member Renteria

Building & Standards Commission- Panel 2

Chris Kanipe

Council Member Renteria

Land Development Code Advisory Group

Jim Duncan

Mayor Adler

Land Development Code Advisory Group

Melissa Neslund

Council Member Troxclair

Land Development Code Advisory Group

Terry Mitchell

Mobility Committee

Waivers

There are no waivers at this time.

32. Approve the waiver of the right-of-way closure notice requirements, the security deposit requirement, certain fees and authorize payment of certain costs under City Code Chapter 14-8 for the City co-sponsored 2015 Veterans Day Parade with Travis County Veterans Service Office, which is to be held on Wednesday, November 11, 2015 from the Ann Richards Congress Avenue Bridge to the Capitol Building. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Delia Garza CO 2: Council Member Leslie Pool CO 3: Mayor Steve Adler)
The motion to approve the waiver of the right-of-way closure notice requirements, the security deposit requirement, certain fees and authorize payment of certain costs for Veterans Day Parade was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.
33. Approve a resolution directing the City Manager to appoint a liaison to local organizations that share the City's goal of ending human trafficking in Austin; to incorporate information about preventing, identifying, and responding to human trafficking into existing training for City employees; and to develop plans and policies to prevent and reduce human trafficking in Austin. (Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Council Member Ora Houston CO 2: Mayor Steve Adler CO 3: Council Member Delia Garza CO 4: Mayor Pro Tem Kathie Tovo CO5: Council Member Gallo)
Resolution No. 20151015-033 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.
34. Approve the waiver of certain requirements and the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the 28th annual AIDS Walk Austin event, sponsored by AIDS Services of Austin, which is to be held on Sunday, November 8, 2015, beginning and ending at Republic Square Park. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Delia Garza)
The motion to approve the waiver of certain requirements and the waiver or reimbursement of certain fees for the 28th annual AIDS Walk Austin was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

Item 35 was pulled for discussion.

36. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the Rosedale Neighborhood Association Tree Planting Event at Ramsey Park on November 7, 2015. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ora Houston CO 3: Council Member Ann Kitchen CO 4: Council Member Delia Garza CO5: Council Member Gallo)

Ordinance No. 20151015-036 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

37. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the Texas Book Festival which will be held on Saturday and Sunday, October 17 and 18, 2015, at the Texas State Capitol and surrounding grounds. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Gregorio Casar CO 2: Council Member Delia Garza CO 3: Council Member Leslie Pool CO 4: Council Member Ora Houston)

Ordinance No. 20151015-037 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

Item 38 was set for a time certain of 4 p.m.

Item 39 was pulled for discussion.

40. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the Homeless Memorial Sunrise Service event sponsored by House the Homeless, which is to be held on Sunday, November 15, 2015, at the Fannie Davis Gazebo on Auditorium Shores. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Ann Kitchen CO 3: Council Member Leslie Pool)

Ordinance No. 20151015-040 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

41. Set a public hearing to consider a resolution supporting an application to be submitted by NRP Group, or an affiliated entity, for an award of low-income housing tax credits from the Texas Department of Housing and Community Affairs, 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. (Suggested date and time: November 19, 2015 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set for November 19, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

Items 42 and 43 were pulled for discussion.

44. Set a public hearing to consider an ordinance establishing 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. (Suggested date and time: November 19, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX.)

The public hearing was set for November 19, 2015, 4:00 pm at Austin City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

45. Set a public hearing to consider an ordinance 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. (Suggested date and time: November 19, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX)

The public hearing was set for November 19, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

46. Set a public hearing to consider an ordinance establishing Homestead Preservation District D in north Austin located near the intersection of Interstate 35 and East Anderson Lane. (Suggested date and time: November 19, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX.)

The public hearing was set for November 19, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

DISCUSSION ITEMS

Items 6 and 7 were acted on in a combined motion.

6. Authorize negotiation and execution of guaranteed maximum price work authorization amendments for the construction manager-at-risk contract with HENSEL PHELPS CONSTRUCTION COMPANY for the Austin Bergstrom International Airport Terminal/Apron Expansion and Improvements project in the amount of \$276,000,000 plus \$13,000,000 contingency, for a total contract amount not to exceed \$289,000,000. Related to Item #7. (Notes: The preconstruction phase of the contract was awarded in compliance with 49 CFR Part 26, Disadvantaged Business Enterprise Program by meeting the Disadvantaged Business Enterprise Program Goal of 9.63% for the Preconstruction Phase Services.) October 13, 2015 – Recommended by the Airport Advisory Commission on a 6-1 vote with Commissioner Martin voting against and Commissioners Legate and Saulmon absent.

