

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, AUGUST 20, 2015**

**Invocation:** Rabbi Alan Freedman, Temple Beth Shalom

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, August 20, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

**Mayor Adler called the Council Meeting to order at 10:15 a.m.**

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council discussion of August 5, 2105, the budget work sessions of August 10, 2015 and August 12, 2015, council work session meeting of August 11, 2015 and the regular council meeting of August 13, 2015.

**The minutes from the City Council Discussion of August 5, 2105, the budget work sessions of August 10, 2015 and August 12, 2015, council work session meeting of August 11, 2015 and the regular council meeting of August 13, 2015 were approved on Council Member Gallo's motion, Council Member Troxclair's second on an 11-0 vote.**

**Item 2 was pulled for related non-consent item.**

3. Approve issuance of a rebate to Brandywine Operating Partnership, L.P., for the installation of energy efficiency measures at 5707 Southwest Parkway, in an amount not to exceed \$130,828. August 17, 2015 – Approved by the Electric Utility Commission on a vote of 11-0. August 18, 2015 – Approved by the Resource Management Commission on a vote of 9-0.

**The motion to approve the issuance of a rebate to Brandywine Operating Partnership, L.P. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 4, 5 and 6 were pulled for discussion**

7. Authorize negotiation and execution of a professional services agreement with MCKINNEY ARCHITECTS, INC. dba MCKINNEY YORK ARCHITECTS (staff recommendation) or one of the other qualified responders to Request for Qualifications Solicitation No. CLMP177 to provide architectural services for the Montopolis Recreation and Community Center in an amount not to exceed \$1,200,000. (Notes: This contract will be awarded in compliance with City Code Chapter

2-9B Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 27.00% MBE and 16.50% WBE participation.)

**The motion authorizing the negotiation and execution of a professional services agreement with McKinney Architects, Inc. doing business as McKinney York Architects was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

8. Authorize execution of change order No. 11 to the construction contract with RANGER EXCAVATING, LP, for the FM 812 Landfill Final Closure and Erosion Control Improvements Project in the amount of \$493,362.45, for a total contract amount not to exceed \$6,631,356.62. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.89% MBE and 7.53% WBE participation.)

**The motion authorizing the execution of change order number eleven to the construction contract with Ranger Excavating, LP. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

9. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC. (MBE/MH 65.71%) for the Waller Eastwoods Park Stream Restoration Project in the amount of \$638,729.50 plus a \$63,872.95 contingency, for a total contract amount not to exceed \$702,602.45. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 89.17% MBE and 3.71% WBE participation.)

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

10. Authorize negotiation and execution of an amendment to the professional services agreement with the following fourteen firms: CONSTRUCTION TECHNOLOGY LABORATORIES INC.; ECS TEXAS, LLP; FUGRO CONSULTANTS, INC.; HOLT ENGINEERING, INC., (MBE/FW); HVJ ASSOCIATES, INC., (MBE/MB); KLIENFELDER; MLA GEOTECHNICAL A DIVISION OF MLA LABS INC; PAVETEX ENGINEERING & TESTING, INC., (WBE/FH); PROFESSIONAL SERVICE INDUSTRIES, INC.; RABA-KISTNER CONSULTANTS, INC.; RODRIGUEZ ENGINEERING LABORATORIES, (MBE/MH); RONE ENGINEERING SERVICES LTD; TERRACON CONSULTANTS, INC.; and WISS, JANNEY, ELSTNER ASSOCIATES, INC.; for CLMP123, 2013 Geotechnical Construction Materials, and Forensic Engineering Rotation List in the amount of \$4,140,000 in additional authorization divided among the fourteen firms, for a total contract amount not to exceed \$11,140,000. (Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with the following fourteen firms: Construction Technology Laboratories Inc.; ECS Texas, LLP; Fugro Consultants, Inc.; Holt Engineering, Inc., (MBE/FW); HVJ Associates, INC., (MBE/MB); Klienfelder; MLA Geotechnical A Division Of MLA Labs Inc; Pavetex Engineering & Testing, Inc., (WBE/FH); Professional Service Industries, Inc.; Raba-Kistner Consultants, Inc.; Rodriguez Engineering Laboratories, (MBE/MH); Rone Engineering Services Ltd; Terracon Consultants, Inc.; and Wiss, Janney, Elstner Associates, Inc. was approved on Council Member Gallo's**

**motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 11 and 12 were pulled for discussion**

13. Approve an ordinance authorizing the issuance and sale by February 20, 2016, of City of Austin Public Improvement Bonds, Taxable Series 2015, in a par amount not to exceed \$10,000,000 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees.

