

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 4, 2016**

Invocation: Reverend John McIver Gage, United Christian Church

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, February 4, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:21 am

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of January 26, 2016, and Council discussion of January 28, 2016.
The minutes from the Austin City Council work session of January 26, 2016 and Council discussion of January 28, 2016 were approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.
2. Authorize execution of a termination agreement with the Onion Creek Golf Group, LP in an amount not to exceed \$648,213 relating to prior contracts for providing treated effluent to the Onion Creek Golf Course.
The motion authorizing the execution of a termination agreement with the Onion Creek Golf, LP was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Item 3 was pulled for discussion.

4. Authorize execution of a construction contract with M.A. SMITH CONTRACTING COMPANY, INC., for Austin Heights Neighborhood Water System Upgrades project in the amount of \$1,692,497.50 plus an \$84,624.87 contingency, for a total contract amount not to exceed \$1,777,122.37. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 5.26% MBE and 1.19% WBE participation.)
The motion authorizing the execution of a construction contract with M.A. Smith Contracting Company, Inc. was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

5. Authorize negotiation and execution of a professional services agreement with the following 10 staff recommended firms (or other qualified responders) to Request For Qualifications Solicitation No. CLMP186: AECOM TECHNICAL SERVICES, INC., CH2M HILL ENGINEERS, INC., CAROLLO ENGINEERS, INC., CP&Y, INC., CDM SMITH INC., HDR ENGINEERING, INC., JACOBS ENGINEERING GROUP INC., BLACK & VEATCH CORPORATION, ARCADIS U.S., INC., FREESE & NICHOLS, INC., for engineering services related to the 2016 Large Scale Water and Wastewater Facilities Engineering Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$20,000,000 divided among the 10 firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 15.80% MBE and 15.80% WBE participation.)

The motion authorizing the negotiation and execution of a professional services agreement with the following ten firms: AECOM Technical Services, Inc., CH2M Hill Engineers, Inc., Carollo Engineers, Inc., CP&Y, Inc., CDM Smith Inc., HDR Engineering, Inc., Jacobs Engineering Group Inc., Black & Veatch Corporation, Arcadis U.S., Inc., Freese & Nichols, Inc. was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

6. Authorize negotiation and execution of a professional services agreement with the following five staff recommended firms (or other qualified responders) to Request For Qualifications Solicitation No. CLMP187: ATKINS NORTH AMERICA, INC., COBB, FENDLEY & ASSOCIATES, INC., KENNEDY/JENKS CONSULTANTS, INC., WESTON SOLUTIONS, INC., K FRIESE & ASSOCIATES, INC., for engineering services for the 2016 Small Scale Water and Wastewater Facilities Engineering Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$4,000,000 divided among the five firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 15.80% MBE and 15.80% WBE participation.)

The motion authorizing the negotiation and execution of a professional services agreement with the following five firms: Atkins North America, Inc., Cobb, Fendley & Associates, Inc., Kennedy/Jenks Consultants, Inc., Weston Solutions, Inc., K. Friese & Associates, Inc. was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

Item 7 was pulled for discussion.

8. Authorize execution of a construction contract with RS ELLIS INC./SOUTHWEST CORPORATION, for Fire Station #8 and #32 Driveway Repairs for a total contract amount of \$204,999 plus a 10% contingency in an amount not to exceed \$225,499. (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 achievement of good faith efforts with 59.93% MBE and 2.73% WBE participation.)

The motion authorizing the execution of a construction contact with RS Ellis Inc./Southwest Corporation was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Items 9 and 10 were pulled for discussion.

11. Authorize negotiation and execution of a 12-month contract with the African American Cultural Heritage District to provide educational, heritage preservation, and economic development programs and services in the District in an amount not to exceed \$300,000, and include two additional 12-month extension options in an estimated amount not to exceed \$300,000 per extension option, for a total estimated contract amount not to exceed \$900,000.

The motion authorizing the negotiation and execution of a contract with the African American Cultural Heritage District was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 12 was pulled for discussion.

13. Authorize the negotiation and execution of Amendment No. 1 to the Social Services Contract with RIVER CITY YOUTH FOUNDATION for expanded youth services increasing the contract amount by \$35,000, for a total contract amount not to exceed \$385,400.

The motion authorizing the negotiation and execution of amendment number one to a social services contract with River City Youth Foundation was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 14 was pulled for discussion.

