



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, DECEMBER 17, 2015**

**Special Presentation by the McNeil High School Choir**

**Invocation: Rev. Michael Mumme, First United Methodist 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, December 17, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Adler called the Council Meeting to order at 10:08 am.**

**CONSENT AGENDA**

**The following items were acted on by one motion.**

1. Approve the minutes of the Austin City Council work session of December 8, 2015 and regular meeting of December 10, 2015.  
**The minutes from the City Council work session of December 8, 2015 and regular meeting of December 10, 2015 were approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
2. Authorize amendments to two existing contracts with Atmos Pipeline - Texas, for natural gas transportation services, to extend the contracts for 36 months for an estimated aggregate amount not to exceed \$3,000,000.  
**The motion authorizing amendments to two existing contracts with Atmos Pipeline - Texas, was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
3. Authorize negotiation and execution of an interlocal agreement with Travis County for the Slaughter Lane East improvement project, in the amount of \$48,350 plus a \$3,975 contingency for a total amount of \$52,325. (District 2)  
**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
4. Authorize negotiation and execution of an interlocal agreement with Williamson County for the Forest North, Pearson Ranch Road, Bayswater Gardens, and Lakeline Boulevard improvement

projects in the amount of \$1,300,435.62 plus a \$108,997.47 contingency for a total of \$1,409,433.09. (District 6).

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

5. Approve a resolution requesting that the Travis Central Appraisal District conduct a 2015 reappraisal of properties affected by the October 2015 floods.  
**Resolution No. 201512-005 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
6. Authorize the use of the competitive sealed proposal procurement method for solicitation of construction improvements to multiple Austin Fire Department facilities for Women's Locker Room Additions Phase 5 and multiple emergency medical service stations for vehicle bay expansions.  
**The motion authorizing the competitive sealed proposal procurement method for solicitation of construction improvements to multiple Austin Fire Department facilities was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
7. Authorize the use of the competitive sealed proposal procurement method for the solicitation of the construction of the Austin Fire Department Fire and emergency medical services station, Onion Creek. (Notes: MBE/WBE Goals will be established for this solicitation before issuance.)  
**The motion authorizing the use of the competitive sealed proposal procurement method for solicitation of construction of the Austin Fire Department and emergency medical services station facilities was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
8. Authorize execution of a construction contract with PIATRA INC., for the Austin Energy St. Elmo Storage Addition Project, in the amount of \$379,925 plus a \$37,992 contingency, for a total contract amount not to exceed \$417,917. (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 11.27% MBE and 88.73% WBE participation.) December 14, 2015 – Recommended by the Electric Utility Commission on a vote of 10-0 with Commissioner Mahmood absent.  
**The motion authorizing the execution of a construction contract with Piatra Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
9. Authorize negotiation and execution of a professional services agreement with the following five staff recommended firms (or other qualified responders) to Request for Qualifications Solicitation No. CLMP188: O'CONNELL ROBERTSON & ASSOCIATES, INC., ENERGY ENGINEERING ASSOCIATES INC., dba EEA CONSULTING ENGINEERS, ENCOTECH ENGINEERING CONSULTANTS, INC., JOSE I. GUERRA, INC., and TEXAS ENERGY ENGINEERING SERVICES, INC., for engineering services for the 2016 Mechanical, Electrical and Plumbing Engineering Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the five firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 8.00% MBE and 2.00% WBE participation.)

**The motion authorizing the negotiation and execution of a professional services agreement with the following five firms: O'Connell Robertson & Associates, Inc., Energy Engineering Associates Inc. doing business as EEA Consulting Engineers, Enotech Engineering Consultants, Inc., Jose I. Guerra, Inc., and Texas Energy Engineering Services, Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

10. Authorize execution of a contract with SJ LOUIS CONSTRUCTION OF TEXAS, LTD. to construct the Harris Branch Interceptor "Lower A" wastewater line in an amount of \$5,163,688.52 plus a \$516,368.85 contingency, for a total contract amount not to exceed \$5,680,057.37. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 6.13% MBE and 1.28% WBE participation.)  
**The motion authorizing the execution of a contract with SJ Louis Construction of Texas, Ltd. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
11. Approve an ordinance setting the assessment rate and approving a proposed 2016 assessment roll for the East Sixth Street Public Improvement District. Related to Items #12 and #64.  
**Ordinance No. 20151217-011 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**
12. Approve a resolution adopting the East Sixth Street Public Improvement District Service Plan and Budget for 2016. Related to Items #11 and #64.  
**Resolution No. 20151217-012 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**

**Items 13 & 14 was pulled for discussion.**

15. Authorize execution of an interlocal agreement with Travis County Healthcare District (d/b/a Central Health) to provide services through the Emergency Medical Services Department Community Health Paramedic Program as funded by the Delivery System Reform Incentive Payments 1115 Waiver Program (DSRIP) in effect during the DSRIP Project Period from the date of execution of this agreement through September 30, 2016, in an amount not to exceed \$441,073 paid by Central Health to the City.  
**The motion authorizing execution of an interlocal agreement with Travis County Healthcare District doing business as Central Health was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 16 through 18 were pulled for discussion.**

19. Authorize execution of interlocal cooperation agreements with Travis County and Travis County Emergency Services District # 3 for the City's Fleet Services Department to provide motor fuel, including diesel exhaust fluid and supplies.  
**The motion authorizing execution of an interlocal cooperation agreement with Travis County and Travis County Emergency Service District number three was approved on**

consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.

**Items 20 & 21 were pulled for discussion.**

22. Authorize negotiation and execution of an interlocal agreement with The University of Texas Health Science Center School of Public Health Austin Regional Campus to conduct an evaluation of the Austin/Travis County Community Health Assessment/Community Health Improvement Plan Cycle 1, in an amount not to exceed \$44,535 for the term of March 1, 2016 through September 30, 2016.

**The motion authorizing the negotiation and execution of an interlocal agreement with The University of Texas Health Science Center School of Public Health Austin Regional Campus was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-1 vote. Council Member Zimmerman voted nay.**

23. Authorize negotiation and execution of a 12-month interlocal agreement with Austin Independent School District to continue the Austin Corps program, with four 12-month extension options.

**The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 24 was pulled for discussion.**

25. Authorize a payment not to exceed \$ 81,458.00 for a judgment in Emily Poole et al v. City of Austin, Cause No. D-1-GN-09-002348 in the 126th District Court of Travis County. Funding is available in the Fiscal Year 2015-2016 liability reserve fund.

**The motion authorizing a payment not to exceed \$81,458.00 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 26 through 28 were pulled for discussion.**

29. Authorize negotiation and execution of Amendment No. 2 to the Fiscal Year 2015-2016 Service Agreement with the Austin Housing Finance Corporation to increase funding for the HOME grant fund program in the amount of \$1,391,143.52, for a total contract amount not to exceed \$19,868,116.52.

**The motion authorizing the negotiation and execution of amendment number two to the Fiscal Year 2015-2016 Service Agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

30. Approve a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by NRP Group, or an affiliated entity, for a proposed affordable multi-family development to be called the Terrace at Walnut Creek Apartments, located in the Austin Extraterritorial Jurisdiction at Old Manor Road and U.S. Highway 290 East.