The motion referring the item to the Audit and Finance Committee failed on Council Member Zimmerman's motion, Council Member Renteria's second on a 3-7 vote. Those voting aye were: Council Members Gallo, Renteria and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen and Pool. Council Member Troxclair abstained.

The motion authorizing the negotiation and execution of a guaranteed maximum price work authorization amendments for the construction manager-at-risk contract with Hensel Phelps Construction Company was approved on Council Member Pool's motion, Council Member Zimmerman's second on an 11-0 vote.

7. Authorize negotiation and execution of an amendment to the professional services agreement with M. ARTHUR GENSLER, JR. and ASSOCIATES INC., dba GENSLER to provide professional services for the Austin Bergstrom International Airport Terminal/Apron Expansion and Improvements Project in the amount of \$18,000,000 for a total contract amount not to exceed \$36,000,000. Related to Item #6. (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 15.80% MBE and 15.80% WBE participation.) October 13, 2015 – Recommended by the Airport Advisory Commission on a 5-0 vote with Commissioner Rodriguez abstaining and Commissioners Anderson and Saulmon absent. **The motion referring the item to the Audit and Finance Committee failed on Council Member Zimmerman’s motion, Council Member Renteria’s second on a 3-7 vote. Those voting aye were: Council Members Gallo, Renteria and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen and Pool. Council Member Troxclair abstained.**

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with M. Arthur Gensler, JR. and Associates Inc. doing business as Gensler was approved on Council Member Pool’s motion, Council Member Zimmerman’s second on an 11-0 vote.

CITIZEN COMMUNICATION: GENERAL

Alfonso Peña - Code Compliance and the lack thereof

CAROLANNROSEKENNEDY- TAXiinginAMERICA2015 – **Not present when called.**

Allan Roddy - Lake Austin

Spencer Nutting - Emergency fee & permit waivers for event on October 30th & 31st on 6th and Congress

Johnette Mason - Racial profilng in the Lakeside area (78724) – **Not present when called.**

Edward Sledge - Distracted driving – **Not present when called.**

Jose Quintero - Jose Quintero with the Greater East Austin Neighborhood Association. I call it East Austin Neighborhood for Affordable Housing. – **Not present when called.**

Mary Owens - City Entitlements

EXECUTIVE SESSION

66. 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.

67. Discuss information relating to pricing and terms of potential long-term purchase agreements of utility-scale solar generated power (Public Power Utility Competitive Matters - Government Code Section 552.133).

This item was withdrawn without objection.

Mayor Adler recessed the Council Meeting at 12: 33 p.m.

Mayor Adler reconvened the meeting at 1:23 p.m.

DISCUSSION ITEMS CONTINUED

3. Adopt a plan of achieving 600 megawatts of utility-scale, solar generation capacity by 2017 in addition to solar capacity currently existing or under contract, and to authorize negotiation and execution of power purchase agreements with qualified offerors for up to 350 megawatts of utility-scale, solar-generated electricity (for a total acquisition of approximately 600 megawatts of new solar capacity, if available and affordable) for terms of up to 25 years, for a combined estimated annual amount of \$44,000,000 and combined total of \$1,100,000,000.

The motion to authorize the purchase of the additional 250 megawatts of utility scale solar power from among the lowest bids received was made by Council Member Garza, Council Member Pool's second.

There was a motion to amend the authorization of the plan to procure 400 to 450-megawatt utility scale of solar generation now and maintain an approximately 1% cap, authorize the city manager to negotiate and execute additional contracts for up to 450-megawatt, inclusive of the 288 megawatt recently authorized and timely solicit bids to build or purchase at least 150-megawatts to be online by the end of 2019 consistent with our values, risks and revenue impacts by Mayor Adler and seconded by Council Member Casar.

There was a motion to amend the plan to not approve the purchase of additional solar and go back to the 288 megawatts approved at a previous Council meeting by Council Member Zimmerman, seconded by Council Member Troxclair. The motion failed on a 4-7 vote. Those voting aye were: Council Members Gallo, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen and Pool.