**Ordinance No. 20150820-013 was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 14 was pulled for discussion**

15. Approve an ordinance authorizing the issuance and sale by February 20, 2016, of City of Austin Public Improvement and Refunding Bonds, Series 2015, in an amount not to exceed \$279,630,000 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees.

**Ordinance No. 20150820-015 was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

16. Approve an ordinance authorizing the issuance and sale by February 20, 2016, of City of Austin Certificates of Obligation, Series 2015, in a par amount not to exceed \$70,755,000 in accordance with the parameters set out in the ordinance, authorizing related documents; and approving related fees.

**Ordinance No. 20150820-016 was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 17, 18 and 19 were pulled for discussion**

20. Authorize negotiation and execution of a 120-month lease renewal with BT1 AUSTIN LLC for 8,850 square feet of office and laboratory space for the Laboratory Services Division of the Austin Water Utility Department, located at 14050 Summit Drive, Suite 121, Austin, Texas, in an amount not to exceed \$1,474,793.50 (District 7).

**The motion authorizing the negotiation and execution of a lease renewal with BT1 Austin LLC was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

21. Authorize the negotiation and execution of an encroachment agreement with BRUNER INTERESTS, LLC for the aerial encroachment of right-of-way by balconies and roof overhangs at the northwest corner of the intersection of East 7th Street and San Marcos Street, located at 914 East 7th Street (District 1).

**The motion authorizing the negotiation and execution of an encroachment agreement with Bruner Interests, LLC was approved on Council Member Gallo's motion, Council Member Troxclair's second on an 11-0 vote.**

**Items 22 and 23 were pulled for discussion**

24. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligations in the amount of \$625,000 for the Roy G. Guerrero Colorado River Park improvements. Related to Item #25.

**Resolution No. 20150820-024 was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

25. Approve an ordinance amending the Fiscal Year 2014-2015 Parks and Recreation Department Capital Budget (Ordinance No. 20140908-002) to increase appropriations in the amount of \$750,000 for the Roy G. Guerrero Colorado River Park improvements. Related to Item #24.  
**Ordinance No. 20150820-025 was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**
26. Authorize negotiation and execution of an interlocal agreement with Travis County to reimburse the City an amount not to exceed \$77,850 for costs associated with pavement repairs that were done during the Martin Hill Transmission Main Segment A, Segment B, and Segment C Project. (District 6)  
**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on Council Member Gallo's motion, Council Member Troxclair's second on an 11-0 vote.**
27. Authorize negotiation and execution of 24-month contracts with HPI, LLC and MECHANICAL DYNAMICS & ANALYSIS, LTD., to provide aero-derivative generator maintenance services for Austin Energy, in a combined amount not to exceed \$3,000,000, with two 24-month extension options in a combined amount not to exceed \$2,000,000 per extension option, for a combined total contract amount not to exceed \$7,000,000. (Notes: This contract was 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.) Recommended by the Electric Utility Commission on an 11-0 vote.  
**The motion authorizing the negotiation and execution of a contract with HPI, LLC and Mechanical Dynamics & Analysis, LTD. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**
28. Authorize execution of a 12-month contract with INTERRA HYDRO, INC. to provide smoke testing services in an amount not to exceed \$127,850, with two 12-month extension options in an amount not to exceed \$127,850 per extension option, for a total contract amount not to exceed \$383,550. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)  
**The motion authorizing the execution of a contract with Interra Hydro, Inc. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**
29. Authorize execution of two 24-month contracts with TECHLINE PIPE LP for the purchase of hydrant repair parts and hoses for Austin Water, in an amount not to exceed \$149,518, with two 12-month extension options in an amount not to exceed \$74,759 per extension option, for a total contract amount not to exceed \$299,036; and with AAA FIRE & SAFETY EQUIPMENT CO., INC. in an amount not to exceed \$13,710, with two 12-month extension options in an amount not to exceed \$6,855 per extension option, for a total contract amount not to exceed \$27,420. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