15. Approve the negotiation and execution of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for a mentoring project in an amount not to exceed \$15,000, for an eight-month term from February 1, 2016 through September 30, 2016, with five 12-month renewal options in an amount not to exceed \$15,000 per renewal option, for a total agreement amount not to exceed \$90,000.

The motion approving the negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

Item 16 was pulled for discussion.

17. Authorize negotiation and execution of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT (AISD), for the use by the Austin Convention Center (ACC) of approximately 4,800 square feet of warehouse space at 3701 Woodbury Drive, Austin, Texas, 78704 (District 3), in exchange for rental concessions at the ACC facility in an amount not to exceed \$114,300 over a thirty-six (36) month period.

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

18. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire two permanent wastewater easements totaling approximately 11,296 square feet and two temporary working space easements totaling approximately 6,209 square feet for the Parmer Lane Interceptor Project, located in the Parmer Village Condominiums, City of Austin, Williamson County, Texas 78729, from THE INDIVIDUAL UNIT OWNERS OF PARMER VILLAGE CONDOMINIUMS AND PARMER VILLAGE CONDOMINIUM COMMUNITY, INC., A TEXAS NON-PROFIT CORPORATION, in an amount not to exceed \$59,719 (District 6).

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire two permanent wastewater easements was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

19. Approve a resolution regarding the renaming of the Austin Tennis Center, located at 7800 Johnny Morris Road.
This item was postponed on consent to March 3, 2016 on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.
20. Authorize negotiation of an interlocal agreement with the Austin Independent School District to identify, develop and maintain 5 pocket parks on existing school sites to address current park access service gaps.
The motion authorizing the negotiation of an interlocal agreement with the Austin Independent School District was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Item 21 was pulled for discussion.

22. Authorize award and execution of a 36-month contract with FORSYTHE BROTHERS INFRASTRUCTURE, LLC to provide magnesium hydroxide slurry and equipment in an amount not to exceed \$1,203,060, with three 12-month extension options in an amount not to exceed \$401,020 per extension option, for a total contract amount not to exceed \$2,406,120. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore no subcontracting goals were established.)
The motion authorizing the award and execution of a contract with Forsythe Brothers Infrastructure, LLC was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.
23. Authorize award and execution of a 36-month contract with CENTRAL WASTE AND RECYCLING, for disposal of debris materials from wastewater treatment plants in an amount not to exceed \$1,461,096, with three 12-month extension options in amounts not to exceed \$487,032 per extension option, for a total contract amount not to exceed, \$2,922,192. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore no subcontracting goals were established.)
The motion authorizing the award and execution of a contract with Central Waste and Recycling was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.
24. Authorize negotiation and execution of a 36-month contract with AIR TRANSPORT IT SERVICES, INC. for software maintenance and support for the Shared Use Passenger Processing System at Austin-Bergstrom International Airport in an amount not to exceed \$1,162,311, with two 12-month extension options in an amount not to exceed \$406,368 for the first option and \$416,309 for the second option, for a total contract amount not to exceed \$1,984,988. (Notes: The contract is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore no subcontracting goals were established.)

The motion authorizing the negotiation and execution of a contract with Air Transport IT Services, Inc. was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

25. Authorize negotiation and execution of a 12-month contract with MIDWEST TAPE, LLC., for digital subscriptions to enable access to digital video, music and audiobook content for library patrons in an amount not to exceed \$150,000, with three 12-month extension options in an amount not to exceed \$150,000 per option, for a total contract amount not to exceed \$600,000. (Notes: The contract is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore no subcontracting goals were established.)

The motion authorizing the negotiation and execution of a contract with Midwest Tape, LLC. was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

26. Authorize award and execution of a 36-month contract with TECHLINE INC. to provide decorative luminaires, street lights and poles in an amount not to exceed \$731,502, with three 12-month extension options in an amount not to exceed \$243,834 per extension option, for a total contract amount not to exceed \$1,463,004. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

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

27. Authorize negotiation and execution of a 12-month contract with PASSUR AEROSPACE to provide landing fee management software in an amount not to exceed \$84,000, with two 12-month extension options in an amount not to exceed \$74,160 for the first option and \$76,380 for the second option, for a total contract amount not to exceed \$234,540. (Notes: This is a sole-source contract and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

The motion authorizing the negotiation and execution of a contract with Passur Aerospace was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

28. Approve ratification of a contract with ABB, INC., for the purchase and installation of human machine interface displays and power supply units to replace defective units at Austin Energy's Fiesta Substation, in an amount not to exceed \$86,765. (Notes: This ratification is exempt from City Code Chapter 2-9C Minority and Women Owned Business Enterprise Procurement Program.)

