

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, SEPTEMBER 1, 2016**

Invocation: Reverend Rick Diamond, Journey Imperfect Faith Community

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, September 1, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:20 a.m. Council Member Troxclair was absent.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of August 16, 2016, budget work session of August 17, 2016, regular meeting of August 18, 2016, Council discussion of August 19, 2016 and budget work session of August 24, 2016.
The minutes from the Austin City Council work session of August 16, 2016, budget work session of August 17, 2016, regular meeting of August 18, 2016, Council discussion of August 19, 2016 and budget work session of August 24, 2016 were approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
2. Approve an ordinance amending the Fiscal Year 2015-2016 Austin Energy Operating Budget (Ordinance No. 20150908-001) to increase the Austin Energy Operating Fund transfers out by \$14,400,000 and increase total available funds by \$14,400,000 to recognize the proceeds from the sale of the Energy Control Center (ECC) property, and transfer those proceeds to the Utility Revenue Bond – ECC Proceeds Reserve Fund in accordance with Council Resolution No. 20080214-054.
Ordinance No. 20160901-002 was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.
3. Approve issuance of a rebate to KIPP Austin Public Schools, Inc., for the installation of energy efficiency measures at its North Campus located at 8004 Cameron Road, in an amount not to exceed \$60,412. (District 4)
The motion approving the issuance of a rebate to KIPP Austin Public Schools, Inc. was approved on consent on Council Member Pool's motion, Council Member Zimmerman's

second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.

Item 4 was pulled for discussion.

5. Authorize negotiation and execution of an amendment to the professional services agreement with CDM SMITH, INC., to extend the term of the Austin-Bergstrom International Airport Environmental and Engineering Services contract for an estimated period of an additional two years or until authorized funding is expended, at no additional cost to the City, for a total contract amount not to exceed \$1,050,000. (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 11.85% MBE and 21.71% WBE participation to-date.)
The motion authorizing negotiation and execution of an amendment to the professional services agreement with CDM Smith, Inc. was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.
6. Approve an ordinance amending City Code Section 2-1-122 relating to the Building and Standards Commission.
Ordinance No. 20160901-006 was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
7. Authorize negotiation and execution of a 12-month interlocal agreement with the Capital Area Emergency Communication District to reimburse the City in an amount not less than \$589,431 for maintenance of the 9-1-1 emergency telephone system database on a county-wide basis.
The motion authorizing negotiation and execution of an interlocal agreement with Capital Area Emergency Communication District was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
8. Authorize negotiation and execution of a 12-month interlocal agreement with the Capital Area Emergency Communication District to reimburse the City in an amount not less than \$25,000 to maintain Public Safety Answering Points, upgrade and maintain equipment and purchase supplies for the enhanced 9-1-1 emergency telephone system.
The motion authorizing negotiation and execution of an interlocal agreement with the Capital Area Emergency Communication District was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
9. Authorize execution of an interlocal agreement with the City of Lakeway for installation, programming, maintenance, and repair of Lakeway's wireless communications equipment for an initial term ending September 30, 2017, with an estimated amount of \$5,000 payable to the City and with annual automatic renewal terms in the same estimated amount per renewal.
The motion authorizing execution of an interlocal agreement with the City of Lakeway was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.

Item 10 was pulled for discussion.

11. Authorize negotiation and execution of a contract with five social service agencies for community-based social services and capacity building in an amount not to exceed \$350,000, for a 13-month term beginning September 1, 2016, with four 12-month renewal options in an amount not to exceed \$350,000 per renewal option, for a total contract amount not to exceed \$1,750,000.
The motion authorizing negotiation and execution of a contract with five social service agencies was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.
12. Authorize award and execution of a 12-month contract for subscription services for the Austin Public Library with PROQUEST LLC in an amount not to exceed \$89,200.
The motion authorizing award and execution of a contract with Proquest LLC was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.
13. Approve a resolution consenting to the issuance of Multi-family Private Activity Bonds by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, in an amount not to exceed \$25,000,000 to finance, in part, the construction of a multi-family rental development located at 1143 Shady Lane. (District 3)
Resolution No. 20160901-013 was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.

