

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, JANUARY 28, 2016**

Invocation: Rev. David Hoster, St. James Episcopal 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, January 28, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:30 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 15, 2015 and regular meeting of December 17, 2015.
The minutes from the City Council work session of December 15, 2015 and regular meeting of December 17, 2015 were approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
2. Approve issuance of a rebate to NRE Edge LLC, for performing energy efficiency improvements at The Edge Apartments located at 1515 Wickersham Lane, in an amount not to exceed \$83,870 (District 3). January 25, 2016 – Recommended by the Electric Utility Commission on a vote of 9-0 with Chair Osborne and Commissioner Mahmood absent.
The motion authorizing the issuance of a rebate to NRE Edge LLC was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
3. Approve issuance of a rebate to NRE Zone LLC, for performing energy efficiency improvements at The Zone Apartments located at 4700 East Riverside Drive, in an amount not to exceed \$72,945 (District 3). January 25, 2016 – Recommended by the Electric Utility Commission on a vote of 9-0 with Chair Osborne and Commissioner Mahmood absent.
The motion authorizing the issuance of a rebate to NRE Edge LLC was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
4. Approve issuance of a rebate to Riverside Resources for the installation of energy efficiency measures at its office building located at 10901 Stonelake Blvd., in an amount not to exceed

\$60,566 (District 9). January 25, 2016 – Recommended by the Electric Utility Commission on a vote of 9-0 with Chair Osborne and Commissioner Mahmood absent.

The motion authorizing the issuance of a rebate to Riverside Resources was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.

5. Authorize recurring exempted sole source procurements (postage, electronic subscriptions and professional dues and memberships) under Texas Local Government Code 252 for expenditures necessary to conduct routine City business with multiple agencies and vendors in an amount not to exceed \$3,333,000. January 25, 2016 – Recommended by the Electric Utility Commission on a vote of 9-0 with Chair Osborne and Commissioner Mahmood absent.

The motion authorizing exempted sole source procurements was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.

6. Approve Service Extension Request No. 3683 for wastewater service to 1100, 1102, 1103, 1104, 1105, 1106, 1201, 1203, 1205, 1206, 1210, and 1300 Constant Springs Drive and 3600 and 3601 Moon River Road located within the Drinking Water Protection Zone, the City's 2-mile extra territorial jurisdiction, and Austin Water's service area.

The motion to approve the service extension request number 3683 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

7. Approve an ordinance authorizing negotiation and execution of an amended wastewater cost reimbursement agreement with Club Deal 120 Whisper Valley, L.P., for the design and construction of a phased wastewater treatment plant and wastewater interceptor, in an amount not to exceed \$18,194,779 (which represents an increase of \$3,394,779) and waiving City Code Sections 25-9-33, 25-9-61, 25-9-62, 25-9-63, 25-9-64, 25-9-66 and Resolution No. 20080214-055.

Ordinance 20160128-007 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

Items 8 through 10 were pulled for discussion.

11. Authorize negotiation and execution of a professional services agreement with KIMLEY-HORN AND ASSOCIATES, INC. (staff recommendation) or the other qualified responder to Request for Qualifications Solicitation No. CLMP189A, to provide professional engineering services for the Austin Transportation Department Traffic Management Center Operations Expansion Project in an amount not to exceed \$2,000,000 for a period of one year and three 12-month extension options in an amount not to exceed \$2,000,000 per extension, for a total contract amount not to exceed \$8,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. Limited subcontracting opportunities were identified; therefore, no MBE/WBE participation goals were established for this solicitation.)

The motion authorizing the negotiation and execution of a professional services agreement with Kimley-Horn and Associates, Inc. was approved on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

12. Authorize negotiation and execution of a professional services agreement with FREESE AND NICHOLS, INC. (staff recommendation) or one of the other qualified responders to Request For Qualifications Solicitation No. CLMP190, to provide engineering services for the Sanitary Sewer Evaluation Study – Crosstown Tunnel Basin Project for a total contract amount not to exceed

\$1,500,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B of the City Code Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 15.80% MBE and 15.80% WBE participation)

The motion authorizing the negotiation and execution of a professional services agreement with Freese and Nichols, Inc. was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 13 was pulled for discussion.

