

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 7, 2015**

Invocation: Rev. Sam Mata, Shoreline 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, May 7, 2015 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.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of April 21, 2015, budget work session of April 22, 2015 and regular meeting of April 23, 2015.
The minutes from the City Council work session of April 21, 2015, budget work session of April 22, 2015 and regular meeting of April 23, 2015 were approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.
2. Authorize the negotiation and execution of a three-year membership agreement with the ELECTRIC POWER RESEARCH INSTITUTE for research programs related to grid-connected battery storage, smart grid technologies, and more efficient transmission, distribution, and generation operations, in an amount not to exceed \$1,200,000.
The motion authorizing the negotiation and execution of a membership agreement with the Electric Power Research Institute was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.
3. Approve an ordinance amending City Code Chapter 6-5 relating to marine toilet requirements.
Ordinance No. 20150507-003 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.
4. Approve an ordinance authorizing acceptance of \$183,906 in grant funds from the Texas Department of State Health Services, and amending the Fiscal Year 2014-2015 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$183,906 for Ebola preparedness and response.
Ordinance No. 20150507-004 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.

5. Approve an ordinance authorizing acceptance of \$53,250 in grant funds from the Texas Department of Public Safety, and amending the Fiscal Year 2014-2015 Management Services Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$53,250 for updating the hazard mitigation plan.
Ordinance No. 20150507-005 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.
6. Approve an ordinance vacating approximately 4,646 square feet of an unnamed street located between South 1st Street and South 2nd Street (adjacent to 900 South 1st Street); approximately 5,996 square feet of South 2nd Street; and approximately 2,184 square feet of an alley north of Copeland Street, between South 1st Street and South 2nd Street, to 1ST STREET HIGHLANDS, LP, for the appraised value of \$137,838, subject to retaining public utility easements, a waterline easement, relocation of utilities at the developer's expense, and concurrent dedication by plat of new right-of-way (District 9). Related to Item #7.
This item was withdrawn on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.
7. Approve an ordinance vacating approximately 8,200 square feet of the unconstructed Christopher Street right-of-way (adjacent to 1000 South 2nd Street) to 1ST STREET HIGHLANDS, LP, for the appraised value of \$35,274, subject to retaining public utility easements, a waterline easement, relocation of utilities at the developer's expense, and concurrent dedication by plat of new right-of-way (District 9). Related to Item #6.
This item was withdrawn on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.
8. Approve a resolution concerning re-naming the Austin Tennis Center, located at 7800 Johnny Morris Road (District 1).
Resolution No. 20150507-008 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Gallo was absent.
9. Approve an ordinance amending the Fiscal Year 2014-2015 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to accept and appropriate \$30,000 in grant funds from the National Recreation and Park Association to provide nutrition information, to implement nutrition and physical activity standards, and to promote programs that will lead to more sustainable meals.
Ordinance No. 20150507-009 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.
10. Approve a resolution waiving the requirements of Resolution No. 980312-25; and authorize negotiation and execution of a park concession service agreement with the Austin Parks Foundation for food and beverage concession service at 1006 Congress Avenue.
Resolution No. 20150507-010 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.

Item 11 was set for a time certain of 3:00 p.m.

Items 12 through 14 were pulled for discussion.

15. Authorize award and execution of a 36-month supply contract with COMMUNITY TRUCKING LLC to provide dry rock rip rap in an amount not to exceed \$438,315, with three 12-month extension options in an amount not to exceed \$146,105 per extension option, for a total contract amount not to exceed \$876,630. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a supply contract with Community Trucking LLC was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.

Items 16 through 18 were pulled for discussion.

19. Approve an ordinance accepting \$102,300 in grant funds from the AMERICAN PLANNING ASSOCIATION TEXAS CHAPTER; and amending the Fiscal Year 2014-2015 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$102,300 for the implementation of a pilot project to improve accessibility to healthcare, nutritious food, and physical activity in the communities of North Central Austin.
Ordinance No. 20150507-019 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.
20. Approve a resolution to designate alternates for the City of Austin council members serving on the Capital Area Metropolitan Planning Organization Transportation Policy Board.
Resolution No. 20150507-020 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.
21. Approve a resolution authorizing issuance by Northtown Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2015, in a principal amount not to exceed \$8,740,000; and approving a substantial draft of the District's Bond Resolution and Preliminary Official Statement.
Resolution No. 20150507-021 was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.