Items 14 through 16 were pulled for discussion.

17. Authorize negotiation and execution of a 6-month contract with DROPCOUNTR, INC, to provide a customizable residential water efficiency, customer engagement and water consumption reporting software in an amount not to exceed \$86,250. (Notes: This contract was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this contract, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with Dropcountr, Inc. was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.
18. Authorize negotiation and execution of a 12-month contract with SIRSI CORPORATION, for maintenance and support of library automation software for collection management, in an amount not to exceed \$143,726, with four 12-month extension options in amounts not to exceed \$136,806 for the first option, \$140,773 for the second option, \$144,856 for the third option, and \$149,056 for the fourth option, for a total contract amount not to exceed \$715,217. (Notes: This contract is exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with Sirsi Corporation was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

19. Authorize negotiation and execution of a 12-month contract with MICROSTRATEGY SERVICES CORPORATION to provide continued software support and maintenance for business intelligence software in an amount not to exceed \$132,500, with four 12-month extension options in an amount not to exceed \$132,500 per extension option, for a total contract amount not to exceed \$662,500. (Notes: This contract is exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with Microstrategy Services Corporation was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.
20. Authorize negotiation and execution of a contract with MUNICIPAL CODE CORPORATION to publish the City's revised Land Development Code in an amount not to exceed \$100,000. (Notes: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with Municipal Code Corporation was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
21. Authorize an amendment to the contract with MYCOFF, FRY & PROUSE, LLC, to provide executive search services to assist in selecting a new General Manager for Austin Energy, for an increase in the amount of \$5,115, for a revised total contract amount not to exceed \$62,115. (Notes: This contract is exempt from the City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing an amendment to the contract with Mycoff, Fry & Prouse, LLC was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

Item 22 was pulled for discussion.

23. Authorize negotiation and execution of a 36-month contract with VERMONT SYSTEMS, INC., to provide hosting, support services and additional modules for the existing recreation management system, in an amount not to exceed \$212,738, with three 12-month extension options in an amount not to exceed \$72,477 for the first option, \$74,972 for the second option, and \$77,301 for the third option, for a total contract amount not to exceed \$437,488. (Notes: This contract is exempt from the City Code Chapter 2-9 D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with Vermont Systems, Inc. was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
24. Authorize negotiation and execution of cost reimbursement agreements for make-ready, construction, and replacement work on utility poles with telecommunication, cable, data, and franchised video-service providers who have infrastructure license agreements with Austin Energy, in a combined amount not to exceed \$1,500,000 per year over a 48-month term, for a total amount not to exceed \$6,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. MBE/WBE goals will be established prior to execution of a contract.)

The motion authorizing negotiation and execution of cost reimbursement agreements with telecommunication, cable, data, and franchised video-service providers who have infrastructure license agreements with Austin Energy was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.

Item 25 was pulled for discussion.

26. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.

The following appointments and waivers were approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.

Nominations

Board/Nominee	Nominated by
Commission on Seniors Emily De Maria Nicola	Mayor Adler
Commission on Veterans Affairs Ramiro Hinojosa	Mayor Adler
Downtown Commission Tracy Witte	Council Member Houston
Bond Election Advisory Task Force Tom Nuckols	Planning Commission Rep.

Intergovernmental Bodies

Travis Central Appraisal District Board of Directors
Approve Resolution No. 20160901-026 reappointing Blanca Zamora-Garcia and Kristoffer Lands to the Travis Central Appraisal District Board of Directors.

Austin Travis County EMS Advisory Board Tracy Dalbosco	Mayor Adler
Housing Authority of the City of Austin Charles Bailey	Mayor Adler
Carl Richie, Jr	Mayor Adler

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Brian Parker on the Water and Wastewater Commission. The waiver includes absences through today's date.