14. Authorize negotiation and execution of a three-year interlocal agreement with Austin Community College for professional career education classes for City employees in an amount not to exceed \$500,000.
The motion authorizing the negotiation and execution of an interlocal agreement with Austin Community College was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.
15. Authorize execution of an interlocal agreement with the City of Jonestown for the installation, maintenance, and repair of Jonestown's wireless communications equipment for a 12-month term for an estimated amount not to exceed \$5,000 payable to the City and with annual automatic renewal terms in the same estimated amount per renewal.
The motion authorizing the execution of an interlocal agreement with the City of Jonestown was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
16. Authorize execution of an interlocal agreement with Williamson County for installation, programming, maintenance, and repair of the County's wireless communications equipment for an initial term ending September 30, 2016, with an estimated amount of \$5,000 payable to the City and with annual automatic renewal terms in the same estimated amount per renewal.
The motion authorizing the execution of an interlocal agreement with Williamson County was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
17. Approve the recommendation of the Arts Commission to deaccession On the Green by Pat Wilie, at the Roy Kizer Golf Course, a public artwork commissioned by the Art in Public Places program.
The motion approving the recommendation of the Arts Commission was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
18. Approve an ordinance amending the Fiscal Year 2015-2016 Economic Development Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the Austin Downtown Public Improvement District, with a beginning balance of \$304,647, revenue of \$5,174,560, and requirements of \$5,182,888.
Ordinance 20160128-018 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.
19. Approve an ordinance setting the assessment rate and approving a proposed 2016 assessment roll for the South Congress Preservation and Improvement District. Related to Items #20, #21, and #58.

Ordinance 20160128-019 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-0 vote. Council Members Houston and Troxclair abstained.

20. Approve a resolution adopting the South Congress Preservation and Improvement District Service Plan and Budget for 2016. Related to Items #19, #21, and #58.
Resolution 20160128-020 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-0 vote. Council Members Houston and Troxclair abstained.
21. Approve a resolution amending Resolution No. 20141106-019, to amend the South Congress Preservation and Improvement District Service Plan and Budget for 2015. Related to Items #19, #20, and #58.
Resolution 20160128-021 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-1 vote. Council Member Houston voted nay. Council Member Troxclair abstained.
22. Approve negotiation and execution of a reimbursement agreement with Trammell Crow affiliate TC GREEN WATER MASTER DEVELOPER, LLC, for the Tree Relocation and Care Services for a 28" diameter heritage live oak tree located on Block 185 of the former Green Water Treatment Plant for a total contract amount not to exceed \$125,500. Related to Items #23 and #43.
The motion authorizing the negotiation and execution of a reimbursement agreement with Trammell Crow affiliate TC Green Water Master Developer, LLC was approved on consent on Council Member Garza's motion, Council Member Gallo'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.
23. Approve an ordinance amending the Fiscal Year 2015-2016 Economic Development Capital Budget (Ordinance No. 20150908-002) to increase appropriations by \$125,500 for tree relocation and care services for a 28" diameter heritage live oak tree located on Block 185 of the former Green Water Treatment Plant. Related to Items #22 and #43.
Ordinance 20160128-023 was approved on consent on Council Member Garza's motion, Council Member Gallo'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.
24. Approve the negotiation and execution of a contract with LATINO HEALTHCARE FORUM to implement health improvement strategies for a 12-month term from February 1, 2016 through January 31, 2017, in an amount not to exceed \$175,000, for a total contract amount not to exceed \$175,000.
The motion authorizing the negotiation and execution of a contract with Latino Healthcare Forum was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
25. Authorize the negotiation and execution of an interlocal agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to purchase human immunodeficiency virus (HIV) medication for eligible clients of the Ryan White Part A HIV Emergency Relief Project grant, for a six-month term from January 1, 2016 through June 30, 2016, for a total contract amount not to exceed \$400,000.