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

30. Authorize negotiation and execution of a 36-month contract with LIFE INSURANCE COMPANY OF NORTH AMERICA DBA CIGNA CORPORATION, or one of the other qualified offerors to Request for Proposal JRD0306, to provide City paid short term disability and employee paid long term disability insurance coverage for City employees in an amount not to exceed \$7,302,000, with three 12-month extension options in an amount not to exceed \$2,434,000 per extension option, for a total contract amount not to exceed \$14,604,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the negotiation and execution of a contract with Life Insurance Company of North America doing business as Cigna Corporation was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

31. Authorize negotiation and execution of a 36-month contract with DAVIS VISION, INC., or one of the other qualified offerors to Request for Proposal JRD0308, to provide City employees and retirees with an employee paid vision plan in an amount not to exceed \$3,600,000, with three 12-month extension options in an amount not to exceed \$1,200,000 per extension option, for a total contract amount not to exceed \$7,200,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

32. Authorize negotiation and execution of a 36-month contract with DEER OAKS EAP SERVICES, LLC, or one of the other qualified offerors to Request for Proposal No. JRD0305, to provide employee assistance program services in an amount not to exceed \$714,729, with three 12-month extension options in an amount not to exceed \$238,243 per extension option, for a total contract amount not to exceed \$1,429,458. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the negotiation and execution of a contract with Deer Oaks EAP Services, LLC. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

33. Authorize execution of a 12-month contract with COLORADO RIVER WATCH FOUNDATION, INC. DBA AUSTIN YOUTH RIVER WATCH to provide water quality monitoring and training for at-risk students, in an amount not to exceed \$169,500, with three 12-month extension options in an amount not to exceed \$169,500 per extension option, for a total contract amount not to exceed \$678,000. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)

**The motion authorizing the execution of a contract with Colorado River Watch Foundation, Inc. doing business as Austin Youth River Watch was approved on Council Member Gallo's**

**motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

34. Authorize negotiation and execution of Amendment No. 5 to a contract with KEMA, INC., for Phase II implementation of Austin Energy's department wide information technology strategic assessment and business and technology road-map, in an amount not to exceed \$2,000,000, for a total revised contract amount not to exceed \$3,486,900. (Notes: This contract was awarded in compliance with City Code Chapter 2-C Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals of 5.89% MBE and 3.81% WBE participation.)

**The motion authorizing the negotiation and execution of amendment number five of a contract with KEMA, Inc. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 35 and 36 were pulled for discussion**

37. Authorize execution of a 24-month contract with M-I LLC for the supply of odor and corrosion control chemicals for Austin Water in an amount not to exceed \$233,069, with two 24-month extension options in amounts not to exceed \$233,069 per extension option, for a total contract amount not to exceed \$699,207. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program.)

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

38. Authorize execution of a contract with HARTWELL ENVIRONMENTAL CORPORATION for the purchase of progressive cavity pumps for Austin Water in an amount not to exceed \$148,600. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

**The motion authorizing the execution of a contract with Hartwell Environmental Corporation was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

39. Authorize negotiation and execution of a 36-month contract through the Texas Department of Information Resources with RFD & ASSOCIATES, INC. (Women-Owned Business Enterprise), to provide unlimited software licensing, software maintenance, hardware support, and professional services in an amount not to exceed \$11,467,950. (Notes: This cooperative contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.) Recommended conditionally by the Electric Utility Commission on an 11-0 vote.

**The motion authorizing the negotiation and execution of a contract through the Texas Department of Information Resources with RFD & Associates, Inc. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

40. Authorize negotiation and execution of a 12-month contract with GE INTELLIGENT PLATFORMS INC, to provide software licensing and technical support for Austin Water in an amount not to exceed \$93,639, with two 12-month extension options in an amount not to exceed

\$92,551 for the first option and \$95,327 for the final option, for a total contract amount not to exceed \$281,517. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)

**The motion authorizing the negotiation and execution of a contract with GE Intelligent Platforms Inc. was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 41 and 42 were pulled for discussion**

43. Authorize negotiation and execution of a contract with BRANDSTETTER CARROLL, INC., or one of the other qualified offerors to Request For Proposal No. TVN0054, to provide aquatics master planning consulting services in an amount not to exceed \$165,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program by exceeding goals with 7.33% MBE and 14.80% WBE subcontractor participation.)