Items 22 and 23 were pulled for discussion.

24. Authorize reimbursement of certain costs under City Code Chapter 14-8 for the Children's Climate March sponsored by Junior Girl Scout Troop 471, which was held on Saturday, April 25, 2015. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Gregorio Casar CO 2: Council Member Leslie Pool CO 3: Council Member Ann Kitchen)
The motion authorizing the reimbursement of certain costs for the Children's Climate March was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Gallo was absent.
25. Approve the waiver or reimbursement of certain fees and waiver of certain requirements under City Code Chapter 14-8 for the Texas Peace Officer Memorial Foundation's biennial Memorial Service and Parade sponsored by the Texas Peace Officer Memorial Foundation which was held Monday, May 4, 2015 beginning at the Ann W. Richards Congress Avenue Bridge and ending at the Texas State Capitol Building. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Delia Garza CO 2: Council Member Sabino "Pio" Renteria CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Ann Kitchen)
The motion to approve the waiver or reimbursement of certain fees and waiver of certain requirements for the Texas Peace Officer Memorial Foundation's biennial Memorial Service and Parade was approved on consent on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.

Item 26 was set for a time certain of 4:00 p.m.

Item 27 was set for a time certain of 6:30 p.m.

Item 28 was pulled for discussion.

29. Set a public hearing to consider an ordinance amending the Restricted Parking Area Map under City Code Section 12-5-29 by adding two new areas, Highland Park West Balcones Area Neighborhood Association (District 10) and Southeast Combined Neighborhood Planning Area (District 2). (Suggested date and time: June 4, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 4, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.

30. Set a public hearing to consider a request by E.T.B., Inc. d/b/a CVS Pharmacy, located at 1801 and 1813 W. Parmer Lane (District 7), for a waiver of the distance requirement in City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school. (Suggested date and time: June 4, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 4, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.

31. Set a public hearing to consider the expansion of the Austin Downtown Public Improvement District by adding one parcel of land located at 500 West 2nd Street (District 9) as requested by the property owner. (Suggested date and time: June 4, 2015, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for June 4, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.

32. Set a public hearing and consider an ordinance regarding ATMOS Energy Corporation's proposal to increase customers' gas rates. (Suggested date and time May 21, 2015; 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX)

The public hearing was set on consent for May 21, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Casar's second on a 10-0 vote. Council Member Gallo was absent.

Item 33 and 34 were items referred from Council Committees.

Items 35 through 37 were Executive Session items.

Items 38 through 46 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

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

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Antonio Buehler on the Public Safety Commission.

There was a motion made by Council Member Zimmerman and seconded by Council Member Casar to approve the waiver of residency for the service of Antonio Buehler. The motion failed on a vote of 3-5. Those voting aye were: Council Members Casar, Troxclair and Zimmerman. Those voting nay were: Mayor Adler and Council Members Garza, Houston, Kitchen and Renteria. Mayor Pro Tem Tovo and Council Member Pool abstained. Council Member Gallo was absent.

The following waivers for the filing deadline for the statement of financial information and appointment of Dominique Bowman were acted on in a combined motion.

Approve a waiver of the filing deadline for the statement of financial information as prescribed in Sections 2-1-25 and 2-7-72 of the City Code and establishing a new deadline of Friday, May 22, 2015.

There was a motion made by Council Member Pool and seconded by Mayor Pro Tem Tovo to approve a waiver of the filing deadline for the statement of financial information. The motion passed on a vote of 10-0. Council Member Gallo was absent.

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Dominique Bowman. The waiver allows her simultaneous service on the Sustainable Food Policy Board and the Robert Mueller Municipal Airport Plan Implementation Commission.

There was a motion made by Council Member Pool and seconded by Mayor Pro Tem Tovo to approve the waiver of the requirement for the appointment of Dominique Bowman to allow simultaneous service on the Sustainable Food Policy Board and the Robert Mueller Municipal Airport Plan Implementation Commission. The motion passed on a vote of 10-0. Council Member Gallo was absent.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Aletta Banks on the Asian American Quality of Life Commission.

There was a motion made by Council Member Pool and seconded by Mayor Pro Tem Tovo to approve the waiver of the residency requirement for Aletta Banks. The motion was approved on an 8-0 vote. Council Members Houston and Renteria abstained. Council Member Gallo was absent.

There was a motion made by Council Member Zimmerman and seconded by Council Member Houston to approve the nominees.