The motion to amend the authorization of the plan to procure of 400 to 450-megawatt utility scale of solar generation now and maintain an approximately 1% cap, authorize the city manager to negotiate and execute additional contracts for up to 450-megawatt, inclusive of the 288 megawatt recently authorized and timely solicit bids to build or purchase at least 150-megawatts to be online by the end of 2019 consistent with our values, risks and revenue impacts was approved on Mayor Adler's motion, Council Member Casar's second on a 10-0 vote. Council Member Renteria abstained.

The motion to authorize the adoption of a utility-scale, solar generation capacity plan in addition to solar capacity currently existing or under contracts, and to authorize negotiation and execution of power purchase agreements with qualified offerors was approved with the amendments listed above was approved on Council Member Garza's motion, Council Member Pool's second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Member Casar, Gallo, Garza, Houston, Kitchen, and Pool. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Renteria abstained.

10. Approve an ordinance amending the Fiscal Year 2015-16 Health and Human Services Operating Budget Special Revenue Fund (Ordinance 201509010-001) to authorize two full-time equivalent positions to the 1115 Medicaid Waiver Funded Project in order to provide comprehensive immunization services for high-risk adults, beginning October 1, 2015.
Ordinance No. 20151015-010 was approved on Council Member Pool's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Zimmerman voted nay.
30. Authorize negotiation and execution of a 60-month revenue contract with GILA LLC DBA MSB, or another qualified offeror to Request for Proposal EAD0122, to provide collection services for the Emergency Medical Services Department for an estimated revenue of \$7,500,000, with two 12-month extension options with an estimated revenue of \$1,500,000 for each extension option, for a total estimated revenue amount of \$10,500,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the negotiation and execution of a revenue contract with Gila LLC doing business as MSB was approved on Council Member Pool's motion, Council Member Kitchen's second on a 9-1 vote. Council Member Houston voted nay. Council Member Zimmerman abstained.
35. Approve a resolution authorizing the negotiation and execution of documents needed to allow The Trail of Lights Foundation to operate and manage the Trail of Lights event; repealing portions of Resolution No. 20140807-112 related to entrance fees, and authorizing the Foundation to charge fees for no more than half of the public event nights, keeping the event free on opening night and for shuttle riders. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Delia Garza CO 3: Council Member Ellen Troxclair)
Resolution No. 20151015-035 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.

The motion to amend the last sentence of the Be It Further Resolved clause to read: "...provided, that gate entrance to the Event's public opening night and for shuttle riders remain free of charge, subject to annual Council review and approval prior to each Event was approved on Mayor Pro Tem Tovo's motion without objection.

Direction was given to staff to provide Council with a financial report following each event.

ITEMS REFERRED FROM COUNCIL COMMITTEES

47. Approve a resolution adopting the City of Austin Fiscal Year 2015-2016 Investment Policy.

Resolution No. 20151015-047 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.

48. Approve the Austin Convention Center's Long-Range Master Plan regarding Convention Center facilities. **The item was postponed to November 12, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.**

EMINENT DOMAIN

57. 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 1, Block C, of Onion Creek Forest Section 1, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 63, Page 57, of the Plat Records of Travis County, Texas, in the amount of \$23,000. The owners of the needed property interests are Gloria Escobedo Gatica, Rose Marie (Gatica) Lopez, Elizabeth Louise (Gatica) Moore, Richard Gatica, Frederick Escobedo Gatica, Samuel E. Gatica, Anthony Gatica, Robert Degollado, and Andrew Degollado. The property is a vacant lot, located entirely in District 2, at 6800 Onion Creek Drive, Austin, Texas 78744. The general route covered by this project includes the route 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. 20151015-057 was approved on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED

52. Approve appointment of Terry Mitchell to the Land Development Code Advisory Group. **This item was withdrawn without objection.**

DISCUSSION ITEMS CONTINUED

39. Approve a resolution amending the City's federal legislative agenda to include support for Planned Parenthood funding and amending the City's state legislative agenda to support expanding funding of or women's access to a full spectrum of health services. (Notes: SPONSOR: Council Member Delia Garza CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ora Houston CO 3: Council Member Gregorio Casar CO 4: Council Member Ann Kitchen)

Resolution No. 20151015-039 was approved on Council Member Garza's motion, Council Member Houston'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.