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

44. Authorize execution of a contract with ZUCKER SYSTEMS to provide consulting services in an amount not to exceed \$100,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore no goals were established for this contract.)

**The motion authorizing the execution of a contract with Zucker Systems was approved on Council Member Gallo's motion, Council Member Troxclair's second on an 11-0 vote.**

45. Authorize negotiation and execution of a 36-month interlocal agreement with the LOWER COLORADO RIVER AUTHORITY to provide data hosting services and equipment for the Watershed Protection Department in an amount not to exceed \$705,000, with three 12-month extension options in an amount not to exceed \$141,000 per extension option, for a total contract amount not to exceed \$1,128,000. (Notes: This contract is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)

**The motion authorizing the negotiation and execution of a contract with Lower Colorado River Authority was approved on Council Member Gallo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

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

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

**Nominations**

**Board/Nominee**

**Nominated by**

Building & Fire Code Board of Appeals  
Alicia Jones

Council Member Casar

Building & Fire Code Board of Appeals

Matt Hart

Council Member Pool

Commission on Seniors

Ray Cabrera

Council Member Renteria

Community Development Commission

Lisa Hinely

North Austin Neighborhood  
Rep.Community Development Commission

Roseanne Singer

South Austin Neighborhood  
Rep.Construction Advisory Committee

Martin Prisant

Council Member Kitchen

Joint Inclusion Committee

Janee Briesemeister

Commission on Seniors Rep.

Flood Mitigation Task Force

Rolando Delgado

Council Member Casar

Flood Mitigation Task Force

John Pitts

Council Member Gallo

Flood Mitigation Task Force

Raymond Canfield

Council Member Gallo

Land Development Code Advisory Group

Elizabeth Mueller

Council Member Houston

Land Development Code Advisory Group

Kevin Wier

Council Member Pool

Parkland Events Task Force

Pam Thompson

Environmental Comm. Rep.

**Waivers**

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Martin Prisant on the Construction Advisory Committee.

47. Approve the waiver of certain fees and requirements under City Code Chapter 14-8, certain other fees and requirements, and authorizing payment of certain costs for the City co-sponsored Viva! Streets Ciclovía which is to be held on September 13, 2015. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Pro Tem Kathie Tovo CO2: Council Member Delia Garza CO3: Council Member Leslie Pool)

**The motion to approve the waiver of certain fees and requirements, certain other fees and requirements and authorize payment of certain costs for the Viva! Streets Ciclovía was**



**approved on Council Member Gallo's motion, Council Member Troxclair's second on an 11-0 vote.**

48. Set a public hearing to consider the change of use of a portion of dedicated parkland known as Balcones District Park, consisting of approximately 2,525 square feet for permanent wastewater line, approximately 18,342 square feet for temporary access, approximately 4,443 square feet for temporary working space, and approximately 36,923 square feet for temporary staging area and material storage site, to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Waters Park Wastewater Line Project in accordance with Chapter 26 of the Texas Parks and Wildlife Code (District 10). (Suggested date and time, October 1, 2015, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX.)  
**The public hearing was set on consent for October 1, 2015, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX on Council Member Gallo's motion, Council Member Troxclair's second on an 11-0 vote.**
49. Set a public hearing to receive public comment on the City of Austin Fiscal Year 2015-2016 Proposed Budget. (Suggested date and time: August 27, 2015, 11:00 a.m. at Austin City Hall, 301 W. Second Street, Austin, TX)  
**The public hearing was set on consent for August 27, 2015, 11:00 a.m. at Austin City Hall, 301 W. Second Street, Austin, TX on Council Member Gallo's motion, Council Member Troxclair's second on an 11-0 vote.**

**Item 50 was pulled for discussion**

**Item 70 was pulled for discussion**

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

51. Approve a recommendation by the Health and Human Services Council Committee to identify funding for public health programs aimed at decreasing health inequities.  
**This item was withdrawn without objection.**

#### **DISCUSSION ITEMS**

35. Authorize negotiation and execution of a 24-month contract with the FILM SOCIETY OF AUSTIN, INC. DBA AUSTIN FILM SOCIETY, or one of the other qualified offerors to Request for Proposal No. MPM0308, to provide public access television and community media management services in an amount not to exceed \$950,000, with two 24-month extension options in an amount not to exceed \$950,000 per extension option, for a total contract amount not to exceed \$2,850,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)  
**The motion authorizing the negotiation and execution of a contract with Film Society of Austin, Inc. doing business as Austin Film Society was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Zimmerman abstained.**
23. Authorize negotiation and execution of an encroachment agreement with SKYHOUSE AUSTIN, LLC, for the aerial encroachment of right-of-way by balconies at 51 Rainey Street, in Austin, Travis County, Texas (District 9).