There was an amendment made by Council Member Houston and seconded by Council Member Garza to postpone the appointment of Jaime Mendoza to the Commission on Immigrant Affairs and Mackenzie Kelly to the Commission for Women.

The following appointments were approved on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent. Council Members Casar and Garza abstained on the appointments of Paul Martin to the Airport Advisory Commission, Michael Benaglio to the Board of Adjustment, David Gray to the Commission on Seniors and Tim Miller to the Human Rights Commission.

Nominations

Board/Nominee

Nominated by

Building & Standards Commission (temporary appt)

Wordy Thompson

Mayor Adler

Airport Advisory Commission

REGULAR COUNCIL MINUTES

THURSDAY, MAY 7, 2015

Paul Martin

Council Member Zimmerman

Airport Advisory Commission

Stephanie Trinh

Council Member Houston

Animal Advisory Commission

Isabel Mier

Council Member Renteria

Asian American Quality of Life Commission

Aletta Banks

Council Member Pool

Board of Adjustment

Michael Benaglio

Council Member Zimmerman

Board of Adjustment

Vincent Harding

Council Member Houston

Commission on Seniors

David Gray

Council Member Zimmerman

Design Commission

Heyden Black Walker

Council Member Pool

Economic Prosperity Commission

John M. King

Council Member Pool

Economic Prosperity Commission

Marina Bhargava

Council Member Houston

Electric Utility Commission

Derrick Norris

Council Member Houston

Environmental Commission

Channy Soeur

Council Member Houston

Ethics Review Commission

Donna Beth McCormick

Council Member Renteria

Ethics Review Commission

J. Michael Ohueri

Council Member Houston

Historic Landmark Commission

Terri Myers

Council Member Pool

Human Rights Commission

Tim Miller

Council Member Zimmerman

Human Rights Commission

Kristian Caballero

Council Member Houston

Library Commission

Emily Hersh

Council Member Casar

Music Commission

Elizabeth McQueen

Council Member Pool

Planning Commission

Nuria Zaragoza

Council Member Pool

Planning Commission

Trinity White

Council Member Houston

Planning Commission

Jose Vela III

Council Member Casar

Public Safety Commission

Sam Holt

Council Member Houston

Robert Mueller Municipal Airport Plan
Implementation Advisory Commission

Dominique Bowman

Council Member Houston

Water and Wastewater Commission

Marvin Chaney

Council Member Houston

Zoning & Platting Commission

Louisa Brinsmade

Council Member Houston

Zoning & Platting Commission

Dr. Dustin Breithaupt

Council Member Renteria

Austin Integrated Water ResourcePlanning Community Task Force

Clint Dawson

Council Member Houston

Task Force on Community Engagement

Margarita Decierdo

Council Member Houston

There was a motion made by Council Member Houston and seconded by Council Member Zimmerman to approve the appointment of Mackenzie Kelly to the Commission for Women. The motion was approved on a vote of 8-0. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Houston, Kitchen, Pool, Renteria, Troxclair and Zimmerman. Those voting nay were: Council Members Casar and Garza abstained. Council member Gallo was absent.

There was a motion made by Mayor Adler to postpone the appointment of Jaime Mendoza to the Commission on Immigrant Affairs. The motion failed on a vote of 1-9. Mayor Adler voted aye. Council Member Gallo was absent.

There was a motion made by Council Member Zimmerman and seconded by Council Member Troxclair to approve the appointment of Jaime Mendoza to the Commission on Immigrant Affairs. The motion failed on a vote of 2-5. Those voting aye were: Council Members Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Houston, Kitchen, and Renteria. Council Members Casar and Garza and Pool abstained. Council member Gallo was absent.

CITIZEN COMMUNICATIONS: GENERAL

Pat Johnson - When will the abuse of the public cease to exist by APD's wrecker enforcement unit?

Carlos León - 1) God, Jesus Christ & The Holy Spirit are #1 24/7. 2) Chemtrail poisons have no space in Austin's skies 3) Losing your marbles- Part VIII

Susana Almanza - Purchase the Pure Casting Facility at 2110 E. 4th Street. Help mitigate gentrification by building affordable housing.

John King - Engaging young professionals in board & commission service.

Don Grant - Re-entry housing for individuals on parole in community

David Leonard - The closing of City pools **Not present when name was called.**

Eric Bell - Community activism; the need for more youth after-school programs

Renee Smith - The struggles of people with felony convictions

Sara Black - APD give back \$382,000 in blood money from Treasury. **Not present when name was called.**

CAROLANNROSEKENNEDY - THE 10 COMMENDMENTS

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.