The motion authorizing the negotiation and execution of an interlocal agreement with the Texas Department of State Health Services was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

26. Approve an ordinance authorizing acceptance of \$83,537 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2015-2016 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to transfer in and appropriate \$83,537 for the Ryan White Part A HIV Emergency Relief Project and Minority AIDS Initiative Program.
Ordinance 20160128-026 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
27. Approve the negotiation and execution of Amendment No. 10 with CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC., in the amount of \$35,323 for a revised amount of \$1,685,236, with one-year renewal option in an amount not to exceed \$1,685,236, for a total contract amount not to exceed \$8,089,506.
The motion authorizing the negotiation and execution of amendment number ten with Central Texas Community Health Centers, Inc. was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
28. Authorize negotiation and execution of a legal services agreement with Lloyd Gosselink Rochelle & Townsend, P.C., for legal services regarding the public review process for proposed electric rates to be implemented in Fiscal Year 2016-17, in an amount not to exceed \$225,000.
The motion authorizing the negotiation and execution of a legal services agreement with Lloyd Gosselink Rochelle & Townsend, PC was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.
29. Authorize award and execution of two 12-month contracts for exempted sole source subscription services for the Austin Public Library with PROQUEST LLC in an amount not to exceed \$96,163, and with CENGAGE LEARNING, INC. in an amount not to exceed \$86,424.66, for a total amount not to exceed \$182,587.66.
The motion authorizing the award and execution of two contracts with Proquest LLC and Cengage Learning, Inc. was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.
30. Authorize negotiation and execution of an encroachment agreement with TAYSHA REAL ESTATE PARTNERS, LLC, for the aerial encroachment of right-of-way by enclosed building space at the intersection of West 2nd Street and Nueces Street, located at 202 Nueces Street (District 9).
The motion authorizing the negotiation and execution of an encroachment agreement with Taysha Real Estate Partners, LLC was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

Item 31 was pulled for discussion.

32. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments and payment of the related membership fee, in an amount not to exceed \$87,721.00.

Resolution 20160128-032 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

33. Approve execution of an interlocal agreement with the City of San Antonio for 911 call continuity of operations during critical instances.
The motion approving execution of an interlocal agreement with the City of San Antonio was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
34. Approve an ordinance creating temporary navigation control zones on Lake Austin during the PGA World Golf Championships-Dell Match Play and creating an offense.
Ordinance 20160128-034 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
35. Approve execution of an amendment to the interlocal agreement with the University of Texas for the U.S. Department of Justice grant, funded program, Restore Rundberg, to add approximately 10 months to the term.
This item was postponed to February 25, 2016 on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
36. Authorize negotiation and execution of an Advance Funding Agreement with Texas Department of Transportation (TxDOT) for relocation and adjustments of existing water and wastewater lines in conflict with TxDOT highway improvements along Interstate 35 from north of Stassney lane to William Cannon boulevard and at Slaughter Creek overpass, in the amount of \$803.66 for design and \$206,331.66 for construction, plus a \$20,633.17 construction contingency for a total amount of \$227,768.49. (Districts 2 and 3) Related to Items #37 and #38.
The motion authorizing the negotiation and execution of an Advance Funding Agreement with Texas Department of Transportation was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
37. Authorize execution of a standard utility agreement with the Texas Department of Transportation for funding of the adjustment of water valves and installation of fire hydrant markers within the Slaughter Creek Overpass Project. (Districts 2 & 3) Related to Items #36 and #38.
The motion authorizing the execution of a standard utility agreement with Texas Department of Transportation was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
38. Authorize execution of a standard utility agreement with the Texas Department of Transportation for funding of the adjustment, removal and relocation of water and wastewater lines within the IH 35 roadway improvements from North of Slaughter Lane to South of William Cannon Drive. (Districts 2 & 3) Related to Items #36 and #37.
The motion authorizing the execution of a standard utility agreement with Texas Department of Transportation was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
39. 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 February 4, 2016 on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

40. Authorize award and execution of a 36-month contract with N-LINE TRAFFIC MAINTENANCE L.P. (WBE) for the rental of temporary traffic control devices in an amount not to exceed \$3,495,000, with three 12-month extension options in an amount not to exceed \$1,165,000 per extension option, for a total contract amount not to exceed \$6,990,000. (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 require 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 N-Line Traffic Maintenance LP was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

41. Authorize award and execution of a 12-month contract with ITS PLUS INC. to provide a video imaging vehicle detection system in an amount not to exceed \$844,150, with three 12-month extension options in an amount not to exceed \$931,414 per extension option, for a total contract amount not to exceed \$3,638,392. (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 an insufficient number of certified M/WBE firms; therefore, no subcontracting goals were established.)