Mayor Adler recessed the Council Meeting and called the Board of Director's Meeting of the Austin Housing Finance Corporation to order at 3:02 p.m. See separate minutes.

68. 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 3:07 p.m.

ZONING AND PUBLIC HEARINGS

Items 58, 59, 64 and 65 were acted on in one combined motion.

58. NPA-2015-0007.01 - 8130 North Lamar Blvd. - District 4 - Approve second and third readings of an ordinance amending Ordinance No. 000629-106, the North Austin Civic Association Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 8130 North Lamar Boulevard (Little Walnut Creek Watershed) from Commercial land use to Mixed Use land use. First Reading Approved on August 13, 2015. Vote: 11-0. Owner/Applicant: 8130 North Lamar, LLC. Agent: Holt Planners (David B. Holt, Jr.). City Staff: Maureen Meredith, (512) 974-2695.

Ordinance No. 20151015-058 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Gallo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Kitchen was off the dais.

59. C14-2015-0059 - 8130 North Lamar - District 4 - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8130 North Lamar Boulevard (Little Walnut Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. First Reading approved on August 13, 2015. Vote: 11-0. Owner: 8130 North Lamar, LLC (Paul Terrill). Applicant/Agent: Holt Planners (David Holt). City Staff: Sherri Sirwaitis, 512-974-3057.

Ordinance No. 20151015-059 for general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning was approved on Council Member Gallo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Kitchen was off the dais.

64. C14-2015-0001 - Marlo Heights Rezoning - District 1 - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4905, 5001, and 5003 Pecan Springs Road (Fort Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning for Tract 1, and townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning for Tract 2. First Reading approved on September 10, 2015, Vote: 11-0. Owner: Luke Ellis. Agent: Garrett-Ihnen Civil Engineers (Steve Ihnen). City Staff: Heather Chaffin, 512-974-2122.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151015-064 for multifamily residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning for Tract 1 and townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district

zoning for Tract 2 was approved on Council Member Gallo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Kitchen was off the dais.

65. C14-2015-0131 - 14000 Echo Lane Corrective Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning the property locally known as 14000 Echo Lane (Bear Creek West Watershed) from Lake Austin Residence (LA) district zoning to Lake Austin Residence (LA) district zoning, to correct an address. Staff Recommendation: To grant Lake Austin Residence (LA) district zoning. Planning Commission Recommendation: To grant Lake Austin Residence (LA) district zoning. Owner/Applicant: Mary Ann Baker. Agent: City of Austin (Jerry Rusthoven). City Staff: Victoria Haase, 512-974-7691.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151015-065 for Lake Austin Residence (LA) district zoning was approved on Council Member Gallo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Kitchen was off the dais.

ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED

Item 54 and 55 were acted on in one combined motion.

54. Approve an ordinance on second and third readings to amend Title 25 of the City Code relating to secondary dwelling units. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON JUNE 18, 2015). Related to Item #55.

There was a motion to approve the Council Planning and Neighborhood Committee recommendation was made by Council Member Casar and seconded by Council Member Renteria.

The motion to add a new requirement which would read: "An accessory dwelling unit built after the day of the October 1, 2015 may not be used as a short-term rental" was made by Mayor Pro Tem Tovo and seconded by Council Member Houston.

Mayor Pro Tem Tovo amended her recommendation to include "for more than 30 days per year" at the end of the sentence. The motion was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Casar, Gallo, Troxclair, and Zimmerman.

The motion to approve the ordinance on second reading only was approved on Council Member Zimmerman's motion, Council Member Houston's second on a 10-1 vote. Council Member Casar voted nay.

The motion to approve the ordinance as amended above on second reading was approved on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

Direction was given to staff to provide Council with a copy of the Housing Market Study; additional examples of when a deed restriction is trumped by a Code requirement; additional

information the flooding impacts resulting from additional impervious cover resulting from secondary dwellings; for staff to draft language that would require a restrictive covenant to address the removal of the cap on the size of the secondary dwellings; and to ensure Parts 8 and 9 of the ordinance conform with the approved amendments.

55. Discussion and possible action on recommendations related to amendments to City Code regarding secondary dwellings. Related to Item #54.