35. 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.
36. Discuss legal issues related to legislation pending in the 84th Texas Legislative Session and pertaining to Austin Energy (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
37. Discuss matters related to large primary and transmission electric customers (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).
This item was withdrawn without objection.

DISCUSSION ITEMS CONTINUED

12. Approve a resolution authorizing the City Manager to include a partial exemption from ad valorem taxes for certain historically-designated properties in budget calculations for the coming year to provide this resolution to the Austin Independent School District, and to prepare an ordinance approving these partial exemptions to be considered by Council concurrently with the annual tax levy.
Resolution No. 20150507-012 was approved without objection on an 8-0 vote. Council Members Kitchen and Renteria were off the dais. Council Member Gallo was absent.
13. Approve a resolution authorizing the application for and acceptance of \$573,246 in grant funding from the Texas Automobile Burglary and Theft Prevention Authority.
Resolution No. 20150507-013 was approved without objection on a 7-0 vote. Mayor Pro Tem Tovo and Council Members Casar, Kitchen and Renteria were off the dais.
14. Authorize award, negotiation, and execution of an 18-month contract with ORANGEBOY, INC. to provide customer research and data assessment services for the Austin Public Library in an amount not to exceed \$97,500, with four 12-month extension options in an amount not to exceed \$45,000 per extension option, for a total contract amount not to exceed \$277,500. (Notes: The contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority-Owned and Women-Owned Business Enterprise Procurement Program.)
There was a motion made by Council Member Zimmerman and seconded by Council Member Gallo to refer the item to a council committee. The motion failed on a vote of 2-7. Those voting aye were: Council Members Gallo and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Garza, Kitchen, Pool, Renteria and Troxclair. Council Members Casar and Houston were off the dais.

The motion authorizing the award, negotiation and execution of a contract with Orangeboy, Inc. was approved on Council Member Pool's motion, Council Member Garza's second on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Garza, Kitchen, Pool, Renteria and Troxclair. Those voting nay were: Council Members Gallo and Zimmerman. Council Members Casar and Houston.
16. Authorize award, negotiation, and execution of a 12-month service contract with UNISYS CORPORATION to provide professional services for the migration of legacy systems into the Application Management and Data Automation case management software system and for the expansion of online services for citizens in an amount not to exceed \$648,500. (Notes: The contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)
There was a motion made by Council Member Zimmerman to refer the item to a council committee. The motion died for lack of a second.

The motion authorizing the award, negotiation and execution of a service contract with Unisys Corporation was approved on Council Member Gallo's motion, Council Member Casar's second on a 10-0 vote. Council Member Houston was off the dais.
17. Authorize award, negotiation and execution of a 12-month service contract with HP ENTERPRISE SERVICES, LLC, or with another qualified respondent to Request for Proposals No. SMW0122, to provide consulting services for the relocation of the City's primary data center in an amount not to exceed \$400,000, with one 12-month extension option in an amount not to exceed \$900,000, for a total contract amount not to exceed \$1,300,000. (Notes: The 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.)
There was a motion made by Council Member Zimmerman and seconded by Council Member Troxclair to authorize the award, negotiation and execution of a service contract with HP Enterprise Services, LLC in an amount not to exceed \$400,000. The motion failed on a vote of 2-8.

Those voting aye were: Council Members Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Kitchen, Pool and Renteria.

The motion authorizing the award, negotiation and execution of a service contract with HP Enterprise Services, LLC was approved on Council Member Garza's motion, Council Member Renteria's second on a 9-1. Council Member Zimmerman voted nay. Council Member Houston was off the dais.

18. Authorize award and execution of a 12-month supply and service contract with MIDWEST TAPE, LLC, or the other qualified bidder for Invitation for Bid-Best Value No. EAD0609, to provide DVD and Blu-Ray acquisitions, cataloging, and processing for the Austin Public Library Department in an amount not to exceed \$626,000, with five 12-month extension options in an amount not to exceed \$626,000 for each extension option, for a total contract amount not to exceed \$3,756,000. (Notes: The contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a supply and service contract with Midwest Tape, LLC was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-1 vote. Council Member Zimmerman voted nay.

28. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the Cristo Rey event honoring veterans, sponsored by Cristo Rey Parish, which is to be held Sunday, July 12, 2015 at Fiesta Gardens. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Delia Garza CO 4: Council Member Gregorio Casar)

Ordinance No. 20150507-028 was approved on Council Member Zimmerman's motion, Council Member Renteria's second on an 11-0 vote. Council Members Gallo and Pool requested to be listed as additional co-sponsors.

ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S)

33. Authorize additional funding for construction of a previously executed advance funding agreement between the City of Austin and the Texas Department of Transportation for the construction of highway improvements and bicycle and pedestrian bridge over Barton Creek at Mopac, in the amount of \$1,000,000. (Notes: Public Works)

The motion authorizing additional funding for construction of a previously executed advance funding agreement between the City of Austin and the Texas Department of Transportation was approved on Council Member Gallo's motion, Council Member Garza's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

23. Approve an ordinance amending City Code Chapter 2-1 relating to the Robert Mueller Municipal Airport Plan Implementation Advisory Commission. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Don Zimmerman CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Ora Houston CO 4: Council Member Gregorio Casar)

There was a motion made by Mayor Pro Tem Tovo and seconded by Council Member Pool to approve the ordinance.

There was an amendment made by Mayor Adler and seconded by Council Member Troxclair to approve the ordinance with the following amendments. The amendment failed on a vote of 5-6. Those voting aye were: Mayor Adler and Council Members Gallo, Renteria, Troxclair and

Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen and Pool.

The amendments were to have Part 1(A)(1) and (2)(a)-(c) read as follows.

- (1) "Each member must reside, rent, work or own property or a business in:"**
- (2) "The following experts are exempt from the requirements in subsection (A)(1):**
 - (a) A real estate developer or professional;**
 - (b) A commercial finance professional;**
 - (c) A business representative;**
 - (d) An urban design professional;"**

Ordinance No. 20150507-023 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 8-3 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen, Pool, Renteria and Zimmerman. Those voting nay were: Mayor Adler and Council Members Gallo and Troxclair.

Mayor Adler recessed the Council Meeting at 2:47 p.m.

Mayor Adler called the Council Meeting back to order at 3:20 p.m.

DISCUSSION ITEMS CONTINUED

11. Approve an ordinance adopting and authorizing execution of an Impervious Cover Transfer Agreement associated with a 5.92 acre property located at 6308 Spicewood Springs Road known as Ace Salvage Yard and Ace Discount Glass (contiguous to District 10). Related to Item #34.

The first reading of the ordinance was approved on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Garza was off the dais.

ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S) CONTINUED

34. Consider a recommendation on an impervious cover transfer agreement associated with a 5.92 acre property located at 6308 Spicewood Springs Road known as Ace Salvage Yard and Ace Discount Glass. Related to Item #11.

This item was withdrawn without objection.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

Items 38 through 41 were acted on in a combined motion

38. Conduct a public hearing and consider an ordinance amending City Code Title 25 to limit the redevelopment of existing small (substandard) lots that are developed as a single building site.
This item was postponed to June 18, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was off the dais.
39. Conduct a public hearing and consider an ordinance amending City Code Title 25 changing regulations for secondary dwellings.
This item was postponed to June 18, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was off the dais.
40. 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 postponed to May 14, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was off the dais.

41. 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.
This item was postponed to August 6, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was off the dais.

Mayor Adler recessed the Council Meeting for Live Music and Proclamation at 5:31 p.m.

LIVE MUSIC

Kiko Villamizar

PROCLAMATIONS

Proclamation -- Mental Health Month -- to be presented by Mayor Steve Adler and to be accepted by Christinia Kuehn

Certificates of Congratulations -- Austin Academic World Quest Winners -- to be presented by Mayor Steve Adler and to be accepted by the honorees

Proclamation -- Fair Housing Month -- to be presented by Mayor Steve Adler and to be accepted by Jonathan Babiak

Certificates of Appreciation -- Public Service Recognition Week -- to be presented by Mayor Steve Adler and City Manager Marc Ott and to be accepted by City of Austin Department honorees

Proclamation -- Internal Audit Week -- to be presented by Mayor Steve Adler and to be accepted by John Spann

Proclamation -- Salvation Army Week -- to be presented by Mayor Steve Adler and to be accepted by TBA

Proclamation -- National Bike Month, Bike to School Day and Bike to Work Day -- to be presented by Council Member Ann Kitchen and to be accepted by Miller Nuttel