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

Item 42 was pulled for discussion.

43. Authorize negotiation and execution of a contract with ENVIRONMENTAL TREE AND DESIGN INC., or the other qualified offeror to Request for Proposal EAD0123REBID, for tree relocation and care services in an amount not to exceed \$125,500. Related to Items #22 and #23. (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 negotiation and execution of a contract with Environmental Tree and Design Inc. or the other qualified offeror was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.

44. Authorize negotiation and execution of an amendment to the contract with GE GRID SOLUTIONS, LLC to provide continued maintenance and support of GE Smallworld Electric Office software to add five one-year extension options in an amount not to exceed \$380,000 per extension option, for a revised total contract amount not to exceed \$4,904,061. (Notes: This contract was awarded as a sole source and is exempt from City Code Chapter 2-9C Minority and Women Owned Business Enterprise Procurement Program.) January 25, 2016 – Recommended

by the Electric Utility Commission on a vote of 9-0 with Chair Osborne and Commissioner Mahmood absent.

The motion authorizing the negotiation and execution of an amendment to the contract with GE Grid Solutions, LLC was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.

45. Authorize negotiation and execution of contracts with qualifying vendors for enrollment and access to Austin Energy's Power Partner Thermostat Program, in a combined total amount not to exceed \$1,000,000 over a two-year contract term. (Notes: This contract is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.) January 19, 2016 – Recommended by the Resource Management Commission on a vote of 9-0 with Commissioners Santiago and Saum absent. January 25, 2016 – Recommended by the Electric Utility Commission on a vote of 9-0 with Chair Osborne and Commissioner Mahmood absent.

The motion authorizing the negotiation and execution of contracts to Austin Energy's Power Partner Thermostat Program was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

46. Authorize award and execution of an interlocal agreement with the CITY OF SEGUIN, TEXAS to allow for cooperative procurement of goods and services. (Notes: This contract is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)

The motion authorizing the award and execution of an interlocal agreement with the City of Seguin, Texas was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

47. Approve issuance of a street closure permit under City Code Chapter 14-8 for the Fado's Irish Pub St. Patrick's Day Festival, a fee-paid event in the 200 block of West 4th Street, which will be held on Thursday, March 17, 2016 from 5:00 a.m. to midnight.

The motion approving the issuance of a street closure permit for the Fado's Irish Pub St. Patrick's Day Festival was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

48. Approve a resolution authorizing the execution of a multiple use agreement with the Texas Department of Transportation to permit the construction, maintenance, and operation of a safety lighting system on the highway right of way of IH 35 at seven bridge overpasses.

Resolution 20160128-048 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

49. Approve a resolution supporting the City of Austin application for U.S. Department of Transportation "Beyond Traffic: The Smart City Challenge" grant opportunity and authorizing the City Manager to accept and expend the \$100,000 award from the U.S. Department of Transportation in the event the City is selected as a finalist in the Smart City Challenge.

Resolution 20160128-049 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.

Item 50 was pulled for discussion.

51. 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 Garza's motion, Council Member Gallo's second on an 11-0 vote.

Nominations

<u>Board/Nominee</u>	<u>Nominated by</u>
Arts Commission Teruko Nimura	Council Member Pool
Board of Adjustment Rahm McDaniel	Council Member Casar
Bond Oversight Commission Keri Burchard-Juarez	Mayor Pro Tem Tovo
Bond Oversight Commission Kristina Hager	Council Member Garza
Bond Oversight Commission Linda Guerrero	Council Member Pool
Building & Fire Code Board of Appeals Aubrey Brasfield	Council Member Garza
Building & Standards Commission- Panel 1 Andrea Freiburger	Mayor Pro Tem Tovo
Building & Standards Commission- Panel 1 Julio Carrillo	Council Member Garza
Building & Standards Commission- Panel 1 John Green	Council Member Casar
Building & Standards Commission- Panel 1 Brian Talley	Council Member Troxclair
Commission on Immigrant Affairs Elisse Jean-Pierre	Council Member Houston
Commission on Seniors Elaine Cohen	Council Member Casar
Community Technology & Telecommunications Commission Virgilia Singh	Mayor Adler
Downtown Commission Jonathan Gins	Urban Transportation Commission
Downtown Austin Community Court	