Ordinance 20151015-055 was approved on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

38. Approve a resolution initiating a process to consider code and ordinance amendments to remove or otherwise modify the option to pay a fee in lieu of providing on-site affordable housing within the City's various density bonus programs and directing the City Manager to conduct a review and compile reports regarding affordable housing, density bonus programs, and utilizing a fee-in-lieu option within density bonus programs. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ora Houston CO 2: Council Member Gregorio Casar CO 3: Council Member Sabino "Pio" Renteria)
The motion to approve the resolution was made by Mayor Pro Tem Tovo and seconded by Council Member Renteria.

The motion to change the dates listed in the Be It Resolved Clauses to conform with the January 2016 meeting schedule for the Council Committees and provide for the City Manager's report and recommendation to come back to Council in January 2016 was approved without objection.

The motion to amend the last Be It further Resolved clause to strike "equalize" and replace it with "recalibrate" and to strike "to the current levels of residential density bonus fees" was approved on Council Member Casar's motion, Council Member Gallo's second without objection.

The last Be It Further Resolved should read: BE IT FUTHER RESOLVED: Recognizing an imbalance in development of Downtown properties that might discourage the development of residential units, the City Manager is directed to prepare an amendment to Ordinance No. 20130627-105 that would effectively adjust the Downtown Development Bonus Fee Table to recalibrate the office and hotel density fees-in-lieu. The ordinance should be sent to the Community Development Commission and the Downtown Commission for review and recommendation and return for City Council consideration in January 2016.

Resolution No. 20151015-038 was approved with the amendment listed above on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a vote on a 10-1 vote. Council Member Zimmerman voted nay.

Direction was given to staff to provide Council with data on cost of building affordable housing units downtown compared to units built outside the downtown core.

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

LIVE MUSIC

Street People

PROCLAMATIONS

Proclamation - Arbor Day - To be presented by Council Member Pool and to be accepted by Lara Schuman

Certificate of Congratulations - Build-A-Backpack Coordinator - To be presented by Mayor Adler and to be accepted by Deborah Scharven

Proclamation - Adopt-a-Creek 10th anniversary - To be presented by Mayor Adler and to be accepted by Rodney Ahart

Proclamation - Austin Tejano Music Coalition - To be presented by Council Member Renteria and to be accepted by TBA

Proclamation - Domestic Violence Awareness Month - To be presented by Mayor Adler and to be accepted by TBA

Proclamation - AVANCE-Austin - To be presented by Mayor Adler and to be accepted by Marie Felan and Rosie Gutierrez-Mendoza

Mayor Adler called the meeting back to order at 6:58 p.m.

DISCUSSION ITEMS CONTINUED

83. Conduct a public hearing and 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 (SP-2014-0476C). This action requires a site specific amendment to the Save Our Springs Initiative and concerns property in the Barton Springs Zone. (District 8).
This item was postponed to November 12, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
84. 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.
This item was postponed to November 12, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

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

This item was withdrawn without objection.

ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED

51. Approve a resolution directing the City Manager to initiate an amendment to City Code Chapter 13-2, addressing public safety measures related to background check requirements for Transportation Network Companies, and to bring the amendment to the Mobility Committee for consideration no later than November 16, 2015.

The motion to approve the resolution as amended below was made by Council Member Kitchen and seconded by Council Member Garza. The Resolution should read:

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

The City Manager is directed to initiate an amendment to City Code Chapter 13-2, to address public safety as it relates to Transportation Network Companies (TNCs), that includes the following provisions, and to bring back to the Mobility Committee for recommendation to Council no later than November 16, 2015:

BE IT FUTHER RESOLVED:

- **Align the background check process for TNC drivers with the process for taxis so that the check is conducted nationwide for both types of drivers. Amend the taxi ordinance if necessary to allow for a nationwide process.**
- **Align the driver eligibility standards for TNCs with that for taxis so that a history of certain offenses is treated the same with regard to eligibility to drive.**
- **Add fingerprinting requirements for TNC drivers that collect the same fingerprint information for TNCs as is collected for taxis and other ground transportation drivers.**
- **Authorize the Austin Transportation Department to contract with a third party to manage the fingerprinting and background check process for ground transportation processes so that the process is completed quickly and does not create barriers for onboarding drivers.**

BE IT FUTHER RESOLVED:

The City Manager, in conjunction with ATD, is directed to produce a report and make recommendations regarding the effectiveness of criminal background checks that are designed to match the person whose background is checked with the person who is applying to be and is ultimately the driver. The report should include fingerprint-based and name-based criminal background check processes and a recommendation for which process best protects public safety.