**This item was withdrawn on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**

31. Authorize execution of an interlocal agreement with Purdue University for the rental of the traveling exhibit, Bee-lieve it or Not! The Secret Lives of Honey Bees, to be placed at the Austin Nature & Science Center's Visitor Pavilion from January 16, 2016 until May 8, 2016.  
**The motion authorizing execution of an interlocal agreement with Purdue University was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
32. Approve an ordinance amending the Fiscal Year 2015-2016 Special Revenue Fund Operating Budget of the Parks and Recreation Department (Ordinance No. 20150910-001) to accept and appropriate up to \$250,000 from the Trail of Lights Foundation for payment of City services, and authorize waiver of certain permit, application and similar fees and requirements for the 2015 Trail of Lights in an amount not to exceed \$205,000.  
**Ordinance 20151217-032 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
33. Approve an ordinance extending the expiration date of Ordinance No. 20141120-056 relating to requirements for non-peak hour concrete installation within portions of the Central Business District and Public zoning districts.  
**Ordinance 20151217-033 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
34. Authorize negotiation and execution of an interlocal agreement with the City of Sunset Valley for the construction and maintenance of Violet Crown Trail – North project. (District 8).  
**The motion authorizing the negotiation and execution of an interlocal agreement with the City of Sunset Valley was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
35. Authorize negotiation and execution of an interlocal agreement with the Central Texas Regional Mobility Authority for the relocation and improvement of water and wastewater utilities in connection with the Mobility Authority's Bergstrom Expressway (183 South) Project for the amount of \$6,717,549 plus a contingency of \$1,010,608, for a total agreement amount not to exceed \$7,728,157.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Central Texas Regional Mobility Authority was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
36. Authorize negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority for the relocation and improvement of a water line in connection with the Plaza Saltillo Track Realignment project in the amount of \$75,350 plus a contingency of \$7,535, for a total amount not to exceed \$82,885.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
37. Authorize negotiation and execution of an interlocal agreement with Travis County for construction of new water lines within the Texas Department of Transportation at FM 1626 from

Manchaca Road to Brodie Lane Project, in the amount of \$382,263.00, plus a \$38,227.00 contingency, for a total contract amount not to exceed \$420,490.00.

**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

38. Authorize award and execution of a 36-month contract with LNI CUSTOM MANUFACTURING, INC. to provide outdoor trash, recycling, and compost receptacles in amount not to exceed \$202,800, with three 12-month extension options in an amount not to exceed \$67,600 per extension option, for a total contract amount not to exceed \$405,600. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)  
**The motion authorizing the award and execution of a contract with LNI Custom Manufacturing Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
39. Authorize negotiation and execution of a contract with the FILM SOCIETY OF AUSTIN, INC. DBA AUSTIN FILM SOCIETY for capital expenditures in an amount not to exceed \$300,000. (Notes: This contract is exempt from City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)  
**The motion authorizing negotiation and execution of a contract with the Film Society of Austin, Inc. doing business as Austin Film Society was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
40. Authorize award and execution of a 36-month contract with NET TRANSCRIPTS INC., or one of the other qualified bidders for Invitation for Bid-Best Value EAD0612, to provide transcription services in an amount not to exceed \$224,403, with three 12-month extension options in an amount not to exceed \$74,801 per extension option, for a total contract amount not to exceed \$448,806. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C of the Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)  
**The motion authorizing the award and execution of a contract with Net Transcripts Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
41. Authorize award and execution of a 36-month contract with SHADES OF GREEN (WBE), JAMES LOVEGREN DBA L&L GROWERS, MILLER NURSERY & TREE COMPANY, and NATIVE TEXAS NURSERY, for Invitation for Bid Best Value GLB0105, to provide trees and tree seedlings in an amount not to exceed \$814,803, with three 12 month extension options in an amount not to exceed \$271,601 per extension option, for a total contract amount not to exceed \$1,629,606 each and combined. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this

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

**The motion authorizing the award and execution of a contract with Shades of Green (WBE), James Lovegren doing business as L&L Growers, Miller Nursery & Tree Company, and Native Texas Nursery was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**

42. Authorize award and execution of a 12-month contract with BROWN TRAFFIC PRODUCTS INC. to provide traffic signal cabinets in an amount not to exceed \$314,922, with three 12-month extension options in an amount not to exceed \$347,477 per extension option, for a total contract amount not to exceed \$1,357,353. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing the award and execution of a contract with Brown Traffic Products Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

43. Authorize award and execution of a 24-month contract with TECHLINE PIPE LP, to provide manhole covers and rings, in an amount not to exceed \$176,702, with three 12-month extension options in an amount not to exceed \$88,351 per extension option, for a total contract amount not to exceed \$441,755. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

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

44. Authorize award and execution of a 24-month contract with SCHNEIDER ELECTRIC USA, INC., to provide relay retrofit assemblies, in an amount not to exceed \$175,860, with three 12-month extension options in an amount not to exceed \$87,930 per extension option, for a total contract amount not to exceed \$439,650. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing the award and execution of a contract with Schneider Electric USA, Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

45. Authorize award and execution of a 24-month contract with TECHLINE, INC., to provide 362kV coupling capacitor voltage transformers, in an amount not to exceed \$201,960, with three 12-month extension options in an amount not to exceed \$100,980 per extension option, for a total contract amount not to exceed \$504,900. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program. For the goods and services required

for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

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

46. Authorize award and execution of a 24-month contract with HAVERFIELD AVIATION INC., to provide aerial maintenance of electrical transmission lines, in an amount not to exceed \$530,700, with three 12-month extension options in an amount not to exceed \$265,350 per extension option, for a total contract amount not to exceed \$1,326,750. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

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

47. Authorize award and execution of a 12-month contract with LAUREN CONCRETE LP, to provide ready-mix concrete, in an amount not to exceed \$732,175, with four 12-month extension options in an amount not to exceed \$732,175 per extension option, for a total contract amount not to exceed \$3,660,875. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing the award and execution of a contract with Lauren Concrete LP was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

48. Authorize negotiation and execution of a 12-month contract with CREATIVE CONSUMER RESEARCH INC., or one of the other qualified offerors to Request for Proposal RMJ0302, for marketing research service studies, in an amount not to exceed \$300,000, with four 12-month extension options in an amount not to exceed \$300,000 per extension option, for a total contract amount not to exceed \$1,500,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no goals were established.)

**This item was postponed to January 28, 2016 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**

49. Authorize negotiation and execution of a 12-month contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with TOMAR ELECTRONICS, INC. for light bars, sirens, and replacement parts and accessories for public safety vehicles in an amount not to exceed \$900,000, with five 12-month extension options in an amount not to exceed \$900,000 per extension option, for a total contract amount not to exceed \$5,400,000. (Notes: This contract was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the

goods and services required for this contract, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract through the Texas Local Government Purchasing Cooperative with Tomar Electronics, Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

50. Authorize negotiation and execution of a 15-month contract through the TEXAS DEPARTMENT OF INFORMATION RESOURCES with NORTH AMERICAN COMMUNICATIONS RESOURCE, INC. for the purchase of AVAYA telephony equipment, related services, and hardware and software maintenance support in an amount not to exceed \$1,895,000. (Notes: This contract was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this contract, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract through the Texas Department of Information Resources with North American Communications Resource, Inc. was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

51. Authorize negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) to contribute up to \$350,000 from fees collected by the City from cable providers, for AISD's purchase of equipment necessary for the operation of the AISD educational access channel.

**The motion authorizing negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

52. Approve a resolution giving the honorary name Electric Drive to a portion of West 2nd Street between Walter Seaholm Drive and Sandra Muraida Way. (District 9).

**Resolution No. 20151217-052 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**

**Item 53 was pulled for discussion.**

54. Approve a resolution related to a rule to be proposed to the Texas Commission on Environmental Quality related to the beneficial reuse of wastewater.