27. Approve an ordinance waiving or reimbursing certain fees for the Cristo Rey Jamaica 2016 event sponsored by Cristo Rey Parish which was held on Sunday, June 12, 2016 at the Cristo Rey Church. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Gregorio Casar CO 2: Council Member Ora Houston CO 3: Mayor Steve Adler CO 4: Council Member Delia Garza)
Ordinance No. 20160901-027 was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
28. Approve a resolution related to addressing mortgage fraud. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Ann Kitchen)
Resolution No. 20160901-028 was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

Item 29 was pulled for discussion.

30. Approve the waiver authorizing payment of certain costs for the Ciclovía Dove Springs event under City Code Chapter 14-8 sponsored by Bike Austin which is to be held Saturday, September 24, 2016 at the Dove Springs Recreation Center. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Gregorio Casar CO 3: Council Member Leslie Pool CO 4: Mayor Steve Adler)
The motion to approve the waiver authorizing payment of certain costs for the Ciclovía Dove Springs event under City Code Chapter 14-8 was approved on consent on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
31. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to require properties zoned historic landmark (H) combining district or historic area (HD) combining district to comply with the City's compatibility standards. (Suggested date and time: September 22, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for September 22, 2016 at 4:00 p.m. at 301 West 2nd Street, Austin, TX on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
32. Set a public hearing to consider an ordinance amending Title 25 of the City Code to require the Historic Landmark Commission's review of demolition applications for structures that are fifty years or older and dedicated to certain civic uses. (Suggested date and time: September 22, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX)
The public hearing was set on consent for September 22, 2016 at 4:00 p.m. at 301 West 2nd Street, Austin, TX on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.
33. Set a public hearing to consider an ordinance approving a Project Consent Agreement waiving provisions of City Code Title 25 to incentivize a significant reduction in development intensity and partial preservation of a 41.04 acre tract of land at 2636 Bliss Spillar Road located within the Barton Springs Zone and allow construction of a commercial development of a 12.08 acre tract of land located at 12501 Hewitt Lane in the City's Desired Development Zone. (Suggested date and time September 22, 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 September 22, 2016 at 4:00 p.m. at 301 West 2nd Street, Austin, TX on Council Member Pool's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.

Items 34 through 36 were Discussion and Possible Action Items.

Item 37 was a Zoning and Neighborhood Plan Amendment (Public Hearings and Possible Action).

Item 38 was a briefing set for 10:30 a.m.

Item 39 through 42 were Executive Session Items.

Item 43 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Items 44 through 51 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

37. C14-2015-0160 - Champions Tract #3 - District 10 - 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 6409 City Park Road (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading approved for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning on June 23, 2016. Vote: 11-0. Owner/Applicant: Champion Assets LTD & Champion Legacy Partners LP (Josie Ellen Champion, Alma Juanita Champion Meier, Margaret Jo Roberson Duff). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Jerry Rusthoven, 512-974-3207.

A motion to postpone the item to September 22, 2016 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.

Mayor Adler recessed the Council Meeting to go into Executive Session at 10:39 a.m.

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.

42. Discuss the appointment and duties of an interim City Manager (Personnel matter - Section 551.074 of the Government Code).

Executive Session ended and Mayor Pro Tem Tovo called the meeting back to order at 11:08 a.m.

DISCUSSION ITEMS

4. Authorize award and execution of a construction contract with GADBERRY CONSTRUCTION COMPANY, INC. for the Historic Rehabilitation of the Oakwood Cemetery Chapel in the amount of \$1,077,250 plus a contingency of \$107,725 for a total contract amount not to exceed

\$1,184,975. (District 1) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 4.15% MBE and 11.76% WBE participation.)