The City Manager, in conjunction with ATD, is also directed to analyze the report on the impact on the city of adopting each of the criminal background check processes addressed in the report. The report should include options for mitigating any impact, including contracting with new and existing TNCs that use the recommended background check process.”

Resolution No. 20151015-051 was approved as amended above on Council Member Kitchen's motion, Council Member Garza's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Gallo, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

50. Approve a resolution directing the City Manager to initiate an amendment to City Code Chapter 13-2 related to Transportation Network Company fees and to bring the amendment to the Mobility Committee for consideration no later than November 16, 2015.

The motion to approve the resolution was made by Council Member Kitchen and seconded by Council Member Casar.

The motion to include a new number three in the Be It Resolved By the City Council Of the City of Austin to read: "(3) Or a comparable amount based on mileage if allowed by law." was made by Council Member Zimmerman. The motion was accepted without objection.

Resolution No. 20151015-050 was approved as amended above on Council Member Kitchen's motion, Council Member Casar's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

42. Set a public hearing to consider an ordinance suspending the issuance of new short-term rental Type 2 licenses. (Suggested date and time: November 12, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX).

The public hearing was set for November 12, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.

43. Set a public hearing to consider an ordinance amending City Code Title 25 related to Planned Unit Development Density Bonuses. (Suggested date and time: November 19, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX.)

The public hearing was set for November 19, 2015, 4:00 pm at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 11-0 vote.

ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED

49. Approve an ordinance amending Title 2 of the City Code to create a reasonable accommodations process. **The motion to approve the ordinance on first reading was approved on Council Member Houston's motion, Council Member Garza's second on a 10-0 vote. Council Member Zimmerman abstained.**
53. Approve a resolution initiating a code amendment to address the lack of an on-site affordable housing density bonus program for multi-family properties and to adjust the requirements of Multifamily Residence Highest Density (MF-6) district zoning to incorporate a density bonus program.

Resolution No. 20151015-053 was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was off the dais.

PUBLIC HEARINGS

70. Conduct 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.
The public hearing was conducted and the motion to close to public hearing and approve Ordinance No. 20151015-070 was approved on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Casar was off the dais.
71. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter F pertaining to residential design and compatibility standards, commonly known as "McMansion," relating to property within the East Riverside Corridor or Transit Oriented District zoning districts.
The public hearing was conducted and the motion to close to public hearing and approve Ordinance No. 20151015-071 was approved on Council Member Zimmerman's motion, Council Member Garza's second on an 11-0 vote.
72. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter F pertaining to residential design and compatibility standards, commonly known as "McMansion," relating to the calculation of gross floor area for garages and carports.
The item was indefinitely postponed on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote.
86. Conduct a public hearing and consider an ordinance amending City Code Title 25 to add notification and meeting requirements to the East Riverside Corridor Regulating Plan amendment process.
The public hearing was conducted and the motion to close to public hearing and approve Ordinance No. 20151015-086 was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.
85. Conduct a public hearing regarding the application submitted by Acute Medical Service, Inc. to begin a non-emergency transfer franchise, under Chapter 10-2 of the City Code and consider the franchise application on first reading.
The public hearing was conducted and the motion to close the public hearing and deny the franchise application was approved on Council Member Pool's motion, Council Member Zimmerman's second on an 11-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.

PUBLIC HEARINGS CONTINUED

69. Conduct a public hearing and consider a request by Two Hands Brew LLC (dba Two Hands Brew) located at 1007 South Congress Avenue for a waiver from 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.

The public hearing was conducted and the motion to close the public hearing and approve the waiver to Two Hands Brew LLC doing business as Two Hands Brew was approved on Council Member Pool's motion, Council Member Zimmerman's second on a 7-4 vote. Those voting aye were: Mayor Adler and Council Members Casar, Gallo, Kitchen, Pool, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Garza, Houston and Renteria.

ZONING AND PUBLIC HEARINGS

The following zoning items were acted on by one motion. No separate action occurred on any of the items:

61. NPA-2015-0017.01 - Korean United Presbyterian Church - District 7 - Conduct a public hearing and approve an ordinance amending the Crestview/Wooten Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2000 Justin Lane (portion of) (Shoal Creek Watershed) from Civic to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To grant Multifamily land use. Owner/Applicant: Korean United Presbyterian Church (Roy M. Kim). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 512-974-2695.