**Resolution No. 20151217-054 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**

55. 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 consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**

#### Nominations

**Board/Nominee  
Commission on Veterans Affairs**

**Nominated by**

<b>Sandra Serna</b>	<b>Council Member Garza</b>
<b>Community Technology &amp; Telecommunications Commission Angela Newell</b>	<b>Mayor Pro Tem Tovo</b>
<b>Historic Landmark Commission Sarah Valenzuela</b>	<b>Council Member Garza</b>
<b>Joint Sustainability Commission Angela Pineyro De Hoyos</b>	<b>Planning Commission</b>
<b>Music Commission Rick Carney</b>	<b>Council Member Garza</b>
<b>Land Development Code Advisory Group Roger Borgelt</b>	<b>Council Member Gallo</b>

**Intergovernmental Bodies**

<b>Central Health Board of Managers Dr. Richard Yuen</b>	<b>Health &amp; Human Services Committee</b>
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**Waivers**

**Approve a waiver under Section 2-1-27(e) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for a person appointed to a City board on or before July 1, 2015, if the person completed the training required by Section 2-1-23 on or before January 8, 2015.**

Board	Name
African American Resource Advisory Commission	Clifford Gillard
Commission for Women	Ana DeFrates
Commission for Women	Mackenzie Kelly
Commission on Immigrant Affairs	Jose Gamboa
Design Commission	Bart Whatley
Downtown Austin Community Court Advisory Committee	David Courreges
Early Childhood Council	Sebastian Wren
Environmental Commission	Peggy Maceo
Hispanic/Latino Quality of Life Resource Advisory Commission	Isabel Lopez Aguilar
Hispanic/Latino Quality of Life Resource Advisory Commission	Jill Ramirez
Mexican American Cultural Center Advisory Board	Kathy Vale Castillo
Parks and Recreation Board	Michael Casias
Parks and Recreation Board	Mark Vane
Public Safety Commission	Edward Scruggs

**Item 56 was pulled for discussion.**

57. Approve a resolution initiating amendments to the Waterfront Overlay zoning regulations in City Code Chapter 25-2 to facilitate development of affordable senior living in the Festival Beach Subdistrict. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Ann Kitchen CO 2: Council Member Ellen Troxclair CO 3: Council Member Leslie Pool)  
**Resolution No. 20151217-057 was approved on consent with the amendment and direction listed below on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**

**The amendment was to add a Be It Further Resolved to read: That prior to presenting this ordinance to the City Council for consideration, the City Manager is directed to engage the expertise of staff from the Watershed Protection and Development Services Department to identify any strategies available, to the maximum extent feasible, to meet current code for impervious cover and water quality.**

**Direction was given to staff that the proposed ordinance shall be vetted by both the Environmental Commission and the Planning Commission prior to coming before the Council for approval.**

58. Approve an ordinance waiving or reimbursing certain fees and costs and waiving certain requirements for the City co-sponsored HOPE Farmers Market events at Plaza Saltillo during the 2016 calendar year. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Pro Tem Kathie Tovo CO 2: Mayor Steve Adler CO 3: Council Member Gregorio Casar CO 4: Council Member Leslie Pool)  
**Ordinance 20151217-058 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
59. Approve an ordinance waiving or reimbursing certain fees and costs, and waiving certain requirements for the City co-sponsored Austin Farmers Markets events at Republic Square Park and Triangle Park during the 2016 calendar year. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Sabino "Pio" Renteria CO 2: Mayor Steve Adler CO 3: Council Member Gregorio Casar CO 4: Council Member Leslie Pool)  
**Ordinance 20151217-059 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.**
60. Approve an ordinance waiving or reimbursing certain fees for the 2016 Vagina Monologues fundraiser benefitting SafePlace which is to be held on February 7-8, 2016 at the Dougherty Arts Center. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Gregorio Casar CO 3: Council Member Delia Garza)  
**Ordinance 20151217-060 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
61. Authorize reimbursement of certain costs under City Code Chapter 14-8 for the March and Rally to End Criminal Prosecution of Immigrants sponsored by Grassroots Leadership which was held on Friday, December 11, 2015 from the Hilton on East 4th St. to the Federal Courthouse Plaza.

(Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Council Member Delia Garza CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Leslie Pool)

**The motion to authorize the reimbursement of certain costs under City Code Chapter 14-8 for the March and Rally to End Criminal Prosecution of Immigrants was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**

62. Approve an ordinance waiving or reimbursing certain costs for the Austin Empty Bowl Project sponsored by Project Austin Empty Bowl which was held on Sunday, November 22, 2015 at the Marchesa Hall and Theatre in Lincoln Village. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Mayor Steve Adler CO 4: Council Member Sabino "Pio" Renteria)  
**Ordinance 20151217-062 was approved on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
63. Set a public hearing to consider an ordinance amending City Code Title 25 relating to neighborhood plan contact team regulations. (Suggested date and time: January 28, 2016, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX.)  
**The public hearing was set on consent for January 28, 2016, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
64. Set a public hearing to consider the East Sixth Street Public Improvement District 2016 assessments. (Suggested date and time: January 28, 2016, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Items #11 and #12.  
**The public hearing was set on consent for January 28, 2016, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
65. Set a public hearing to consider the temporary use of a portion of dedicated parkland known as Shoal Creek Greenbelt, consisting of approximately 525 square feet of underground area, and related park improvements to rebuild the retaining wall on the Shoal Creek Greenbelt to benefit the parkland in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (District 9) (Suggested date and time, January 28, 2016, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX)  
**The public hearing was set on consent for January 28, 2016, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**
66. Set a public hearing to consider the Estancia Hill Country Public Improvement District 2016 assessments. (Suggested date and time: January 28, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Item #16.  
**The public hearing was set on consent for January 28, 2016, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX on consent on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**

Items 68 through 77 were referred from Council Committees.

Item 78 was Eminent Domain.

Items 79 through 86 were Zoning Ordinances/Restrictive Covenants (Hearings Closed).

Item 87 was Zoning and Neighborhood Plan Amendments.

Items 88 through 90 were Executive Session items.

Item 91 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Items 92 through 99 were public hearing items set for 4:00 p.m.

### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

81. C14-2015-0091 – 1900 Burton Drive – District 3 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1900 Burton Drive and 1901 Mariposa Drive (Lady Bird Lake Watershed) from multifamily residence-low density (MF-2) district zoning and multifamily residence- medium density (MF-3) district zoning to multifamily residence-moderate-high density (MF-4-CO) combining district zoning for Tract 1 and from multifamily residence-medium density (MF-3) district zoning to multifamily residence moderate-high density-conditional overlay (MF-4-CO) combining district zoning for Tract 2. First Reading approved on December 10, 2015. Vote: 10-0, Mayor Adler was absent. Owner/Applicant: Richard J. Bruggeman. Agent: Metcalfe, Wolff, Stuart & Williams, LLP (Michele R. Lynch). City Staff: Andy Moore, 512-974-7604.  
**Ordinance No. 20151217-081 was approved for multifamily residence-moderate-high density (MF-4-CO) combining district zoning for Tract 1 and multifamily residence moderate-high density-conditional overlay (MF-4-CO) combining district zoning for Tract 2 on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on an 11-0 vote.**
82. C14-2015-0093 - 1507 Nueces Street - District 9 - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1507 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First Reading approved on December 10, 2015. Vote: 10-0, Mayor Adler was absent. Owner/Applicant: Philip Raney, Nueces Street Partners, LLC (Philip Raney). Agent: Bury, Inc. (Derek Villemez) and Husch Blackwell LLP (Nikelle Meade). City Staff: Victoria Haase, 512-974-7691. A valid petition has been filed in opposition to this rezoning request  
**Ordinance No. 20151217-082 was approved for downtown mixed use-conditional overlay (DMU-CO) combining district zoning on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on an 11-0 vote.**
83. C14-2015-0094 –507 W 16th Street – District 9 – Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 507 W 16th Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First Reading approved on December 10, 2015. Vote: 10-0, Mayor Adler was absent. Owner/Applicant: Philip Raney, Nueces Street Partners, LLC (Philip Raney). Agent: Bury, Inc. (Derek Villemez) and Husch Blackwell LLP (Nikelle Meade). City Staff: Victoria Haase, 512-974-7691.  
**Ordinance No. 20151217-083 was approved with the additional prohibited uses for downtown mixed use-conditional overlay (DMU-CO) combining district zoning on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on an 11-0 vote.**