**The motion authorizing the negotiation and execution of an encroachment agreement with Skyhouse Austin, LLC was approved with the following direction on Council Member Renteria's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Direction was given to staff to allocate funds from the agreement, approximately \$49,000 to the Rainey Street District Fund.**

#### **ZONING ORDINANCES/RESTRICTIVE COVENANTS (HEARINGS CLOSED)**

53. C14-2014-0136 – Cameron Apartments – District 1 – Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known 9201 Cameron Road (Little Walnut Creek Watershed) from limited industrial services (LI) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning on Tract 1 and general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning on Tract 2. First Reading approved on June 11, 2015. Vote: 11-0. Second Reading approved on August 13, 2015. Vote: 11-0. Owner: FSI Cameron Crossing, LP (Philip Capron). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122.
- This item was postponed to August 25, 2015 on Council Member Casar's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Houston was off the dais.**

#### **DISCUSSION ITEMS CONTINUED**

14. Approve an ordinance authorizing the issuance and sale by February 20, 2016, of City of Austin Public Property Finance Contractual Obligations, Series 2015, in a par amount not to exceed \$16,065,000, in accordance with the parameters set out in the ordinance; authorizing related documents; and approving related fees.

**The motion to approve the ordinance with the following amendment was made by Council Zimmerman and seconded by Council Member Troxclair. The amendment was to strike out the \$6,900,000.00 that has not been approved as part of the 2016 Budget.**

**The motion to reinstate the 6,900,000.00 was approved on Mayor Pro Tem Tovo's motion, Council Member Casar's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

**Ordinance 20150820-014 was approved on Council Member Zimmerman's motion, Council Member Troxclair's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman**

18. Approve a settlement agreement in Public Utility Commission of Texas Docket No. 44010, Petition by the Ratepayers of the former River Place water and wastewater systems appealing the retail water and wastewater rates of the City of Austin. Related to Item #4.
- The motion to settle the above mentioned settlement agreement in Public Utility Commission of Texas, by the City paying \$800,000 to the former River Place water and wastewater facilities, was approved on Council Member Zimmerman's Motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Kitchen was off the dais.**
4. Approve an ordinance amending the Fiscal Year 2014-2015 Austin Water Operating Budget (Ordinance No. 20140908-001) to increase appropriations by \$800,000 and decrease the ending balance by the same amount for the settlement related to the River Place water and wastewater

system ratepayers' appeal of the City of Austin retail water and wastewater rates. Related to Item #18.

**Ordinance No. 20150820-004 was approved on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Kitchen was off the dais.**

17. Approve a settlement in Austin Lifecare, Inc. v City of Austin et al. Cause No. 1:11-CV-875-LY & Roman Catholic Diocese of Austin, et al. v City of Austin et al. Cause NO. 1:11-CV-00876-LY; In the U.S. District Court-Western District of Texas.  
**The motion to settle the above referenced lawsuit, by the City paying \$480,000.00 to Liberty Institute was approved on Council Member Houston's motion, Council Member Troxclair's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Kitchen was off the dais.**
12. Authorize negotiation and execution of a 12-month service contract to provide support to local businesses with AUSTIN INDEPENDENT BUSINESS ALLIANCE, in an estimated amount not to exceed \$70,000, and include two additional 12-month extension options in an estimated amount not to exceed \$70,000 per extension option, for a total estimated contract amount not to exceed \$210,000.  
**The motion authorizing the negotiation and execution of a contract with Austin Independent Business Alliance was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Kitchen was off the dais.**
36. Authorize execution of a 36-month contract with LONGHORN CAR-TRUCK RENTAL, INC., or one of the other qualified bidders for Invitation for Bid-Best Value No. SLW0201REBID, to provide rental vehicles in an amount not to exceed \$1,008,576, with three 12-month extension options in an amount not to exceed \$316,788 per extension option, for a total contract amount not to exceed \$1,958,940. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)  
**The motion authorizing the execution of a contract with Longhorn Car-Truck Rental, Inc. was approved on Council Member Garza's motion, Council Member Renteria's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Kitchen was off the dais.**
6. Authorize execution of a construction contract with PEABODY GENERAL CONTRACTORS, INC. for the Mains to Capitol Complex Project in the amount of \$4,775,698.80 plus a \$238,784.94 contingency, for a total contract amount not to exceed \$5,014,483.74. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 11.48% MBE and 66.32% WBE participation.)  
**The motion authorizing execution of a construction contract with Peabody General Contractors, Inc. was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Kitchen off the dais.**
41. Authorize negotiation and execution of a contract with POWER SUPPLY INC., for the purchase of three-phase reclosers for Austin Energy, in an amount not to exceed \$79,125. (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.) Recommended by the Electric Utility Commission on an 11-0 vote.