The public hearing was conducted and the motion to keep the public hearing open and approve the first reading of the ordinance for Multifamily land use was approved on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Mayor Pro Tem Tovo and Council Member Kitchen were off the dais.

62. C14-2015-0025 - Korean United Presbyterian Church - District 7 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2000 Justin Lane (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning. Owner/Applicant: Korean United Presbyterian Church (Roy M. Kim). Agent: Thrower Design (Ron Thrower). City Staff: Tori Haase, 512-974-7691. A valid petition has been filed in opposition to this rezoning request.

The public hearing was conducted and the motion to keep the public hearing open and approve the first reading of the ordinance for multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Mayor Pro Tem Tovo and Council Member Kitchen were off the dais.

63. C14-2014-0193 - MMK Ventures, LLC - District 7 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1601 Cedar Bend Drive

(Walnut Creek Watershed) from rural residence (RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning. Owner/Applicant: MKM Hotel Group, LLC (Saeed Minhas). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr., P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and a motion to keep the public hearing open the approve the first reading of the ordinance for single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Kitchen was off the dais.

ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED

56. Approve a recommendation regarding short-term rentals.

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

The motion to "Initiate a phased-in process to limit Type 2 short-term rentals to commercially zoned areas and require Conditional Use Permits for continued operation of Type 2 short-term rentals in single family zoning and/or consider options for amortization of existing Type 2 short-term rentals." was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 6-5 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Mayor Adler and Council Members Casar, Gallo, Troxclair and Zimmerman.

The motion to repeal the provision that allows 25% of multifamily units on a commercially zoned property to be removed from the rental market as Type 3 short-term rentals, and cap all Type 3 short-term rentals to no more than 3% by property failed on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 4-6 vote. –Those voting aye were: Mayor Pro Tem Tovo and Council Members Kitchen, Pool, and Renteria. Those voting nay were: Mayor Adler and Council Member Casar, Garza, Gallo, Troxclair and Zimmerman. Council Member Houston abstained.

The motion to define Type 2 short-term rentals and non-owner occupied Type 3s consistent with the definition of public accommodations under the federal ADA statutes, or in the alternative, incorporate requirements that provide the equivalent level of accessibility and protections for persons with disabilities failed on . Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 5-6 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Houston, Kitchen, Pool, and Renteria. Those voting nay were: Mayor Adler and Council Members Casar, Gallo, Garza, Troxclair, and Zimmerman.

The motion that for any short-term rental license application or renewal, consideration will be made of prior code or criminal violations or significant verified complaints related to the properties use or the person's prior track record with short-term rentals was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Houston was off the dais.

The motion to direct the city manager to write an amendment to the fee ordinance that creates a tiered fee structure for STR licenses based on STR type but does not result in a loss of funding and does not exceed the cost to regulate the activity was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 10-1 vote. Council Member Zimmerman voted nay.

PUBLIC HEARINGS

79. Conduct a public hearing and consider the full purpose annexation of the Old Lampasas Trail annexation area (approximately 83 acres in northern Travis County south of Old Lampasas Trail south of the intersection of Old Lampasas Trail and Talleyran Drive; contiguous to Districts 6 & 10).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

Direction was given to staff to provide Council with a copy of the staff presentation on annexations.

DISCUSSION ITEMS CONTINUED

60. C14H-2014-0014 - Bluebonnet Hills Historic District - District 9 - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning properties bounded by Annie Street on the north, East Side Drive on the east, Leland Street on the south, and Brackenridge Street on the west, and incorporating the south side of the 500 block of E. Annie Street, the 500 block of E. Mary Street, portions of the 400 block of Lockhart Drive, the 500 block of Lockhart Drive, the 300, 400, and 500 blocks of Terrace Drive, the north side of the 300, 400, and 500 blocks of Leland Street, the west side of the 1800, 1900, and 2000 blocks of East Side Drive, the 1900 and 2000 blocks of Newning Avenue, and the portions of the east side of the 1900 and 2000 blocks of Brackenridge Street (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning to family residence-historic area-neighborhood plan (SF-3-HD-NP) and family residence-historic landmark-historic area-neighborhood plan (SF-3-H-HD-NP) combining district zoning. First Reading approved on June 11, 2015. 7-3. Council Member Renteria, Troxclair and Zimmerman voting nay and Council Member Gallo was off the dais. Applicant: Michele Webre, Bluebonnet Hills Historic District Nomination. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454. A valid petition has been filed in opposition to this rezoning request.