**The additional prohibited uses were:**

- **Group residential**
- **Alternative financial services**
- **Bail bond services**
- **Outdoor entertainment**
- **Pawn shop services**
- **Service station**
- **Traditional housing**
- **Residential treatment**
- **Drive-thrus**
- **Liquor sales**
- **Consumer convenience**
- **Cocktail lounge**

**In addition hours of operation are restricted of any commercial use other than a hotel or motel to 8:00 a.m. to 10:00 p.m.**

84. C14-2015-0118 – Emerald Forest @ William Cannon Rezoning – District 2 – Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 6707 Emerald Forest Drive (Williamson Creek Watershed, South Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. First Reading approved on November 12, 2015. Vote: 11-0. Second Reading approved on December 10, 2015. Vote: 10-0, Mayor Adler was absent. Owner/Applicant: JBS Holdings, LP (Sheri Krause). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

**This item was postponed to January 28, 2016 by staff on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.**

86. C14-2014-0193 - MMK Ventures, LLC - District 7 - Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1601 Cedar Bend Drive (Walnut Creek Watershed) from rural residence (RR) district zoning to single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning. First reading approved on October 15, 2015. Vote: 10-0. Second reading approved on November 12, 2015. Vote: 7-4, Council Members Garza, Renteria, Troxclair and Houston voted nay. Owner/Applicant: MMK Ventures, LLC (Saeed Minhas). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr., P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.

**Ordinance No. 20151217-086 was approved as amended for single-family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.**

**The amendment was to strike Part 3 B from the ordinance.**

**DISCUSSION ITEMS**

**Items 72 and 72 acted upon in one motion.**

71. Authorize award and execution of an amendment to the contract with PIKE ELECTRIC, LLC., for transmission and distribution construction and maintenance services to increase the contract authorization for the current contract period in an amount not to exceed \$2,000,000, for a revised

total contract amount not to exceed \$41,000,000. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C of the Minority Owned and Women Owned Business Enterprise Procurement Program through the achievement of good faith efforts with 4.85% MBE and 1.33% WBE participation.) December 14, 2015 – Recommended by the Electric Utility Commission on a vote of 10-0 with Commissioner Mahmood absent.

**The motion authorizing the award and execution of an amendment to the contract with Pike Electric, LLC. was approved on Council Member Gallo’s motion, Mayor Pro Tem Tovo’s second on a 10-0 vote. Council Member Zimmerman abstained.**

72. Authorize negotiation and execution of a 24-month contract with PIKE ELECTRIC, LLC., or one of the other qualified offerors to Request for Proposal LAG0105, to provide transmission and distribution electrical services, in an amount not to exceed \$30,000,000, with three 12-month extension options in an amount not to exceed \$15,000,000 per extension option, for a total contract amount not to exceed \$75,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program through the achievements of good faith efforts with 0.66% MBE and 0.93% WBE participation.) December 14, 2015 – Recommended by the Electric Utility Commission on a vote of 10-0 with Commissioner Mahmood absent.

**The motion authorizing the award and execution of a contract Pike Electric, LLC. was approved on Council Member Gallo’s motion, Mayor Pro Tem Tovo’s second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**

73. Approve an ordinance amending City Code Chapter 4-12 relating to the regulation of credit access businesses.

**Ordinance 20151217-073 was approved on Council Member Casar’s motion, Council Member Renteria’s second on an 11-0 vote.**

77. Approve an ordinance appointing associate and substitute judges to the City of Austin Municipal Court for the 2014-2017 judicial term, and designating a juvenile justice judge.

**Ordinance 20151217-077 was approved on Council Member Zimmerman’s motion, Council Member Pool’s second on a 9-0 vote. Council Members Houston and Troxclair abstained.**

14. Approve an ordinance establishing classifications and positions in the classified service of the Emergency Medical Services Department, eliminating and creating certain positions, establishing pay rates and repealing Ordinance No. 20150908-006 relating to Emergency Medical Services Department classifications and positions.

**This item was postponed to January 28, 2016 and referred to the Public Safety Committee on Council Member Zimmerman’s motion, Council Member Houston’s second on an 11-0 vote.**

13. Authorize negotiation and execution of a design and commission agreement with Kincannon Studios in an amount not to exceed \$118,500 for artwork for the Republic Square Park Phase II Improvement Project.

**A motion to approve the item was made by Council Member Houston and seconded by Council Member Pool.**

**The motion to strike “and execution” failed on Council Member Zimmerman’s motion, Council Member Troxclair’s second on a 2-9 vote. Those voting aye were: Council Members Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool, and Renteria.**

**The motion authorizing the negotiation and execution of a professional services agreement with Kincannon Studios was approved on Council Member Houston's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

78. Approve a resolution authorizing the filing of eminent domain proceedings for the Onion Creek Floodplain Buyout Program Project for the fee simple acquisition of Lot 6, Block "M", of Onion Creek Forest Section 2, Amended Plat, a subdivision in Travis County, Texas, according to the map or plat of record in Volume 68, Page 54, of the Plat Records of Travis County, Texas, in the amount of \$20,000. The owners of the needed property interests are Jerry M. Barr a/k/a Jerry Maylan Barr, Phyllis M. Cox a/k/a Phyliss Marie Cox, Beverley S. Lewellen a/k/a Beverly Susan Lewellan, Ronald Travis Barr, Michele E. Times a/k/a Michelle Times, Michael Kersman, Jr. a/k/a Michael Kersman, Cynthia A. Shoemake, Jessica L. Cordell, Jeffrey M. Tyler, Joseph Ray Landraneau, Charlie Traxell a/k/a Charlie Troxell, Amber Maxey, Ashley Medellin, and The Unknown Heirs and/or Devisees of John W. Tyler, Jr., Deceased. The property is a vacant lot, located entirely in District 2, at 5409 Vine Hill Drive, Austin, Texas 78744. The general route covered by this project includes the area along Lower Onion Creek, in the Onion Creek Forest, Onion Creek Plantation and Yarrabee Bend neighborhoods, near the intersection of South Pleasant Valley Road and East William Cannon Drive, in Austin, Travis County, Texas (District 2).

**Resolution No. 20151217-078 was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Zimmerman abstained.**

20. Authorize negotiation and execution of a contract with TEXAS RIOGRANDE LEGAL AID INC. to provide education and outreach regarding tenants-rights under the City Code, for a 12-month term from January 1, 2016 to December 31, 2016, in an amount not to exceed \$350,000, with four 12-month renewal options, for a total contract amount not to exceed \$1,750,000.