**Advisory Committee
Lea Downey**

Council Member Pool

**Hispanic/Latino Quality of Life
Resource Advisory Commission
Fernando Trevino**

Council Member Gallo

**Mayor's Committee for People with Disabilities
Chris Masey**

Council Member Garza

**Mechanical, Plumbing & Solar Board
Michael Lumbley**

Council Member Garza

**Land Development Code Advisory Group
Guy Dudley**

Council Member Zimmerman

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Benjamin Graham on the Community Technology & Telecommunications Commission. The waiver includes absences through today's date.

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 February 12, 2016.

Board or Commission	Member	District
African American Resource Advisory Commission	Clifford Gillard	3
Commission for Women	Ana DeFrates	3
Commission for Women	Mackenzie Kelly	6
Commission on Immigrant Affairs	Jose Gamboa	3
Design Commission	Bart Whatley	9
Early Childhood Council	Sebastian Wren	4
Mexican American Cultural Center Advisory Board	Kathy Vale Castillo	M
Parks and Recreation Board	Michael Casias	3

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 between August 1, 2015 through August 31, 2015, if the person completed the training required by Section 2-1-23 on or before February 12, 2016.

Board or Commission	Member	District
Board of Adjustment	Eric Goff	2
Community Development Commission	Angelica Noyola	CDC
Construction Advisory Committee	Calvin Williams	1
Electric Board	Nicole Stasek	7
Mayor's Committee for People with Disabilities	Ronnie Miller	1

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 between September 1, 2015 through September 30, 2015, if the person completed the training required by Section 2-1-23 on or before February 12, 2016.

Board or Commission	Member	District
Commission on Veterans Affairs	Ed Colinsky	6

52. Approve the waiver or reimbursement of certain fees and requirements under City Code Chapter 14-8, and authorize payment of certain costs for the City cosponsored 2016 Martin Luther King Jr. parade which was held Monday, January 18, 2016. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Gregorio Casar CO 2: Council Member Ora Houston CO 3: Council Member Ann Kitchen CO 4: Council Member Delia Garza)
The motion to approve the waiver or reimbursement of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the 2016 Martin Luther King Jr. parade was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
53. Approve an ordinance waiving or reimbursing certain fees for the Chinese New Year Celebration sponsored by the Chinese Society of Austin which is to be held on Saturday, February 6, 2016 at the Asian American Resource Center. (Notes: SPONSOR: Council Member Ora Houston CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Leslie Pool CO 4: Council Member Sheri Gallo)
Ordinance 20160128-053 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.
54. Authorize reimbursement of certain costs under City Code Chapter 14-8 for the March for Gun-Free Campuses sponsored by Gun-Free UT which was held on Friday, January 8, 2016 beginning at the JW Marriott on East 2nd St. and ending at the Texas State Capitol building. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Leslie Pool CO 4: Council Member Delia Garza)
The motion authorizing reimbursement of certain costs for the March for Gun-Free Campuses was approved on consent on Council Member Garza's motion, Council Member Gallo's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.
55. Approve an ordinance waiving development fees for the construction of accessible ramps for existing single-family and duplex residential dwelling units built by qualifying non-profit entities for income-eligible individuals. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ora Houston CO 2: Council Member Leslie Pool CO 3: Council Member Delia Garza)
Ordinance 20160128-055 was approved on consent on Council Member Garza's motion, Council Member Gallo's second on an 11-0 vote.

Item 56 was pulled for discussion.

57. Set a public hearing to consider the use of dedicated parkland, known as Lady Bird Lake at Auditorium Shores Park, Butler Park, Shoal Beach Park, Duncan Park, and Republic Square Park (District 9), for approximately 18,456 square feet of permanent reclaimed water transmission and distribution main use, approximately 38,836 square feet of temporary working space use, and approximately 6,502 square feet of temporary staging area and materials storage site use, to

construct, use, maintain, repair, and replace reclaimed water transmission and distribution mains for construction of a portion of the Main to Junction 420 (Downtown Area) project, in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (Suggested date and time: February 25, 2016 at 4:00 p.m., Austin City Hall, Council Chambers, 301 West Second Street, Austin, TX).