The motion to approve the ordinance on second reading for family residence-historic area-neighborhood plan (SF-3-HD-NP) and family residence-historic landmark-historic area-neighborhood plan (SF-3-H-HD-NP) combining district zoning was approved on Council Member Houston's motion, Council Member Pool's second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen, and Pool. Those voting nay were: Council Members Gallo, Troxclair and Zimmerman. Council Member Renteria was off the dais.

Direction was given to staff to provide Council with the number of individuals on the petition that live in contributing structures; a list of other historic districts that have been submitted for Council

approval that had valid petitions filed against the designation; and provide Council with a list of contributing structure owners and how they voted on the petition.

PUBLIC HEARINGS

73. Conduct a public hearing and consider the full purpose annexation of the ARR Johnny Morris Road annexation area (approximately 145 acres in eastern Travis County approximately three tenths of a mile south of the intersection of Johnny Morris Road and Daffan Lane; contiguous to District 1).
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 9-0 vote. Council Members Gallo and Renteria were off the dais.
74. Conduct a public hearing and consider the full purpose annexation of the Bellingham Meadows annexation area (approximately 190 acres in eastern Travis County west of Parmer Lane at the intersection of Parmer Lane and Bellingham Drive; contiguous to District 1).
The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 9-0 vote. Council Members Gallo and Renteria were off the dais.
75. Conduct a public hearing and consider the full purpose annexation of the Blue Goose Road annexation area (approximately 28 acres in eastern Travis County east of Blue Goose Road approximately 975 feet northwest of the intersection of US Highway 290 East and Blue Goose Road; contiguous to District 1).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Houston's motion, Mayor Pro Tem Tovo's second on a 9-0 vote. Council Members Gallo and Renteria were off the dais.
76. Conduct a public hearing and consider the full purpose annexation of the Cantarra/Howard Subdivision annexation area (approximately 263 acres in northeastern Travis County north of Howard Lane approximately 700 feet east of the intersection of Howard Lane and Cantarra Drive and also north and south of Howard Lane immediately west of the intersection of Howard Lane and Cantarra Drive; contiguous to District 1).
The public hearing was conducted and the motion to close the public hearing was approved on Council Member Houston's motion, Mayor Pro Tem Tovo's second on a 9-0 vote. Council Members Gallo and Renteria were off the dais.
77. Conduct a public hearing and consider the full purpose annexation of the Heritage Oaks at Pearson Ranch annexation area (approximately 135 acres in southern Williamson County south of Avery Ranch Boulevard at the intersection of Avery Ranch Boulevard and Pearson Ranch Road; contiguous to District 6).
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 a 10-0 vote. Council Member Renteria was off the dais.

78. Conduct a public hearing and consider the full purpose annexation of the Lost Creek Connector Piece annexation area (approximately 165 acres in Travis County north of Lost Creek Boulevard approximately 380 feet west of the intersection of Lost Creek Boulevard and Bend of the River Drive, adjacent to the Lost Creek Municipal Utility District; contiguous to District 8).

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Renteria was off the dais.

80. Conduct a public hearing and consider the full purpose annexation of the TxDOT/US 183 A Tollway annexation area (approximately 87 acres in southern Williamson County north of Avery Ranch Boulevard at the intersection of US 183 A Tollway and Avery Ranch Boulevard; contiguous to District 6).

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Renteria was off the dais.

81. Conduct a public hearing and consider the full purpose annexation of the Vaught Ranch annexation area (approximately 9 acres in Travis County south of FM 2222 at the southwest corner of the intersection of FM 2222 and Vaught Ranch Road; contiguous to District 10).

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

82. Conduct a public hearing and consider the full purpose annexation of the Walnut Creek Place annexation area (approximately 138 acres in eastern Travis County west of Sprinkle Cutoff Road approximately 477 feet north of the intersection of Sprinkle Cutoff Road and Samsung Boulevard; contiguous to District 1).

The public hearing was conducted and the motion to close the public was approved on Council Member Houston's motion, Council Member Zimmerman's second on an 11-0 vote.

Mayor Adler adjourned the meeting at 1:42 a.m. without objection.

The minutes were approved on this the 12th day of November 2015 on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.