The motion authorizing award and execution of a construction contract with Gadberry Construction Company, Inc. was approved on Council Member Houston's motion, Council Member Pool's second on an 8-1 vote. Council Member Zimmerman voted nay. Mayor Adler was off the dais. Council Member Troxclair was absent.

14. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2016-2017 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer, network and other technology hardware and related maintenance in an amount not to exceed \$22,842,222. (Notes: These contracts will be awarded by a cooperative purchase agreement with the Texas Department Information Resources in accordance with Chapter 2054 of the Texas Government Code.)

The motion authorizing negotiation and execution of various cooperative contracts through the State of Texas Department of Information Resources cooperative purchasing program was approved on Council Member Casar's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

Items 15 and 16 were acted on in a combined motion.

15. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2016-2017 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of computer software and software maintenance and support in an amount not to exceed \$16,686,867. (Notes: These contracts will be awarded by a cooperative purchase agreement with the Texas Department Information Resources in accordance with Chapter 2054 of the Texas Government Code.)

The motion authorizing negotiation and execution of various cooperative contracts through the State of Texas Department of Information Resources cooperative purchasing program was approved on Council Member Renteria's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

16. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2016-2017 through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program for the purchase of technology services in an amount not to exceed \$27,256,144. (Notes: These contracts will be awarded by a cooperative purchase agreement with the Texas Department Information Resources in accordance with Chapter 2054 of the Texas Government Code.)

The motion authorizing negotiation and execution of various cooperative contracts through the State of Texas Department of Information Resources cooperative purchasing program was approved on Council Member Renteria's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

22. Authorize award and execution of a 12-month contract with GRENIER SERVICES COMPANY, LLC, DBA CEDAR PARK OVERHEAD DOORS, to provide overhead door maintenance, repair, and replacement services, in an amount not to exceed \$525,000, with five 12-month extension options in an amount not to exceed \$750,000 per extension option, for a total contract amount not to exceed \$4,275,000. (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 services required for this solicitation, there

was insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing award and execution of a contract with Grenier Services Company, LLC, doing business as Cedar Park Overhead Doors 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 was absent.

CITIZENS COMMUNICATIONS: GENERAL

Carlos León - 1) God, Jesus Christ, and the Holy Spirit are the best, brightest, and mightiest 24/7. 2) Chemtrails belong in Hell, not here in Austin. 3) Losing your marbles Vol. II, No.??

CAROLANNEROSE KENNEDY - GOD BLESS MY UNDERWEAR: A SONG FOR CAPITOL HILLARY.

Susan Morgan - Introduction of Townlake Neighborhood association.

Amanda Royston - City of Austin funding for Austin Club House.

Judi Edwards - Drainage issue in Montopolis neighborhood.

Lovie Edwards - Montopolis flood.

Joyce Statz - Old Quarry Library.

Joe Quintero - Gentrification by the City of Austin Government. – **Not Present.**

Valerie Romness - TBA.

Linda Messier - Public Safety Budget.

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:33 p.m.

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.

39. 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.
40. Discuss legal issues related to a general obligation bond election (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
41. Discuss legal issues related to charging development fees to fund affordable housing (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn without objection.

The Mayor announced that Council would discuss item number 36 on the regular agenda during Executive Session.

36. Discussion and possible action on the Council Budget Concept Menu.

Executive Session ended and Mayor Adler called the Council Meeting back to order at 2:27 p.m.

DISCUSSION ITEMS CONTINUED

25. Authorize negotiation and execution of a 12-month interlocal agreement with THE UNIVERSITY OF TEXAS AT AUSTIN for DNA sequencing for salamanders in an amount not to exceed \$13,000, with two 12-month extension options in an amount not to exceed \$13,000 per transaction option, for a total amount not to exceed \$39,000.

The motion authorizing negotiation and execution of an interlocal agreement with The University of Texas at Austin was approved on Council Member Houston's motion, Council Member Pool's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Gallo abstained. Council Member Troxclair was absent.