The motion approving the ratification of a contract with ABB, Inc. was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

29. Authorize negotiation and execution of a 36-month contract with SCS FIELD SERVICES, or one of the other qualified offerors to Request for Proposal SLW0503, to provide landfill maintenance services in an amount not to exceed \$315,000, with three 12-month extension options in an amount not to exceed \$105,000 per extension option, for a total contract amount not to exceed \$630,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C

Minority Owned and Women Owned Business Enterprise Procurement Program. Subcontracting goals were not established due to limited availability of certified M/WBEs.)

The motion authorizing the negotiation and execution of a contract with SCS Field Services or one of the other qualified offerors was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

Item 30 was pulled for discussion.

31. Approve a resolution authorizing negotiation and execution of four interlocal agreements with the Texas Department of Transportation for the City to furnish, install, and be reimbursed for traffic signal equipment placed along IH 35 and along FM 734.
Resolution 20160204-031 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.
32. Authorize negotiation and execution of an interlocal agreement with Hays County for the City to install, maintain and upgrade traffic signal equipment for Hays County.
The motion authorizing the negotiation and execution of an interlocal agreement with Hays County was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.
33. Approve an ordinance amending City Code Section 12-4-64 (D) to reflect the correct speed limit of 35 miles per hour on Lamar Boulevard (North) from 744 feet north of Oakbrook Trail (mile point 3.398) to 375 feet south of Little Oak Drive (mile point 3.725) during certain times, for students attending Brentwood Christian School; and declaring an emergency.
Ordinance 20160204-033 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.
34. Authorize payment of the City's membership fees for Fiscal Year 2015-2016 to the Greater Austin-San Antonio Corridor in an amount not to exceed \$100,000.
The motion authorizing a payment not to exceed \$100,000 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.
35. 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 certain related waivers were approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair abstained.

Nominations

Board/Nominee

Nominated by

African American Resource Advisory Commission
Choquette Hamilton

Austin Area Urban League

African American Resource Advisory Commission
Gregory Smith

Austin Revitalization Authority

African American Resource Advisory Commission

Tam Hawkins

Greater Austin Black Chamber of
CommerceAfrican American Resource Advisory Commission

Nelson Linder

National Association for the
Advancement of Colored PeopleConstruction Advisory Committee

Marina Reynaga

Council Member Garza

Design Commission

Conor Kenny

Council Member Casar

Joint Sustainability Commission

Joep Meijer

Open Space, Environment &
Sustainability CommitteeJoint Sustainability Commission

Jim Walker

Open Space, Environment &
Sustainability CommitteeJoint Sustainability Commission

Sabrina Santos-Joplin

Open Space, Environment &
Sustainability CommitteeZoning & Platting Commission

Betsy Greenberg

Council Member Houston

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Elizabeth White on the Arts Commission.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Mackenzie Kelly on the Commission for Women. The waiver includes absences through today's date.

Item 36 was pulled for discussion.

37. Approve a resolution directing the City Manager to develop a work plan for reviewing and discussing key components of Austin Energy's electric rate adjustment proposal for Council consideration. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Delia Garza)
Resolution No. 20160204-037 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Item 38 was pulled for discussion.

39. Set a public hearing to consider the temporary use of approximately 1,870 square feet of indoor space within the Turner Roberts Recreation Center, located on dedicated parkland known as

Colony District Park, 7201 Colony Loop Drive, Austin, Texas 78724, for the purpose of providing temporary health clinic services to the surrounding community, in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (Suggested date and time, February 25, 2016, 4:00 pm at Austin City Hall, 301 W. Second Street.)

The public hearing was set on consent for February 25, 2016, 4:00 pm at 301 W. Second Street, Austin, TX on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

40. Set a public hearing to consider an ordinance adopting the local standards of care for the Parks and Recreation Department's youth recreation programs. (Suggested date and time: February 25, 2016, 4:00 p.m. at City Hall, 301 W. Second Street).