**The motion authorizing the negotiation and execution of a contract with Power Supply Inc. was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Members Casar and Kitchen were off the dais.**

19. Approve a resolution consenting to the issuance by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, of \$25,000,000 in multi-family private activity bonds to finance, in part, a proposed multi-family senior rental development to be known as the Harris Branch Senior, located at approximately 12433 Dessau Road.

**Resolution No. 20150820-019 was approved on Council Member Houston's motion, Council Member Pool's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Members Casar and Garza were off the dais.**

22. Authorize the negotiation and execution of a 40-year lease of City property, locally known as 4712 Bolm Road, consisting of approximately 6.139 acres of vacant land, to SKILLPOINT ALLIANCE, in the amount of \$1,342,000 (District 3).

**The motion authorizing the negotiation and execution of a lease of City property to Skillpoint Alliance was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-1 vote. Council Member Zimmerman voted nay.**

**A motion to strike "execution" was made by Council Member Zimmerman. The motion failed for lack of a second.**

5. Approve an ordinance amending City Code Section 2-1-206 relating to the Joint Sustainability Committee.

**Ordinance No. 20150820-005 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.**

50. Set a public hearing to consider the full purpose annexation of the following annexation areas:

ARR Johnny Morris Road (approximately 145 acres in eastern Travis County approximately three tenths of a mile south of the intersection of Johnny Morris Road and Daffan Lane; contiguous to District 1).

Bellingham Meadows (approximately 187 acres in eastern Travis County west of Parmer Lane at the intersection of Parmer Lane and Bellingham Drive; contiguous to District 1).

Blue Goose Road (approximately 28 acres in eastern Travis County east of Blue Goose Road approximately 975 feet northwest of the intersection of US Highway 290 East and Blue Goose Road; contiguous to District 1).

Cantarra/Howard Subdivision (approximately 323 acres in northeastern Travis County north of Howard Lane approximately 700 feet east of the intersection of Howard Lane and Cantarra Drive and also north and south of Howard Lane immediately west of the intersection of Howard Lane and Cantarra Drive; contiguous to District 1).

Heritage Oaks at Pearson Ranch (approximately 135 acres in southern Williamson County south of Avery Ranch Boulevard at the intersection of Avery Ranch Boulevard and Pearson Ranch Road; contiguous to District 6).

Lost Creek Connector Piece (approximately 174 acres in Travis County north of Lost Creek Boulevard approximately 380 feet west of the intersection of Lost Creek Boulevard and Bend of the River Drive, adjacent to the Lost Creek MUD; contiguous to District 8).

TxDOT/US 183 A Tollway (approximately 87 acres in southern Williamson County north of Avery Ranch Boulevard at the intersection of US 183 A Tollway and Avery Ranch Boulevard; contiguous to District 6).

Old Lampasas Trail (approximately 81 acres in northern Travis County south of Old Lampasas Trail south of the intersection of Old Lampasas Trail and Talleyran Drive; contiguous to Districts 6 & 10).

Vaught Ranch (approximately 9 acres in Travis County south of FM 2222 at the southwest corner of the intersection of FM 2222 and Vaught Ranch Road; contiguous to District 10).