10. Approve a resolution regarding Travis County's creation of the Wildhorse Public Improvement District (PID).

A motion to approve the resolution with the following amendments was made by Mayor Adler and seconded by Council Member Zimmerman. The amendments were:

To revise the Be It Resolved clause to read: The City Council does not object to creation of the WildHorse PID.

To revise number two of the Be It Further Resolved clause to read:

2) Subject to paragraph 3) below, reimbursement for the WildHorse Connector Road Phase 1 shall be paid by the City over the ten year period after the first PID bonds are issued with a maximum reimbursement of \$7 million. Such reimbursement shall be reflected in the PID's service and assessment plan, and used to reduce the PID special assessments. The City may prepay at any time without penalty.

To add a new number three to the Be It Further Resolved clause and renumber the remaining sections accordingly:

3) The City's reimbursement for the WildHorse Connector Road Phase 1 shall be contingent upon the City's approval of the developer's commitment to special benefits to be described in the relevant covenants in Travis County's first PID bond issue.

A friendly amendment to revise number three of the Be It Further Resolved clause was made by Council Member Garza and accepted without objection. The amendment was:

"3) The City's reimbursement for the Wildhorse Connector Road Phase 1 shall be contingent upon the City Council's approval of the developer's commitment to special benefits such as but not limited to affordable housing to be described in the relevant covenants in Travis County's first PID bond issue."

Resolution No. 20160901-010 was approved as amended above on Mayor Adler's motion, Council Member Zimmerman's second on an 8-2 vote. Those voting aye were: Mayor Adler, Council Members Casar, Gallo, Garza, Kitchen, Pool, Renteria and Zimmerman.

Those voting nay were: Mayor Pro Tem Tovo and Council Member Houston. Council Member Troxclair was absent.

34. Discussion and possible action on the appointment of an interim City Manager.
The motion approving the appointment of Elaine Hart as interim City Manager was approved on Council Member Houston's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.
35. Discussion and possible action initiating the selection process for appointment of a City Manager.
The presentation was made by Joya Hayes, Director, Human Resources Department.
- Direction was given to staff to proceed with the development of the RFQ for the executive search firm and to include City staff among the stakeholders.**
38. Development Services Update.
The presentation was made by Rodney Gonzales, Director, Development Services Department.
36. Discussion and possible action on the Council Budget Concept Menu.
This item was withdrawn without objection.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:03 p.m. See separate minutes.

Mayor Adler called the Council Meeting back to order at 4:12 p.m.

DISCUSSION ITEMS CONTINUED

46. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code to change regulations related to Subchapter F gross floor area exemptions for garages and carports.
The item was postponed to October 6, 2016 on Council Member Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was absent.
51. Conduct a public hearing and consider an ordinance amending the Imagine Austin Comprehensive Plan.
The item was postponed to October 6, 2016 on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
49. Conduct a public hearing and consider an appeal regarding the Planning Commission's conditions of approval for a Conditional Use Permit for a Late Hours Permit with associated parking setback variance at 615 South Lamar Blvd.
This item was withdrawn at the request of the applicant.
47. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by thinkEAST Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at 1143 Shady Lane. (District 3)
The public hearing was conducted and a motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.

Resolution No. 20160901-047 was approved on Council Member Casar's motion, Council Member Pool's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.

45. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2016-2017.
The public hearing was conducted and a motion to close the public hearing was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Member Gallo was off the dais. Council Member Troxclair was absent.
48. Conduct a public hearing and consider an appeal regarding the Planning Commission's approval of two compatibility waivers for development at 2510 South Congress Avenue (Site Plan No. SP-2015-0300C) (District 3).
This item was postponed to November 3, 2016 on Council Member Houston's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

Mayor Adler recessed the meeting at 5:30 p.m.