The public hearing was set on consent for February 25, 2016, 4:00 pm at 301 W. Second Street, Austin, TX on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

41. Set a public hearing to consider the use of dedicated parkland, known as Metz Park (District 3), for approximately 2,049 square feet of permanent access for operation and control of the Pedernales Substation as part of the Holly Street Power Plant Decommissioning and Demolition Project, in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (Suggested date and time: March 3, 2016 at 4:00 p.m., Austin City Hall, Council Chambers, 301 West Second Street, Austin, TX.)

The public hearing was set on consent for March 3, 2016, 4:00 pm at 301 W. Second Street, Austin, TX on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Items 42 through 48 were referred from Council Committees.

Item 49 was Eminent Domain.

Items 50 through 52 were Executive Session items.

Item 53 was an addendum item.

BRIEFINGS

53. Briefing on Council Appointee Performance Review Process.

The presentation was made by Mark Washington, Interim Assistant City Manager.

DISCUSSION ITEMS

3. Authorize Ratification of Work Order Assignment Number 009 to the Group #16 ADA Sidewalk & Ramp Improvements Contract and Work Order Assignment Number 012 to the Group #17 ADA Sidewalk & Ramp Improvements Contract with MUNIZ CONCRETE AND CONTRACTING, INC., to provide for additional streetscape improvements, including an electronic marquee sign and electronic kiosks in an amount not to exceed \$721,120. (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 88.95% MBE and 1.64% WBE participation for Group #16; and 86.38% MBE and 5.29% WBE participation for Group #17.)

The motion authorizing the ratification of work order assignment with Muniz Concrete and Contracting, Inc. was approved on Council Member Gallo's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman was off the dais.

Items 12 and 14 were acted on in a combined motion.

12. Authorize the negotiation and execution of Amendment No. 2 for a 12-month extension of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for parent support specialist services in an amount not to exceed \$684,000, for a total contract amount not to exceed \$1,934,000.
The motion authorizing the negotiation and execution of amendment number two for an interlocal agreement with Austin Independent School District was approved on Council Member Pool's motion, Council Member Casar's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.
14. Authorize the negotiation and execution of Amendment No. 1 to the Social Services Contract with AUSTIN INDEPENDENT SCHOOL DISTRICT for after school enrichment services for an additional amount of \$520,000, for a total contract amount not to exceed \$2,441,833.
The motion authorizing the negotiation and execution of amendment number one to a social services contract with Austin Independent School District was approved on Council Member Pool's motion, Council Member Casar's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.
7. Authorize negotiation and execution of a professional services agreement with JACOBS ENGINEERING GROUP, INC., (staff recommendation) or one of the other qualified responders to Request For Qualifications Solicitation No. CLMP191 to provide engineering services for Albert H. Ullrich Water Treatment Plant Conversion to On-Site Generation of Sodium Hypochlorite Project for a total contract amount not to exceed \$2,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B of the City Code Minority Owned and Women Owned Business Enterprise Procurement Program by exceeding the goals with 16.50% MBE and 18.00% WBE participation.)
The motion authorizing the negotiation and execution of a professional services agreement with Jacobs Engineering Group, Inc. or one of the other qualified responders was approved on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Pool was off the dais but later requested the record show her support of item.
16. Approve a settlement in Mercer et al v. City of Austin et al, Cause No. 1:13-cv-00830, in the United States District Court for the Western Division of Texas. (Related to the July 26, 2013 officer-involved shooting)
The motion to settle the above referenced lawsuit, by the City paying \$600,000 to Kirsten Jackson and Billie Mercer was approved on Council Member Houston's motion, Council Member Renteria's second on a 10-1 vote. Council Member Zimmerman voted nay.
21. Approve an ordinance amending the Fiscal Year 2015-2016 Budget Stabilization Reserve Fund Operating Budget (Ordinance No. 20150908-001) to transfer out \$1,100,000 to the General Fund; amending the Fiscal Year 2015-2016 General Fund Operating Budget (Ordinance No. 20150908-001) transferring in \$1,100,000 from the Budget Stabilization Reserve Fund; and appropriating \$1,500,000, which includes \$400,000 in estimated fees, to increase expenditures in the Fiscal Year 2015-2016 Austin Police Department Operating Budget (Ordinance No. 20150908-001) for public safety support for the Spring Festival Season.