Walnut Creek Area (approximately 134 acres in eastern Travis County west of Sprinkle Cutoff Road approximately 477 feet north of the intersection of Sprinkle Cutoff Road and Samsung Blvd; contiguous to District 1).

(Suggested dates and times: October 1, 2015 at 4:00 p.m. and October 15, 2015 at 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX).

**The public hearings were set with the following amendment listed below for October 1, 2015 at 4:00 p.m. and October 15, 2015 at 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.**

**The amendment was to remove Old Lampasas Trail (approximately 81 acres in northern Travis County south of Old Lampasas Trail south of the intersection of Old Lampasas Trail and Talleyran Drive; contiguous to Districts 6 & 10) from the list of public hearings.**

**The public hearing for Old Lampasas Trail (approximately 81 acres in northern Travis County south of Old Lampasas Trail south of the intersection of Old Lampasas Trail and Talleyran Drive; contiguous to Districts 6 & 10) was set for October 1, 2015 at 4:00 p.m. and October 15, 2015 at 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Garza's second on an 10-1 vote. Council Member Zimmerman voted nay.**

70. Approve a resolution authorizing negotiation of an agreement with FREMONT HOLDINGS, LLC for a two-year temporary staging and construction workspace, a 25-foot perpetual no-build area, and the dedication of 392 feet of right-of-way on City-owned land located at 64 Rainey Street, Austin. (District 9).

**This item was withdrawn without objection with direction to staff to provide to Council with a copy of the staff response to the resolution from October 2012.**

**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.

54. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn**
55. Discuss legal issues related to Austin Lifecare, Inc. v City of Austin et al. Cause No. 1:11-CV-875-LY & Roman Catholic Diocese of Austin, et al. v City of Austin et al. Cause NO. 1:11-CV-00876-LY; In the U.S. District Court-Western District of Texas (Austin Division) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).  
**This item was withdrawn**
56. Discuss legal issues related to Mercer et al v. City of Austin et al, Cause No. 1:13-cv-00830, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel - Section 551.071 of the Government Code) (Related to July 26, 2013 officer-involved shooting).  
**This item was withdrawn**
57. Discuss legal issues related to Donald Zimmerman v. City of Austin, Cause No. 1:15-cv-00628, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn**

**CITIZEN COMMUNICATION: GENERAL**

Jeremiah Jarvis - Sustainable food system for Austin - Travis County

Richard Jung - Boards and Commissions quorum requirements – **Not present when name was called.**

John Williams – STR – **Not present when name was called.**

Sharon Williams – STR – **Not present when name was called.**

John Goldstone - New Travis County Courthouse

Sylvia Servin - Traffic problems

Joe Quintero - East Austin communities – **Not present when name was called.**

**DISSCUSSION ITEMS CONTINUED**

11. Authorize the use of the Competitive Sealed Proposal method for construction improvements to the Oakwood Cemetery Chapel.  
**A motion to refer the item to the Audit and Finance Committee was made by Council Member Zimmerman's motion. The motion failed for lack of a second.**

**The motion to authorize the competitive sealed proposal method for construction improvements was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria second on a 10-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was off the dais.**

42. Authorize execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GT DISTRIBUTORS INC. for the one-time purchase of night vision goggles and helmet mounts for the Police Department in an amount not to exceed \$103,847. (Notes: This cooperative contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.)  
**The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with GT Distributors Inc. was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Mayor Adler recessed the meeting at 1:15 p.m.**

**Mayor Pro Tem Tovo called the meeting back to order at 2:17 p.m.**

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

2. Approve a resolution initiating code amendments related to short-term rentals. Related to Item #52.  
**Action on the short-term rental resolution was approved as part of item 52.**
52. Approve a recommendation regarding short-term rentals. Related to Item #2.  
**Resolution 20150820-052 was approved with the following amendment on Council Member Gallo's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.**

**The amendment to strike item number five listed in the Be It Further Resolved clause with the following direction was approved on Council Member Troxclair's motion, Council Member Zimmerman's second on a 10-1 vote. Mayor Pro Tem Tovo voted nay. The direction was to refer the discussion of occupancy limits to the September 2015 meeting.**

**Mayor Adler recessed the meeting at 3:25 p.m.**

**Mayor Adler called the meeting back to order at 4:30 p.m.**

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

58. 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.  
**A motion to close the public hearing and postpone the item to October 1, 2015 was approved on Mayor Pro Tem Tovo's motion, Council member Pool's second on an 11-0 vote.**
63. Conduct a public hearing to receive public comment on the proposed rate and fee changes for Austin Water as part of the Fiscal Year 2015-2016 Proposed Budget.