LIVE MUSIC

AJ Castillo

PROCLAMATIONS

Proclamation – Blood Cancer Awareness Month—To be presented by Mayor Steve Adler – **Not Present.**

Proclamation – Global March for Elephants and Rhinos—To be presented by Mayor Steve Adler and to be accepted by Kaia Newton and Thyra Rutter

Proclamation – National Parks Service 100th Anniversary—To be presented by Mayor Steve Adler – **Not Present.**

Proclamation – Take a Loved One for a Checkup—To be presented by Council Member Ora Houston

Distinguished Service Award – Anthony Flood retirement—To be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation – Texas Campaign for the Environment—To be presented by Council Member Leslie Pool – **Not Present.**

Certificate of Congratulations – Grant for Technology Opportunities Awardees—To be presented by Mayor Steve Adler and to be accepted by the honorees

Mayor Adler reconvened the meeting at 6:55 p.m.

DISCUSSION ITEMS CONTINUED

50. Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 to establish requirements for tenant notification and tenant relocation assistance for certain multi-family and mobile home projects.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance with the staff recommendations was made by Council Member Renteria and seconded by Mayor Pro Tem Tovo. The staff recommendations were:

To revise Section 25-1-712 (C) to add a new paragraph (3) to read: “be on a form provided by the director, which shall be uniform for all applicants except that the director may require an additional language as provided under Paragraph (2).”

To revise Section 25-1-712 (C)(2)(h) and replace the period with a semicolon and add the word “and”.

To revise Section 25-1-712 (C)(1)(b) to read:

(b) to all units:

- (i) proposed for demolition in a multi-family building under a permit application for which notice is required under Subsection (A)(1) of this section; or**
 - (ii) located in a mobile home park included in a rezone, change of use, or site plan application for which notice is required under Subsection (A)(2)-(3) of this section;**
- and**

To revise Section 25-1-714(B)(2)(a)(ii) to read: “reside at the property on the date that the initial notification required under Section 25-1-712(B) (Tenant Notification Required) is delivered;”

To revise Section 25-1-714 (B)(1) to read: “Tenant Relocation Fee. The program must include a methodology to be used by the director in recommending to the city council the amount of the fee required under Section 25-1-715 (Tenant Relocation Assistance – Developer Funded). The methodology shall include a nexus study that accounts for the impacts of displacement to tenant communities directly affected by multifamily redevelopment and to the community as a whole. The fee shall be consistently calculated and uniformly applied, but may vary based on number of units, bedrooms, and other objective criteria identified by the nexus study.”

To revise Section 25-1-715 (A)(2) to read: “a rezone or other discretionary land use approval that requires approval by the city council and is reasonably likely to result in tenant displacement, unless waived by the city council.”

To revise Section 25-1-715(B) to read: “The director shall deposit a fee imposed under this section into the Developer Fund for Tenant Relocation Assistance, which is established under this section. The director shall use the fund to provide tenant relocation assistance to eligible tenants at the development or site for which the payment was made, consistent with requirements adopted under Section 25-1-714 (Tenant Relocation Program).”

To revise Section 25-2-283(F) to read: “Unless authorized by a resolution of the council, the director of the Planning and Zoning Department may not schedule a zoning or rezoning ordinance for third reading by the council until:...”

A motion to amend the ordinance as follows was made by Mayor Adler and accepted without objection. The amendments were:

To add a new Part 10 (uncodified) and renumber the remaining parts accordingly:

PART 10. In preparing the nexus study and developing a recommended relocation fee, as required by this ordinance, the city manager is directed to continue stakeholder review and discussion regarding each of the issues listed below. The city manager may, as deemed appropriate, propose additional code amendments related to any or all of these issues and present the amendments to the City Council for consideration, without further initiation, concurrent with an ordinance establishing the proposed relocation assistance fee.