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

58. Set a public hearing to consider the South Congress Preservation and Improvement District 2016 assessments. (Suggested date and time: February 25, 2016, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Items #19 and #20, and #21.

The public hearing was set on consent for February 25, 2016 at 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Council Member Houston abstained.

Items 61 through 71 were referred from Council Committees.

Item 72 was Eminent Domain.

Items 73 and 74 were Zoning Ordinances/Restrictive Covenants (Hearings Closed).

Items 75 through 77 were Executive Session items.

Item 78 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Items 79 through 91 were public hearing items set for 4:00 p.m.

Items 92 through 96 were addendum items.

DISCUSSION ITEMS

61. Approve an ordinance amending the Fiscal Year 2015-16 Operating Budget of Austin Resource Recovery (Ordinance No. 20150908-001) to increase transfers out by \$2,792,001 and amending the Fiscal Year 2015-2016 Austin Resource Recovery Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate \$2,792,001 from the Austin Resource Recovery Operating Budget for facility development and construction. (Notes: Austin Resource Recovery - Item #2 on December 10, 2015.)

This item was withdrawn without objection.

50. Approve a list of proposed projects available to utilize the Capital Metropolitan Transportation Authority quarter-cent fund.

Clarification was provided in Changes and Corrections that a resolution was to be considered as part of the approval of the project list.

The motion to approve the resolution adopting the list of projects attached as Exhibit A available to utilize the Capital Metropolitan Transportation Authority quarter-cent fund was approved as amended on Council Member Zimmerman's motion, Council Member Kitchen's second on a 10-0 vote. Mayor Adler was off the dais.

The amendment was to include the following projects in addition to the projects originally submitted:

DISTRICT 2

- Sidewalks Program	12712- 12925 Pearce Ln.	\$123,840
- Sidewalks Program	1500-1729 Thornberry Rd.	\$256,950
- Sidewalks Program	900-1021 Turtle Creek Blvd.	\$97,800
- Sidewalks Program	900-1018 Sahara Ave.	\$78,720
- Sidewalks Program	6100-6117 Emerald Forest Dr.	\$40,800
- Local Area Traffic Management	Cloudview Drive from Congress Avenue to Lunar Drive LATM	\$9,600
- Sidewalks Program	700-710 King Edward Pl.	\$28,320
- Sidewalks Program	100-213 Cloudview Dr.	\$83,640
- Sidewalks Program	711-724 King Edward Pl.	\$24,840
- Sidewalks Program	808-821 King Edward Pl.	\$29,280
- Sidewalks Program	800-807 King Edward Pl.	\$28,080
- Sidewalks Program	6500-6519 Middleham Pl.	\$46,680
- Sidewalks Program	6400-6408 Middleham Pl.	\$41,880
- Signals Program	S. 1 st St. @ King Edward Pl.	\$75,000
- Signals Program	S. 1 st St. @ Prince Valiant Dr.	\$165,000
- Sidewalks Programs	8002-8117 S 1 st St.	\$45,240
- Signals Program	S. 1 st St. @ Mairo St.	\$75,000
- Signals Program	S. 1 st St. @ Great Britain Blvd.	\$165,000
- Sidewalks Program	North side Lemon Dr. from Ponciana Dr. to Jacaranda Dr.	\$58,200
- Sidewalk Program	2311-2328 Deadwood Dr.	\$21,600
- Active Transportation	Pleasant Valley (Onion Creek Park to Button Bend) Protected Bicycle Lane	\$100,000
- Sidewalks Program	5400-5507 Village Ln.	\$55,920
- Sidewalks Program	5508-5521 Village Ln.	\$29,160
- Sidewalks Program	5600-5615 Village Ln.	\$26,640
- Signals Program	Pleasant Valley Rd. @ Village Square Dr.	\$75,000
- Signals Program	Pleasant Valley Rd. @ Turnstone Dr.	\$75,000
- Sidewalks Program	Stassney (from Palo Blanco to Pleasant Valley)	\$58,500