**The motion authorizing the negotiation and execution of a contract with Texas RioGrande Legal Aid Inc. was approved on Council Member Houston's motion, Council Member Pool's second on an 8-2 vote. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Member's Casar, Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Council Member Troxclair and Zimmerman. Council Member Gallo abstained.**

**Direction was given to staff to consider options for including more languages when translating documents and to schedule a presentation for Council on the contract performance before the contract is renewed.**

80. C814-2012-0152 – Pilot Knob Planned Unit Development – District 2 – Approve third reading of an ordinance amending City Code Chapter 25-2 by zoning property locally known as east and southeast of the intersection of East William Cannon Drive and McKinney Falls Parkway, and west of South U.S. Highway 183 and FM 1625 (Cottonmouth Creek Watershed; North Fork Creek Watershed; South Fork Creek Watershed) from interim-rural residence (I-RR) district zoning and interim-single family residence-standard lot (SF-4A) district zoning to planned unit development (PUD) district zoning. First Reading approved on October 8, 2015. Vote: 10-0, Council Member Pool was off the dais. Second Reading approved on November 19, 2015. Vote: 11-0. Owner/Applicant: Carma Easton, Inc. (Logan Kimble). Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Wendy Rhoades, 512-974-7719. Related to Item #67.

**Ordinance No. 20151217-080 was approved as amended for planned unit development (PUD) district zoning on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Zimmerman abstained.**

The amendments were to:

- **Strike Part 7 C from the ordinance**
- **To amend Part 8 C. 1 to read: 1. By making at least 10 percent of ownership units available for permanent affordability, participation in S.M.A.R.T. Housing allows for 100% of eligible fee waivers for all residential units within the PUD. The Landowner agrees to deposit into a fund the exact amount of all fee waivers received for the development. These funds will be made available to the Austin Housing Finance Corporation (AHFC), or other entity designated by the City, for the purchase of lots or units within the Pilot Knob PUD at sale prices agreed upon by both parties, down payment assistance for qualified buyers purchasing houses within Pilot Knob PUD, construction of affordable units and costs associated with administrating the affordable ownership program, and other expenditures agreed upon by the City.**
- **Strike Part 8 C. 2 from the ordinance and renumber the remaining sections**
- **To amend Part 8 C2 to read: 2. All lots transferred by the Landowner to AHFC, or other entity designated by the City, are subject to approval by AHFC or other entity designated by the City. The lots must be fully developed, buildable, and the subdivision accepted by the City of Austin, and integrated throughout the Pilot Knob PUD.**
- **To amend Part 8 D to read: D. The Landowner is required to make a financial contribution to AHFC, or other entity designated by the City, in an amount calculated as two percent of the total “hard” construction cost MUD reimbursements (up to \$6 million). These funds will be used to further the affordability outcomes required by the City. The contribution shall be deposited into the fund to be established under C.1.**

67. Approve an ordinance to annex the Pilot Knob MUD No. 3 - Collins Tract annexation area for limited purposes (approximately 2.9 acres in eastern Travis County approximately eight tenths of a mile east of the intersection of McKinney Falls Parkway and Colton Bluff Springs Road; contiguous to District 2). Related to Item #80.

**Ordinance 20151217-067 was approved on Council Member Garza’s motion, Council Member Renteria’s second on an 11-0 vote.**

85. C14-2015-0127 - Lexington Parke II - District 2 - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the northwest quadrant of Ross Road and Pearce Lane (Dry Creek East Watershed, Onion Creek Watershed) from single family residence-small lot (SF-4A) district zoning and multifamily residence-medium density (MF-3) to mobile home residence - conditional overlay (MH-CO) combing district zoning. First Reading approved on December 10, 2015. Vote: 10-0, Mayor Adler was absent. Owner/Applicant: Lexington 281, L.P. (Mehrdad Moayedi). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Wendy Rhoades, 512-974-7719.

**Ordinance No. 20151217-085 was approved for mobile home residence - conditional overlay (MH-CO) combing district zoning on Council Member Pool’s motion, Mayor Pro Tem Tovo’s second on an 11-0 vote.**

79. C7a-2015-0008 - Cantarra/Howard Subdivision - Approve second and third readings of an ordinance to annex the Cantarra/Howard Subdivision annexation area for full purposes (approximately 263 acres in northeastern Travis County north of Howard Lane approximately 700 feet east of the intersection of Howard Lane and Cantarra Drive and also north and south of Howard Lane immediately west of the intersection of Howard Lane and Cantarra Drive; contiguous to District 1), and to allow for the completion of the project defined as the approved

Cantarra Preliminary Plan, City of Austin Case No. C8J-05-0236, approved on August 1, 2006, as amended, may utilize the alternative fiscal provisions outlined in Section 82.401 (e), Chapter 82 Travis County Development Regulations. (THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON OCTOBER 1, 2015 AND OCTOBER 15, 2015).

**Ordinance No. 20151217-079 was approved for on Council Member Houston's motion, Council Member Pool's second on a 10-0 vote. Council Member Garza was off the dais.**

### **CITIZENS COMMUNICATIONS: GENERAL**

Michael Fossum - Wildlife management.

Brenda Richter - Austin Water rate case.

Donald Conklin - Water rate case.

Alton Moore - Hudson Bend release from E.T.J.

Pat Valls-Trelles - Animal Issues.

Erin Saffell - Pet trader ordinance.

Carlos León - 1) God, Jesus Christ, y El Espiritu Santo are front, center, and above. 2) Chemtrail spraying is an obamanation. 3) Losing your marbles - Part XVI.

Gus Peña - 1) Merry Christmas Happy New Year. Help the homeless. Single women with children who are homeless. 2) This City is too expensive. The City is giving away too much to developers. We need true affordable housing, we need transitional housing (more) for the homeless. 3) The gap widens between the haves and have nots, not good. 4) Show your appreciation to our military veterans everyday not just on Memorial Day and Veterans Day. Mayor Adler much more needs to happen to help house our homeless veterans. Enough talk, Feliz Navidad.

Gary Paisley - Hudson Bend & City of Austin annexation history.

Paul Robbins - City and budget issues

### **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.**

88. 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.**
89. Discuss legal issues related to Blake English et al v. City of Austin et al, Cause No. D-1-GN-15-00215 in the 345th Judicial District for Travis County, Texas (Private consultation with legal counsel-Section 551.071).

**This item was withdrawn without objection.**

90. 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 without objection.**

**Mayor Adler recessed the Council Meeting at 12:43 p.m.**

**Mayor Adler reconvened the meeting at 1:56 p.m.**

### **DISCUSSION ITEMS CONTINUED**

68. Approve a resolution initiating amendments to City Code Title 2, relating to the functions and duties of the City Auditor and the Ethics Review Commission, and directing the City Manager to process the amendments.  
**Resolution No. 20151217-068 was approved on Council Member Pool's motion, Council Member Garza's second on an 11-0 vote.**
69. Approve a resolution regarding lobbyist reform, including initiating proposed changes to City Code Chapter 4-8 relating to regulation of lobbyists and City Code Chapter 2-7 relating to the duties and functions of the Ethics Review Commission.  
**Resolution No. 20151217-069 was approved on Council Member Pool's motion, Council Member Casar's second on a 10-0 vote. Council Member Zimmerman abstained.**
70. Approve a resolution regarding mandating disclosure of campaign contributions and expenditures by non-profits and other entities not currently required to disclose their funding ("dark money" sources).  
**Resolution No. 20151217-070 was approved on Council Member Pool's motion, Council Member Casar's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Gallo, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**
16. Approve an ordinance amending Ordinance No. 20151119-023 setting the assessment and approving an amended proposed 2016 assessment roll for the Estancia Hill Country Public Improvement District. Related to Item #66.  
**Ordinance No. 20151217-016 was approved on Council Member Zimmerman's motion, Council Member Casar's second on an 11-0 vote.**
21. Authorize the negotiation and execution of Amendment No. 11 with AIDS SERVICES OF AUSTIN, INC., in an amount not to exceed \$65,395 for a revised current 12-month term amount not to exceed \$1,321,086 and total contract amount not to exceed \$6,356,090.  
**The motion authorizing the negotiation and execution of amendment number eleven with Aids Services of Austin, Inc. was approved on Council Member Casar's motion, Council Member Houston's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was off the dais.**
24. Authorize negotiation and execution of an amendment to the legal services agreement with Renea Hicks to provide legal services 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 in the amount of