This item was postponed to February 11, 2016 on Mayor Adler's motion, Council Member Renteria's second on an 11-0 vote.

30. Authorize negotiation and execution of a 12-month contract with CREATIVE CONSUMER RESEARCH INC., or one of the other qualified offerors to Request for Proposal RMJ0302, for marketing research service studies, in an amount not to exceed \$300,000, with four 12-month extension options in an amount not to exceed \$300,000 per extension option, for a total contract amount not to exceed \$1,500,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no goals were established.)
The motion authorizing the negotiation and execution of a contract with Creative Consumer Research Inc. was approved on Council Member Pool's motion, Council Member Garza's second on an 8-2 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council Member Casar, Gallo, Garza, Kitchen, Pool, and Renteria. Those voting nay: Council Members Troxclair and Zimmerman. Council Member Houston was off the dais but later requested the record show her support of item.

42. Discussion regarding compensation for the Municipal Civil Service Commissioners. (Notes: Committee)
This item was postponed to February 25, 2016 on Mayor Pro Tem Tovo's motion, Council Member Zimmerman's second on an 11-0 vote.

CITIZENS COMMUNICATIONS: GENERAL

Rae Nadler-Olenick - Water fluoridation - **Present**

Walter Olenick - Water fluoridation - **Present**

Sylvia Mendoza – Immigration - **Present**

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

50. 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.
51. Discuss legal issues related to prevailing and living wage provisions in City contracts (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
52. Discuss legal issues related to a potential election in May 2016 concerning Transportation Network Companies and other potential ballot measures (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.

DISCUSSION ITEMS CONTINUED

43. Authorize negotiation and execution of a legal services agreement with Boulette Golden and Martin (BG&M) for outside legal counsel services for the Municipal Civil Service Commission Appeal Hearings for Fiscal Year 2015-2016, in an amount not to exceed \$34,500. (Notes: Committee)
The motion authorizing the negotiation and execution of a legal services agreement with Boulette Golden and Martin was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Zimmerman abstained.
46. Approve second and third readings of an ordinance that creates a reasonable accommodations process. (Notes: Austin Code Department)
Ordinance No. 20160204-046 was approved on Council Member Garza's motion, Council Member Houston's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

Mayor Adler tabled items 38, 44, and 45.

Mayor Adler recessed the Council Meeting at 1:02 p.m.

Mayor Adler reconvened the meeting at 2:21 p.m.

DISCUSSION ITEMS CONTINUED

Items 38, 44, and 45 were acted on in a combined motion.

38. Approve a resolution directing the City Manager to explore the feasibility of developing a live/work project with Artspace, and to consider the City-owned tract located at 4711 Winnebago Lane as a potential location for this project. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Leslie Pool CO 2: Council Member Delia Garza CO 3: Council Member Gregorio Casar CO 4: Mayor Steve Adler)
A motion to approve the resolution was made by Mayor Pro Tem Tovo and seconded by Council Member Garza.

A motion to amend the Be It Resolved clause to read: " Be It Further Resolved: That the City Manager is additionally directed to consider all options, including sale of the land, live/work project for the creative community, including a partnership with Artspace, and any other potential uses of the City-owned tract located at 4711 Winnebago Lane as a potential location for this project and to report back to the City Council with options for, the fiscal impact of, and the feasibility of those projects no later than March 3, 2016." The motion failed on Council Member Troxclair's motion, Council Member Zimmerman's second on a 3-8 vote. Those voting aye were: Council Members Gallo, Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria.

Resolution No. 20160204-038 was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 6-5 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Kitchen, and Pool. Those voting nay were: Council Members Gallo, Houston, Renteria, Troxclair, and Zimmerman.

45. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell approximately 9.405 acres of land, located at Lot 1, Block "E", Missouri-Pacific Industrial Park, Section One, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 52, Page 21 of the Plat Records of Travis County, Texas, and locally known as 4711 Winnebago Lane, to Jimmy Nassour in the amount of \$1,450,001 for the land (District 2). Related to Item #44. (Notes: Office of Real Estate Service)

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the sale of land was made by Council Member Renteria and seconded by Council Member Zimmerman.