- **Penalties and enforcement.** The city manager should seek input on whether the penalty amount required by Section 25-1-717 (Offenses) should be calculated based on the number individual units for which notice is required or whether it should be limited to the total number of multi-family buildings or mobile home parks included in the permit application that triggers the notice requirement. The manager should also seek input on whether or not proof of a culpable mental state should be required to prosecute a violation.
- **Relocation assistance fee.** After completing the nexus study, the city manager should seek input regarding calculation of the relocation assistance fee prior to recommending a fee amount to the City Council. The input may include, but need not be limited to, whether relocation assistance should be required for some or all “by-right” redevelopment projects that do not require a rezone or other discretionary approval.”

To revise Section 25-1-717 (B) (Offenses) to read: “Each offense is punishable by a fine not to exceed \$500 and requires proof of a culpable mental state.”

To revise Section 25-1-717 (A) (Offenses) to read: “A person commits an offense if the person fails to deliver the notification required under Section 25-1-712 (Tenant Notification Required) or Section 25-1-713 (Additional Notification Requirements) to one or more units within a multi-family building or mobile home park. A person commits a separate offense for each day the person fails to deliver required notification to an individual unit within a multi-family building or mobile home park for which notification is required.”

A motion to revise Section 25-1-714(B)(2)(a) failed on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 2-8 vote. Those voting aye were: Council Members Gallo and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Council Member Troxclair was absent. The amendment was to revise the section to read: “(iv) for rental assistance to be paid under Section 25-1-715 (Tenant Relocation Assistance – Developer Funded), must not be in arrears on rent by more than 45 days or residing on the premises in violation of a properly issued eviction order; and”.

A motion to revise Section 25-1-714(B)(2)(a) failed on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 2-8 vote. Those voting aye were: Council Members Gallo and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Council Member Troxclair was absent. The amendment was to add a new paragraph to read: “(iii)

have a valid lease with a lease term that ends on or after the last day of the notification period required under Section 25-1-712 (Tenant Relocation Notification); and”.

Direction was given to staff to provide Council with information on why a fiscal note was not required.

Ordinance No. 20160901-050 was approved as amended above on Council Member Renteria’s motion, Mayor Pro Tem Tovo’s second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

29. Approve a resolution requiring that any future incentive program for expedited permit review include worker protection standards for nonresidential projects. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Gregorio Casar CO 3: Council Member Leslie Pool)
A motion to approve the item was made by Council Member Kitchen and seconded by Council Member Casar.

A motion to include the following amendments was made by Mayor Adler and accepted without objection:

- To revise the fifth bullet under the Be It Resolved clause to read: “A local (MSA) hiring goal for project owners to ensure commercially reasonable efforts are made to recruit 30% of the total workforce hours performed from local DOL-registered apprenticeship programs or bilingual craft training programs that offer instruction at zero or nominal costs to the work; and”
- To revise the Be It Further Resolved clause to read: The City Manager is directed to develop program guidelines for this process to ensure there is a fair system for compliance for participating developers and their construction contractors and subcontractors; to establish the funding and process for approving a qualified pool of third-party monitors selected through a competitive process; and to establish the scope, scale and type of projects to which the standards will apply. The City Manager is directed to present these program guidelines back to the City Council within 30 days for review and for any further direction.”
- Revise the last sentence in Be It Further Resolved clause to read: “The City Manager is directed to present these program guidelines back to the City Council within 60 days for review and for any further direction.”

Resolution No. 20160901-029 was approved as amended above on Council Member Kitchen’s motion, Council Member Casar’s second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

44. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2016-2017 Proposed Budget.
The public hearing was conducted and a motion to close the public hearing was approved on Council Member Zimmerman’s motion, Council Member Renteria’s second on a 9-0 vote. Council Member Gallo was off the dais. Council Member Troxclair was absent.

Mayor Adler adjourned the meeting at 9:58 p.m. without objection.

The minutes were approved on this the 22nd day of September 2016 on Council Member Zimmerman’s motion, Council Member Gallo’s second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.