\$125,000.00, for a total contract amount not to exceed \$180,000.00. Funding is available in the Fiscal Year 2015-2016 liability reserve fund.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Renea Hicks was approved on Council Member Houston's motion, Council Member Pool's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman recused himself.**

**Items 26 through 28 were acted upon in one motion.**

26. Approve an ordinance establishing Homestead Preservation District B in southeast Austin bounded generally by Interstate 35 and Parker Lane to the west, the Colorado River to the north, Bastrop Highway to the east, and Highway 71 to the south.  
**Ordinance 20151217-026 was approved on Council Member Renteria's motion, Council Member Casar's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**
27. Approve an ordinance establishing Homestead Preservation District C in east Austin and generally located north of the Colorado River, east of Springdale Road and Airport Boulevard, continuing east just beyond Ed Bluestein Boulevard, and extending to the north until Oak Springs Drive.  
**Ordinance 20151217-027 was approved on Council Member Renteria's motion, Council Member Casar's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**
28. Approve an ordinance establishing Homestead Preservation District D in north Austin located near the intersection of Interstate 35 and East Anderson Lane.  
**Ordinance 20151217-028 was approved on Council Member Renteria's motion, Council Member Casar's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**
74. Approve a resolution amending Resolution No. 000907-72 by increasing the percentage of tax revenue dedicated to the Housing Trust Fund derived from developments built on formerly-owned City property and committing those funds to various affordable housing purposes. December 9, 2015 – Recommended by the Housing and Community Development Committee to the full Council on a 3-1 vote with Council Member Gallo voting no.

**There was a motion to approve the item by Council Member Casar and seconded by Council Member Renteria.**

**There was a request by Council Member Gallo to vote on the first two sections of resolution separately. The request was accepted without objection.**

**A motion to incorporate an additional 20 percent in allocation to be delegated to affordable housing development in high opportunity areas was approved on Council Member Renteria's motion, Council Member Casar's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

**A motion to incorporate an additional 40 percent in allocation to be delegated to affordable housing development in the Homestead Preservation Districts was approved on Council Member Renteria's motion, Council Member Casar's second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Kitchen, Pool and Renteria. Those voting nay were: Council Members Gallo, Troxclair and Zimmerman. Council Member Houston abstained.**

**Resolution No. 20151217-074 was approved as recorded above.**

56. Approve an ordinance waiving certain fees and requirements under City Code Chapter 14-8; waiving certain other fees, payments, and requirements; authorizing payment of certain costs by City departments; and waiving or modifying certain requirements of City Code Sections 9-2-36, 9-2-38, 9-2-54, 13-2-336, 14-8-14, and 25-10-158 for the City co-sponsored March 11-21, 2016 South by Southwest conferences and festivals. (Notes: SPONSOR: Mayor Steve Adler CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Leslie Pool CO 3: Council Member Sabino "Pio" Renteria)

**Ordinance 20151217-056 was approved as amended on Council Member Casar's motion, Council Member Pool's second on a 10-0 vote. Council Member Zimmerman abstained.**

**The amendment was to revise the ordinance by striking Part 8 and replacing with the following:**

**Part 8. The City Manager is further directed to attempt to negotiate agreements between the City and SXSU, and potentially other event organizers, for upcoming Spring Festival Seasons. Such agreements should help ensure a safe, clean, and pedestrian friendly downtown area during the Spring Festival Season, and such agreements should outline the roles and responsibilities of the parties, potentially for multiple years.**

**The policy discussion of plan fee waivers will be referred to the Economic Opportunity Committee.**

87. C14-2015-0061 - Townbridge Homes Rezoning - District 2 - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7513 Cooper Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to townhouse to condominium residence-conditional overlay (SF-6-CO) combining district zoning. First Reading approved on November 19, 2015. Vote: 11-0. Owner/Applicant: Townbridge Homes, LLC (Aaron Levy). Agent: Thrower Design (Ron Thrower). Agent: City Staff: Wendy Rhoades, 512-974-7719.

**Ordinance No. 20151217-087 was approved for townhouse to condominium residence-conditional overlay (SF-6-CO) combining district zoning on Council Member Garza's motion, Council Member Zimmerman's second on an 11-0 vote.**

53. Authorize negotiation and execution of a 12-month contract with Movability Austin, the Downtown Austin Transportation Management Association, in the amount of \$100,000 with two 12-month renewal options, for a total agreement amount not to exceed \$300,000.

**The motion authorizing negotiation and execution of a contract with Movability Austin, the Downtown Austin Transportation Management Association, was approved on Council Member Pool's motion, Council Member Renteria's second on a 6-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Garza, Kitchen, Pool and**

**Renteria. Those voting nay were: Council Members Houston and Zimmerman. Council Members Gallo and Troxclair abstained. Council Member Casar was off the dais.**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:43 p.m. See separate minutes.**

91. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (The AHFC agenda is temporarily located at The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene.

**Mayor Adler called the Council Meeting back to order at 3:47 p.m.**

**Mayor Adler recessed the meeting at 3:50 p.m.**

**Mayor Adler reconvened the meeting at 4:17 p.m.**

#### **PUBLIC HEARINGS**

92. Conduct a public hearing and consider on 2nd and 3rd readings an ordinance amending City Code Chapter 25-1 and Ordinance No. 20070621-027 relating to parkland dedication requirements and associated fees imposed as a condition to development approval.  
**This item was postponed to January 28, 2016 on Council Member Pool's motion, Council Member Zimmerman's second on an 11-0 vote.**

**Direction was given to staff to leave the public hearing open.**

**Items 96 & 97 were acted upon in one motion.**

96. Conduct a public hearing and consider an ordinance granting a site specific amendment to City Code Section 25-8-514 and granting a variance to City Code Section 25-8-261 to allow redevelopment of St. Catherine of Siena Church (SP-2014-0476C). This action requires a site specific amendment to the Save Our Springs Initiative and concerns property in the Barton Springs Zone. (District 8). Related to Item #97.  
**This item was postponed to January 28, 2016 on Council Member Renteria's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
97. Conduct a public hearing and consider an ordinance regarding floodplain variances for the redevelopment of St. Catherine of Siena Church located at 4800 Convict Hill Road as requested by the owner of the property (District 8). The property is partially in the 25-year and 100-year floodplains of the Kincheon Branch, a tributary of Williamson Creek. Related to Item #96.  
**This item was postponed to January 28, 2016 on Council Member Renteria's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
93. Conduct a public hearing and consider an ordinance amending City Code Title 25 regarding regulation of porch encroachments into street side yards.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151217-093 was approved on Council Member Casar's motion, Council Member Pool's second on an 11-0 vote.**

**Items 17, 18, 94 and 85 were acted upon in one motion.**

94. Conduct a public hearing and consider an ordinance regarding the Indian Hills Public Improvement District 2016 assessment roll and authorizing the levying of the 2016 assessments. Related to Item #17.