Mayor Adler called the Council Meeting back to order at 7:00 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

46. Conduct a public hearing and consider an appeal of a decision of the Building & Fire Code Board of Appeals to uphold the issuance of a building permit relating to property located at 3100 Highland Terrace West (District 10).
This item was postponed to May 14, 2015 on Council Member Casar's motion, Council Member Pool's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

27. Approve a resolution directing the City Manager to establish a working group to address disparate health outcomes among members of the community and to coordinate with the working group to develop an equity assessment tool to address racial disparity and foster equity throughout the City and during the

budget process. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Gregorio Casar CO 2: Council Member Leslie Pool CO 3: Mayor Pro Tem Kathie Tovo CO 4: Mayor Steve Adler) **Resolution No. 20150507-027 was approved on Council Member Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Zimmerman abstained.**

DISCUSSION ITEMS CONTINUED

26. Approve a resolution related to the Capital Area Metropolitan Planning Organization 2040 Plan. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ann Kitchen CO 2: Council Member Leslie Pool CO 3: Council Member Gregorio Casar CO 4: Council Member Delia Garza)
There was a motion made by Council Member Pool and seconded by Mayor Pro Tem Tovo to approve the resolution with the following amendment.

The amendment was to have the resolution read as follows.

“Whereas, the proposed Capital Area Metropolitan Planning Organization (CAMPO) 2040 Regional Transportation Plan includes a series of expansions and improvements to MoPac Expressway (MoPac) and State Highway 45 SW (SH 45 SW) that taken together, constitute a single project effectively transforming MoPac from a local commuter highway into a western alternative bypass loop for Interstate 35 traffic; and

Whereas, the CAMPO long-range regional transportation plan has included the addition of one managed lane in each direction at the existing deck level on MoPac between Cesar Chavez Boulevard and Slaughter Lane; and

Whereas, the Central Texas Regional Mobility Authority (CTRMA) has proposed doubling these lanes in the CAMPO 2040 plan on MoPac between Cesar Chavez Boulevard and Slaughter Lane, and the proposed increase from one to two lanes in each direction represents a significant diversion from the 2035 plan; and

Whereas, this proposed project includes the addition of more than a mile of elevated lanes above the existing deck that would cross Lady Bird Lake and Zilker Park and converge with Cesar Chavez Boulevard traffic adjacent to Austin High School; and

Whereas, on March 31, 2015, a diverse coalition of more than 250 Austin and Rollingwood residents, environmental activists, and parents of Austin High School students attended a community forum to discuss the proposed regional transportation plan amendment and expressed concerns about the proposed MoPac expansion and Lady Bird Lake crossing; and

Whereas, on April 1, 2015, the Austin Transportation Department issued a memo expressing “serious concerns regarding the technical feasibility of the project and the evaluation of the impacts of the project on connecting roadways, as well as the environmental implications of the surrounding area,”; and

Whereas, this proposed project is located entirely within the City of Austin and poses significant negative impacts to both Zilker Park and Auditorium Shores, two of Austin's premier public amenities, and the City Council should be given the opportunity to understand and evaluate any potential negative impacts; and

Whereas, through Resolution 20140515-063 City Council requested a comprehensive study of financial, transportation, and environmental impacts, along with a study of transportation alternatives to proposed expansions and improvements to MoPac, from the southern terminus of MoPac to Cesar Chavez, prior to taking further steps to build SH 45 SW or expand South MoPac; and

Whereas, this study has not yet been conducted and should be coordinated among the relevant entities; and

Whereas, on May 11, 2015, the CAMPO Transportation Policy Board is scheduled to vote on the adoption of the CAMPO 2040 Regional Transportation Plan, which includes items relating to the proposed expansions of MoPac from Cesar Chavez to the southern terminus as well as the proposed construction of SH 45 SW from Mopac to Interstate 35; and

Whereas, the City Council supports CTRMA's stated desire to continue studying all transportation alternatives for the South MoPac corridor, including configurations that include two-lane, one-lane, and no build options, before reaching a final decision; and

Whereas, an affirmative vote by the CAMPO Transportation Policy Board at the upcoming May 11, 2015, meeting approving the 2040 Regional Transportation Plan that officially expands the MoPac South project to two managed lanes in each direction would preclude the need for an additional vote by the CAMPO Transportation Policy Board; and

Whereas, the ongoing professional review and community discussions will inform the development and consideration of alternatives; and