A motion to add the following clause language: "Subsequent development of the site is subject to city regulations in effect on or after the effective date of the sale" 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 Troxclair abstained.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the sale of land failed on Council Member Renteria's motion, Council Member Zimmerman's second on a 5-6 vote. Those voting aye were: Council Members Gallo, Houston, Renteria, Troxclair, and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Member Casar, Garza, Kitchen and Pool.

44. Approve an ordinance amending the Fiscal Year 2015-2016 Austin Resource Recovery Operating Budget (Ordinance No. 20150908-001) to increase revenue by \$1,450,001; increase transfers out by \$1,450,001; and amending the Fiscal Year 2015-2016 Austin Resource Recovery Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate \$1,450,001 from the Austin Resource Recovery Operating Budget for facility development and construction. Related to Item #45. (Notes: Austin Resource Recovery)

No action was taken on this item.

48. Approve code amendment recommendations for the naming of city parks and facilities. (Notes: Parks and Recreation Department)

This item was postponed to February 25, 2016 on Council Member Casar's motion, Council Member Garza's second on a 10-0 vote. Council Member Pool was off the dais.

47. Approve an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple 25 properties at risk of flooding in the 25-year floodplain located within the Williamson Creek Watershed, in a total amount for the acquisition not to exceed \$10,000,000, establishing acquisition and relocation guidelines, and waiving the requirements of City Code Chapter 14-3 (District 2 and District 3). (Notes: Committee)

Ordinance No. 20160204-047 was approved on Council Member Garza's motion, Council Member Renteria's second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, and Pool. Those voting nay were: Council Member's Gallo, Troxclair, and Zimmerman. Council Member Renteria was off the dais but later requested the record show his support of the item.

49. 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 5, Block B, Yarrabee Bend Section One, according to the map or plat thereof, recorded in Volume 74, Page 37, Plat Records, Travis County, Texas, in the amount of \$151,000. The owner of the needed property

interest is Loghan Pineda a/k/a Loghan Kronos Pineda f/k/a Francisco Pineda. The property is located entirely in District 2, at 7402 Wild Onion Drive, Austin, Texas 78744-6563. 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. 20160204-049 was approved on Council Member Garza's motion, Council Member Houston's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

36. Approve a resolution stating the council's desired purposes for the council committee system. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Delia Garza)
This item was postponed to February 11, 2016 on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Mayor Adler recessed the meeting at 4:19 p.m.

Mayor Adler called the Council Meeting back to order at 5:30 p.m. for Live Music and Proclamations.

LIVE MUSIC

A-Town Get Down

PROCLAMATIONS

Proclamation - National Fire Academy - To be presented by Council Member Ora Houston and to be accepted by Assistant Chief Richard Davis, U.S. Fire Administration

Proclamation - Austin Energy Regional Science Festival - To be presented by Mayor Steve Adler and to be accepted by Elaina Ball, Interim Chief Operating Officer for Austin Energy

Proclamation - Love Your Locals Month - To be presented by Council Member Leslie Pool and to be accepted by Rebecca Melancon, Austin Independent Business Association

Proclamation - African-American Heritage Celebration Day - To be presented by Mayor Steve Adler and to be accepted by TBA – **Not present.**

Proclamation - Summer Send-off - To be presented by Mayor Steve Adler and to be accepted by TBA- **Not present**

Proclamation - Friends of SIMS - To be presented by Mayor Steve Adler and to be accepted by Kyle Ellison

Proclamation - Teen Dating Violence Awareness and Prevention Month - to be presented by Council Member Delia Garza and to be accepted by TBA

Mayor Adler called the Council Meeting back to order at 6:33 p.m.

DISCUSSION ITEMS CONTINUED

9. Adopt a citizen-initiated ordinance, supported by a petition certified sufficient on February 2, to amend the City Code, Chapter 13-2 (Ground Transportation Passenger Services) relating to regulation of Transportation Network Companies (TNCs).
Public comment was heard; no action was taken.
10. Approve an ordinance ordering a municipal election to be held on May 7, 2016, to submit to the voters a proposed citizen-initiated ordinance, certified sufficient on February 2, relating to regulation of Transportation Network Companies; providing for the conduct of the election, including authorizing the City Clerk to enter into joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election; and declaring an emergency.
Public comment was heard; no action was taken.

Mayor Adler adjourned the meeting at 7:52 p.m.

The minutes were approved on this the 11th day of February 2016 on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.