**A motion to approve the item was made by Council Member Pool and seconded by Council Member Garza.**

**A motion to amend Part 6 of the ordinance to revise the due date from July 1, 2016 to November 1, 2016 was made by Council Member Zimmerman. The motion failed for lack of a second.**

**A motion to amend Part 6 of the ordinance to revise the due date from July 1, 2016 to August 1, 2016 failed on Council Member Houston's motion, Council Member Zimmerman's second on a 3-7 vote. Those voting aye were: Council Members Houston, Renteria and Zimmerman. Those voting nay were: Mayor Adler, May Pro Tem Tovo, Council Members Casar, Gallo, Garza, Kitchen and Pool. Council Member Troxclair was off the dais.**

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151217-094 was approved on Council Member Pool's motion, Council Member Garza's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was off the dais.**

95. Conduct a public hearing and consider an ordinance regarding the Whisper Valley Public Improvement District 2016 assessment roll and authorizing the levying of the 2016 assessments. Related to Item #18.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151217-095 was approved on Council Member Pool's motion, Council Member Garza's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was off the dais.**

17. Approve an ordinance amending the Fiscal Year 2015-2016 Financial Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the Indian Hills Public Improvement District. Related to Item #94.

**Ordinance No. 20151217-017 was approved on Council Member Pool's motion, Council Member Garza's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was off the dais.**

18. Approve an ordinance amending the Fiscal Year 2015-2016 Financial Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the Whisper Valley Public Improvement District. Related to Item #95.

**Ordinance No. 20151217-018 was approved on Council Member Pool's motion, Council Member Garza's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Troxclair was off the dais.**

**Mayor Adler recessed the meeting at 5:37 p.m. for Live Music and Proclamations.**

**LIVE MUSIC**

Austin Symphony

### PROCLAMATIONS

Proclamation - Poetry Caravan Day - to be presented by Mayor Steve Adler and to be accepted by Usha Akella

Distinguished Service Award - James Arnold Bushner - to be presented by Mayor Steve Adler and to be accepted by the honoree

Distinguished Service Award - Fred Evins - to be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation - Irish Hurling Team - to be presented by Council Member Sheri Gallo and to be accepted by TBA

Proclamation - Shop Local for the Holidays Month - to be presented by Mayor Steve Adler and to be accepted by Rebecca Melancon

Proclamation - Austin named UNESCO Creative City - to be presented by Mayor Adler and to be accepted by Kevin Johns and Lani Gonzalez

Proclamation - Lammes Candy Since 1885 130th birthday - to be presented by Mayor Pro Tem Kathie Tovo and to be accepted by TBA

Distinguished Service Award - James Shamard - to be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation - Bill Pickett 145th birthday - to be presented by Council Member Sabino "Pio" Renteria and to be accepted by Jose Orta

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

### PUBLIC HEARINGS CONTINUED

98. Conduct a public hearing and consider an ordinance amending City Code Title 25 related to short-term rental use.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151217-098 was approved on Mayor Pro Tem Tovo's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Zimmerman abstained.**

100. Set a public hearing to consider an ordinance relating to short-term rental use. (Suggested date and time: January 28, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Ann Kitchen CO 3: Council Member Ora Houston)

**The public hearing was set on January 28, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.**

### DISCUSSION ITEMS CONTINUED

76. Approve a resolution relating to expenditure of the Capital Metro ¼ Cent funds.  
**A motion to approve the resolution was made by Council Member Kitchen and seconded by Council Member Garza.**

**A motion to table the item failed on Council Member Zimmerman's motion, Council Member Troxclair's second on a 2-9 vote. Those voting aye were: Council Members Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria.**

**A motion to amend the Be It Resolved clause to read: "Be It Resolved By The City Council of the City of Austin: 1. No later than December 31, 2015 each City Council member and the Mayor shall submit to the City Manager a list of priority transportation projects, not necessarily limited by district that meet the required purposes for use of the ¼ Cent funds; and 2. The City Manager will present an updated recommendation for projects to be funded by the ¼ Cent Funds for consideration by the Council Mobility Committee and approval of the Austin City Council by February 28, 2016; and 3. In developing updated recommendations should further include for all projects that are identified by Mayor and Council as priority projects, but that are not recommended for funding with ¼ Cent Funds, an explanation of why ¼ Cent Funding is not recommended, other appropriate funding sources for the projects, and estimated timeline for funding and completion of each project.; 5. The approved list of projects to be funded by ¼ Cent Funds are to be considered priority projects, and Council further directs the City Manager to pursue completion of the approved projects as soon as feasible." The motion failed on Mayor Adler's motion, Council Member Casar's second on a 4-7 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar and Renteria. Those voting nay were: Gallo, Garza, Houston, Kitchen, Pool, Troxclair and Zimmerman.**

**A motion to amend Section 3 of the Be It Resolved clause to read: "3. The City Manager will present an updated recommendation for projects to be funded by the ¼ Cent Funds for consideration by the Council Mobility Committee and approval by the Austin City Council by January 28, 2016 of the \$21.8 million remaining ¼ Cent Funds to pay for the improvements as identified by each City Council member in the priority listed submitted in No. 1 above and by the Mayor as identified in No. 2 above." The amendment was approved on Mayor Adler's motion, Council Member Pool's second on a 10-1 vote. Council Member Zimmerman voted nay.**

**Resolution No. 20151217-076 was approved on Council Member Kitchen's motion, Council Member Garza's second on a 9-2 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Gallo, Garza, Houston, Kitchen, Pool, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Adler and Council Member Casar.**

75. Approve an ordinance amending the City Code to add new sections relating to the regulation of Transportation Network Companies (TNCs), amending City Code Chapter 13-2 relating to taxis, and terminating TNC operating agreements.  
**A motion to amend and approve the ordinance was made by Council Member Kitchen and seconded by Council Member Houston.**

**§ 13-2-509 DEFINITIONS.**

**In this Article:**

~~(1-2)~~ **DYNAMIC PRICING** means a software application or other method used to maximize the supply of available vehicles on the network to match the demand for rides, including for the purpose of increasing reliability or incentivizing drivers.

~~(2 1)~~ **ELIGIBLE COMPLIANT DRIVER** means as Transportation Network Company driver who has passed a driver history check and a fingerprint-based criminal background check.

~~(2 3)~~ **TRANSPORTATION NETWORK COMPANY (TNC) ...**

**§ 13-2-516 DATA REPORTING REQUIREMENTS.**

~~(D) (4)~~ total hours and miles driven by eligible complaint drivers and for all drivers.

**§ 13-2-521 INSPECTIONS.**

~~(A)~~ Before operating a vehicle under a TNC platform, a vehicle must successfully pass a ~~20-point~~ inspection by a mechanic certified by the State of Texas, ...

~~(B)~~ ~~In addition to the standard State inspection, a TNC vehicle inspection shall include certification of:~~

- ~~(1) emergency brakes;~~
- ~~(2) foot brakes;~~
- ~~(3) steering mechanism;~~
- ~~(4) windshield condition;~~
- ~~(5) rear window and other glass;~~
- ~~(6) windshield wipers;~~
- ~~(7) headlights;~~
- ~~(8) tail lights;~~
- ~~(9) turn indicator lights;~~
- ~~(10) brake lights;~~
- ~~(11) front seat adjustment mechanism;~~
- ~~(12) door operation (open, close, and lock);~~
- ~~(13) horn;~~
- ~~(14) speedometer;~~
- ~~(15) bumper condition;~~
- ~~(16) muffler and exhaust system;~~
- ~~(17) condition of tires (including tread depth);~~
- ~~(18) interior and exterior rear view mirrors;~~

~~(19) safety belts for drivers and passengers; and~~

~~(20) fire extinguisher. The safety inspections will certify a list of items established by separate ordinance and shall be equitable as between TNCs and other vehicles for hire.~~

§ 13-2-526 DRIVER REQUIREMENTS.