Whereas, maintaining the MoPac South project to reflect one-lane in each direction until further study is completed preserves the ability for City Council Members that sit on the CAMPO Regional Transportation Policy Board to officially vote on a potential increase of lanes to the project through a formal plan amendment that can be presented later NOW, THEREFORE,

Be it Resolved by the City Council of the City of Austin:

The City Manager, in collaboration with Travis County, CTRMA, and Rollingwood, is directed to conduct an analysis of the transportation and environmental impacts of the proposed MoPac expansion and related flyovers on Cesar Chavez Boulevard, West 5th Street, Austin High School, Zilker Park, Lady Bird Lake, and adjacent neighborhoods.

Be it Further Resolved:

The City Manager is directed to provide a report on a range of alternatives to the proposed expansion of managed lanes on MoPac between Cesar Chavez Boulevard and Slaughter Lane to the Mobility Committee of the City Council no later than June 2015.

Be it Further Resolved:

The City of Austin requests that the CAMPO Transportation Policy Board adopt language in the CAMPO 2040 Regional Transportation Plan that

- (1) reflects the language adopted in the CAMPO 2035 Regional Transportation Plan, and
- (2) states the intention to study all options for the proposed expansion of managed lanes on MoPac between Cesar Chavez Blvd and Slaughter Lane – one express lane in either direction and no-build, as well as two express lanes.

Be it Further Resolved:

The City of Austin directs the City Manager to request this approach to preserve the ability for the CAMPO Transportation Policy Board to approve the appropriate configuration after completing and basing the decision on a thorough environmental, traffic, and funding study and analysis.”

There was substitute motion made by Council Member Zimmerman and seconded by Council Member Renteria to approve Ordinance No. 20150507-026 with the following amendment. The motion passed on a vote of 9-2. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and

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

The amendment was to have the resolution read as follows.

“Whereas, the proposed Capital Area Metropolitan Planning Organization (CAMPO) 2040 Regional Transportation Plan includes a series of expansions and improvements to MoPac Expressway (MoPac); and

Whereas, the CAMPO 2035 long-range regional transportation plan has included the addition of one managed lane in each direction at the existing deck level on MoPac between Cesar Chavez Boulevard and Slaughter Lane; and

Whereas, the Central Texas Regional Mobility Authority (CTRMA) has proposed doubling these lanes in the CAMPO 2040 plan on MoPac between Cesar Chavez Boulevard and Slaughter Lane, and the proposed increase from one to two lanes in each direction represents a significant diversion from the 2035 plan; and

Whereas, this proposed project could include the addition of more than a mile of elevated lanes above the existing deck that would cross Lady Bird Lake and Zilker Park and converge with Cesar Chavez Boulevard traffic adjacent to Austin High School; and

Whereas, on March 31, 2015, a diverse coalition of more than 250 Austin and Rollingwood residents, environmental activists, and parents of Austin High School students attended a community forum to discuss the proposed regional transportation plan amendment and expressed concerns about the proposed MoPac expansion and Lady Bird Lake crossing; and

Whereas, on April 1, 2015, the Austin Transportation Department issued a memo expressing “serious concerns regarding the technical feasibility of the project and the evaluation of the impacts of the project on connecting roadways, as well as the environmental implications of the surrounding area,”; and

Whereas, this proposed project is located entirely within the City of Austin and could pose significant negative impacts to both Zilker Park and Auditorium Shores, two of Austin’s premier public amenities, and the City Council should be given the opportunity to understand and evaluate any potential negative impacts; and

Whereas, through Resolution 20140515-063 City Council requested a comprehensive study of financial, transportation, and environmental impacts, along with a study of transportation alternatives to proposed expansions and improvements to MoPac, from the southern terminus of MoPac to Cesar Chavez, prior to taking further steps to build SH 45 SW or expand South MoPac; and

Whereas, on May 11, 2015, the CAMPO Transportation Policy Board is scheduled to vote on the adoption of the CAMPO 2040 Regional Transportation Plan, which includes items relating to the proposed expansions of MoPac from Cesar Chavez to the southern terminus as well as the proposed construction of SH 45 SW from MoPac to Interstate 35; and

Whereas, the City Council supports CTRMA’s stated desire to continue studying all transportation alternatives for the South MoPac corridor, including configurations that include two-lane, one-lane, and no build options, before reaching a final decision; and

Whereas, the ongoing professional review and community discussions will inform the development and consideration of alternatives;

Now, Therefore,

Be it Resolved by the City Council of the City of Austin:

The City Manager, in collaboration with Travis County, CTRMA, and Rollingwood, is directed to conduct an analysis of the transportation and environmental impacts of the proposed MoPac expansion and related flyovers on Cesar Chavez Boulevard, West 5th Street, Austin High School, Zilker Park, Lady Bird Lake, and adjacent neighborhoods.