A motion to close the public hearing was approved on Mayor Pro Tem Tovo's motion, Council Member Zimmerman's second on an 11-0 vote.

Mayor Adler recessed the meeting at 5:30 p.m. for Live Music and Proclamations

**LIVE MUSIC**

Ali Holder

**PROCLAMATIONS**

Proclamation - Getting Connected - To be presented by Mayor Adler and to be accepted by Vicky Valdez

Certificate of Congratulations - Business Success Skills Graduates - To be presented by Mayor Adler and to be accepted by Vicky Valdez

Certificate of Congratulations - Public Works Department - To be presented by Mayor Adler and to be accepted by Howard Lazarus

Proclamation - International Afrikan Fashion Week - To be presented by Council Member Houston and to be accepted by Nailah I. Akinyémi-Sankofa

Distinguished Service Award - Municipal Court Judge John Vasquez

Mayor Adler called the meeting back to order at 6:45 p.m.

**PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED**

59. Conduct a public hearing to receive public comment on growth-related projects within the Drinking Water Protection Zone to be included in the FY 2015-2016 Capital Budget.  
**The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Renteria was off the dais.**
60. Conduct a public hearing and consider a resolution for the use of dedicated parkland known as the Waller Creek Greenbelt, consisting of approximately 2,115 square feet of permanent above ground pedestrian walkway and approximately 8,832 square feet of temporary working space, to construct, use, maintain, repair, and replace an above ground pedestrian walkway in accordance with Chapter 26 of the Texas Parks and Wildlife Code (District 9).  
**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.**  
  
**Resolution No. 20150820-060 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.**
65. Conduct a public hearing to receive public comment on Austin Resource Recovery's proposed rate and fee changes for the Fiscal Year 2015-16 Proposed Budget.  
**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Troxclair's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**



68. Conduct a public hearing and consider a resolution related to an application to be submitted to the Texas Department of Housing and Community Affairs by Pedcor Investments, LLC, or an affiliated entity, for a proposed affordable multi-family development to be called the West Gate Ridge Apartments, located at 8700 West Gate Boulevard.

**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Troxclair's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Resolution No. 20150820-068 was approved on Council Member Pool's motion, Council Member Houston's second on a 10-1 vote. Council Member Zimmerman voted nay.**

67. Conduct a public hearing and consider an appeal by Michele Rogerson Lynch, representing the owners of Springdale Farms, regarding the Planning Commission's denial of a conditional use permit to grant outdoor entertainment as an additional use to the existing urban farm use (District 3).

**The public hearing was conducted and the motion to close the public hearing and grant the appeal was approved on Council Member Pool's motion, Council Member Zimmerman's second on a 10-1 vote. Council Member Houston voted nay.**

66. Conduct a public hearing to receive public comment on the proposed rate and fee changes for Austin Energy as part of the Fiscal Year 2015-2016 Proposed Budget.

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

69. Conduct a public hearing to receive public comment regarding the proposed change to the drainage charge as part of the Fiscal Year 2015-2016 proposed budget.

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

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

**This item was postponed to September 17, 2015 without objection.**

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

64. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2015-2016 Proposed Budget.

**The public hearing was conducted and the motion to recess the public hearing until August 27, 2015 was approved on Council Member Pool's motion, Council Member Garza's second on an 11-0 vote.**

62. Conduct a public hearing and consider an ordinance regarding floodplain variances for the construction of an addition to an existing single family residence at 7054 Comanche Trail, which is located in the 100-year floodplain of Lake Travis (District 6).

**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading was approved on Council Member Zimmerman's motion, Council Member Troxclair's second on a 6-4 vote. Those voting aye were: Mayor Adler and Council Members Casar, Kitchen, Renteria, Troxclair and Zimmerman. Those voting**

**may were: Mayor Pro Tem Tovo and Council Members Gallo, Houston and Pool. Council Member Garza abstained.**

**Mayor Adler adjourned the meeting at 11:45 p.m. without objection.**

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