TNC drivers must possess a valid driver's license, proof of registration, and current automobile liability insurance, must be at least 21 years old, and must use a vehicle that is in compliance with Texas' inspection requirements and possess proof of a successful inspection. in compliance with this Chapter.

(B) The department will implement procedures for drivers to obtain driver history and finger-print based background checks in order to assist TNCs to meet the following benchmarks. The department is authorized to calculate benchmarks using data reported by TNCs under Section 13-2-516, and other data available to the department. Benchmarks are calculated as the percentage of hours or miles driven by eligible compliant drivers of the total hours or miles driven by other drivers for the TNC during the benchmark time period. TNCs that fail to meet the following benchmarks shall be subject to penalties ~~up to and including revocation of operating authority and operating authority reapplication fees.~~ Established by separate ordinance.

(D) To meet the requirements of this section, a criminal background check must be national in scope and comply with the requirements in Subsection ~~(D)~~ E of this section. ...

(F) After obtaining a TNC operating authority, a TNC that meets the requirements in Subsection ~~(F)~~ (G) of this section may elect to participate in a Safety Assurance Program. The program shall be administered by the Austin Transportation Department consistent with the requirements of this subsection.

(2) (d) implement incentives designed to assist the TNCs to achieve the city's goal of 100% hours or miles driven by eligible compliant drivers.

(G) (d) demonstrates good-faith efforts to onboard drivers who have completed the fingerprint-based background check process ~~during the transition period~~ as measured by the Austin Transportation Department and measured by percentages of drivers

~~(H) The department will implement~~ Council will establish by separate ordinance programs, processes and procedures to incentivize drivers to become eligible compliant drivers under subsection (A), ~~and incentivize consumers to use eligible compliant drivers.~~ and incentivize TNCs to utilize compliant drivers.

Division 5 – Fees.

§ 13-2-532 TNC FEES.

(B) Except for any TNC participating in the Safety Assurance Program, each TNC shall pay an additional fee of one (1) percent of the TNC's annual local gross revenue for the Eligible Compliant Driver Education Fund to be used to assist and incent drivers to ~~be eligible~~ become compliant.

(C) Subsection (B) shall not take effect until the incentives referenced in Section 13-2-527 (H) (Driver Eligibility – Criminal Background and Driver History Checks) have been established by Council.

§ 13-2-534 MAXIMUM FEE.

No TNC shall pay more than 2% of its annual gross revenue.

~~PART 3. City Code Section 13-2-102 (Contents of Application) is amended as follows:~~

~~§ 13-2-102 CONTENTS OF APPLICATION (NON-TAXI PERMIT).~~

~~PART 4. City Code Chapter 13 (Ground Transportation Services) is amended to add:~~

~~§ 13-2-103 CONTENTS OF APPLICATION (TNC OR TAXI PERMIT).~~

~~(A) — An application for a chauffeur's permit for TNC or taxi driving must contain the following:~~

- ~~(1) — Applicant's name, social security number, and date of birth.~~
- ~~(2) — Applicant's residence address and telephone number and states of residence during the three years preceding the date of the application.~~
- ~~(3) — Applicant's Texas driver's license number and expiration date.~~
- ~~(4) — A description of the applicant's experience in driving motor vehicles generally and in driving ground transportation service vehicles.~~
- ~~(5) — For a non-citizen applicant, proof that the applicant is permitted to work in the United States.~~
- ~~(6) — A statement that the applicant has read and understands the provisions of this chapter applicable to drivers of ground transportation service vehicles.~~
- ~~(7) — A statement of whether the applicant has been convicted of a criminal offense, whether the applicant's driver's license has been suspended or revoked, and complete information concerning any conviction, suspension, or revocation. Under this provision, a traffic violation must be included whether or not it is classified as a criminal offense.~~
- ~~(8) — Additional information required on the application form prescribed by the department. The applicant must attach to the application a copy of the applicant's complete criminal history and driving record, issued and certified by the Texas Department of Public Safety or other relevant governmental entity as determined by the department. The criminal history and driving record must be issued and certified not earlier than the 30th day before the date the applicant submits an application for a chauffeur's permit.~~

~~(C) the required criminal background check must be national in scope and prevent any person who has been convicted of certain offenses from obtaining a chauffeur permit. These offenses shall be specified by separate ordinance; and~~

~~(D) a check of a TNC driver's driving history is required and must prevent anyone with more than three moving violations within the three-year period before the driving history check, or anyone charged with driving without insurance or a suspended license within the three-year period prior to the history check, from driving for a taxi franchise.~~

**PART 5 3.** All TNC operating agreements executed under the authority of Ordinance No. 20141016-038 by the City are hereby terminated as of the effective date of this ordinance.

**PART 6 4.** This ordinance takes effect on February 1, 2016.

A motion to amend section 13-2-527 B and remove “Benchmarks are calculated as the percentage of hours or miles driven by [eligible] compliant drivers of the total hours or miles driven by other drivers for the TNC during the benchmark time period. (1) 50% compliance by May 1, 2016, (2) 100% compliance by August 1, 2016 and remove (3) and (4).” failed on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on a 2-9 vote. Those voting aye were: Council Member Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Member’s Casar, Gallo, Garza, Houston, Kitchen, Pool, and Renteria.

A motion to revise 13-2-527 (B) 4 to 100% failed on Mayor Pro Tem Tovo’s motion, seconded by Council Member Garza. Those voting aye were: Mayor Pro Tem Tovo and Council Member Garza. Those voting nay were: Mayor Adler, Council Member’s Casar, Gallo, Houston, Kitchen, Pool, and Renteria.

A motion to approve on first reading only was made by Mayor Pro Tem Tovo, seconded by Council Member Zimmerman. The maker of the motion withdrew the motion.

A motion to revise part 4 of the ordinance to take effect on May 15, 2016 and adjust other dates accordingly by six months was made by Council Member Zimmerman, seconded by Council Member Troxclair on a 2-9 vote. Those voting aye were: Council Member Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Member’s Casar, Gallo, Garza, Houston, Kitchen, Pool, and Renteria.

A motion to amend the Ordinance to mirror San Antonio’s process failed on Council Member Troxclair’s motion, seconded by Council Member Zimmerman on a 2-8 vote. Those voting aye were: Council Member’s Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Member’s Gallo, Garza, Houston, Kitchen, Pool and Renteria. Council Member Casar was off the dais.

A motion to amend sections 13-2-101, 13-2-102, 13-2-103 and 13-2-104 was made by Council Member Troxclair. The motion failed for lack of a second.

Ordinance 20151217-075 was approved as amended above on all three readings by Council Member Kitchen’s motion, Council Member Houston’s second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Member’s Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Member’s Troxclair and Zimmerman.

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 Renteria’s second on an 11-0 vote.

**PUBLIC HEARINGS CONTINUED**

99. Conduct a public hearing and consider an ordinance creating and designating a homestead preservation reinvestment zone named "City of Austin Homestead Preservation Reinvestment Zone Number One" generally located north of the Colorado River, east of Interstate 35, west of Airport Boulevard and Springdale Road, and south of 38 1/2th Street and establishing provisions for the effective administration of the zone.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151217-099 was approved on Council Member Renteria's motion, Mayor Adler's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.**

**Mayor Adler adjourned the meeting at 1:33 a.m. without objection.**

**The minutes were approved on this the 28<sup>th</sup> day of January 2016 on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.**