Be it Further Resolved:

The City Manager is directed to provide a report on a range of alternatives to the proposed expansion of managed lanes on MoPac between Cesar Chavez Boulevard and Slaughter Lane to the Mobility Committee of the City Council no later than June 2015.

Be it Further Resolved:

The City Council directs the City Manager to request that the CAMPO 2040 Regional Transportation Plan be amended to include language that:

- (1) Reflects a re-configuration of South MoPac, with an unspecified or a variable number of lanes, not to exceed 2 managed lanes in each direction, which requires the CAMPO Transportation Policy Board to approve the optimum configuration after completion of the study and analysis now underway, and
- (2) States the intention to study all options for the proposed expansion of managed lanes on MoPac between Cesar Chavez Blvd and Slaughter Lane – one express lane in either direction and no-build, as well as two express lanes.

Be it Further Resolved:

The City Council directs the City Manager to request this approach to require the CAMPO Transportation Policy Board to approve the appropriate configuration after completing and basing the decision on a thorough environmental, traffic, and funding study and analysis.”

There was an amendment made by Council Member Troxclair to strike the last “Be it Further Resolved:” clause in the previous amendment. The amendment failed on a vote of 3-8. Those voting aye were: Council Members Gallo, Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen Pool and Renteria.

There was an amendment made by Council Member Troxclair and seconded by Council Member Zimmerman to remove “build SH 45 SW or” from the last sentence of the eighth whereas clause in the previous amendment. The amendment failed on a vote of 6-5. Those voting aye were: Council Members Gallo, Houston, Kitchen, Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Pool and Renteria.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

42. Conduct a public hearing and consider an ordinance amending City Code Title 2 and Title 25 to dissolve the Residential Design and Compatibility Commission.
The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20150507-042 was approved on Council Member Zimmerman’s motion, Council Member Renteria’s second on a 9-0 vote. Council Member Houston abstained. Council Member Kitchen was off the dais.

43. Conduct a public hearing regarding the full purpose annexation of the LES Burleson annexation area (approximately 13.2 acres in southern Travis County south of Burleson Road, approximately 870 feet east of the intersection of Burleson Road and Smith School Road; contiguous to Council District 2).

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Casar's motion, Council Member Troxclair's second on a 7-0 vote. Council Member Zimmerman abstained. Council Members Garza, Kitchen and Pool were off the dais.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Zimmerman's motion, Council Member Casar's second on a 10-1 vote. Council Member Troxclair voted nay. Council Member Garza was off the dais.

44. Conduct a public hearing and consider an ordinance amending the electric rate schedules in Ordinance No. 20140908-003 with regard to contract rates for large primary and transmission voltage customers.

There was a motion made by Council Member Gallo and seconded by Council Member Renteria to close the public hearing and approve the ordinance.

There was an amendment made by Council Member Casar and seconded by Council Member Houston to remove parts 3, 4, 5 and 6 from the ordinance. This will have the amendment only apply to the upper tier and new transmission rate so to cover the three largest users. The amendment failed on a vote of 5-5 Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Houston, Pool and Renteria. Those voting nay were: Mayor Adler and Council Members Gallo, Kitchen, Troxclair and Zimmerman. Council Member Garza was off the dais.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved on Council Member Gallo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Garza was off the dais.

45. Conduct a public hearing and approve a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by Austin DMA Housing II, LLC, or an affiliated entity, for a proposed a mixed-income multi-family rental development to be called the Aldrich 51 Apartments, located in the Robert Mueller Municipal Airport Redevelopment, on the west side of Aldrich Street between Barbara Jordan Boulevard and East 51st Street.

The public hearing was conducted and the motion to close the public hearing and approve Resolution No. 20150507-045 was approved on Council Member Renteria's motion, Council Member Houston's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained. Council Member Garza was off the dais.

Mayor Adler adjourned the meeting at 10.51 p.m. without objection.

The minutes were approved on this the 14th day of May, 2015 on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.