DISTRICT 4

- Active Transportation	Denson Bike Lane	\$130,000
- Arterial Streets Geometric Improvements	Westbound turn off Rundberg to N Creek	\$100,000
- Local Area Traffic Management	Jamestown LATM	\$40,000
- Local Area Traffic Management	LATM entering Georgian Acres Neighborhood- Most effective system as proposed by Staff (Consider along Dean, Beaver and Elliot)	\$90,000

- Local Area Traffic Management	LATM near future Showplace Lanes. Park- most effective system as proposed by staff (Consider Longspur and Diamondback)	\$50,000
- Multiple	North Lamar between 183 and Braker Improvements- include sidewalks between Rutland & Longspur on Lamar; include traffic signals or pedestrian hybrid beacons (strongly consider signal light or pedestrian beacon at Fairfield; strongly consider pedestrian crossing between Masterson Pass and Kramer); consider other high impact projects	\$730,000
- Multiple	Berkman Improvements – Provide Solution for Neighborhood Concerns between 51 st St. and HWY-290	\$60,000
- Neighborhood Partnering Program	General funding for proposed NACA NPP	\$40,000
- Sidewalk Program	Sidewalk to Barrington Elementary- Consider sidewalks on Shepard, North Drive, and Carpenter from North Lamar to Barrington Elementary School	\$370,000
- Signals Program	822 Rutland Dr. near HEB	\$75,000
- Signals Program	Crossing N Lamar b/w Nelray & 2222 (N Lamar @ Houston)	\$37,000
- Remainder	District Remainder	\$47,500
- Signals Program	Consider at Denson and Airport Intersection near ACC Highland	\$8,000
- LATM	North Creek Dr. LATM (Rundberg to Rock Hollow)	\$30,000
- Sidewalk Program	Middle Fiskville Rd./Fairfield Dr./ North Lamar Connections	\$100,000

DISTRICT 8

- Advanced Transportation Management System	Implement Adaptive Signal Control in District 8 based on best use of technology	\$400,000
- Arterial Streets Geometric Improvements	Convict Hill & Escarpment	\$50,000
- Capital Metro	City funds will be combined with Cap Metro funds to increase bus service in District 8	\$600,000
- Sidewalk Program	290 Frontage Rd. – finish south side Sidewalks from Westcreek Dr. to Monterey Oak Blvd.	\$253,440
- Sidewalk Program	Latta Dr. – complete sidewalks on Latta from Tiffany to Islander	\$214,800
- Sidewalk Program	Westcreek Dr. – the east side of Westcreek Drive finishing the sidewalk from Patton Elementary to 290	\$96,000
- Sidewalk Program	Sidewalk – north side of SH71 from the Y @ Oak Hill to Fletcher Ln	\$171,000
- Sidewalk Program	Alexandria Dr. – 200 ft. gap in sidewalk	\$24,000

	east of Capano	
- Signals Program	Cedar Creek Elementary School	\$75,000
- Signal Study	Davis Lane Signal Study – Need for traffic light @ David & Latta and Davis & Mopac	\$6,000
- Neighborhood Partnering Program	SW Pkwy Bluebonnet Seeding	\$2,990
- Multiple	Safety Improvements on 360 – crosswalk painted	\$6,770

Direction to staff to that if the large cost items were not able to be accomplished to bring back to Council to review how to use funds can be used otherwise.

65. Approve an ordinance amending City Code Chapter 2-1 related to the Downtown Commission. **Ordinance 20160128-065 was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on an 11-0 vote.**

9. Authorize negotiation of a professional services agreement with CDM SMITH, INC. (staff recommendation) or one of the other qualified responders to Request For Qualifications Solicitation No. CLMP179, to provide consulting services for the Integrated Water Resource Plan in an amount not to exceed \$1,000,000. (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 15.80% MBE and 15.80% WBE participation.) **This item was postponed on consent on Council Member Pool's motion, Council Member Zimmerman's second on an 11-0 vote.**

Direction was given to staff to include the votes of the board and commission recommendations included in backup.

13. Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD., for the South Austin Regional Wastewater Treatment Plant Tertiary Filter Improvements project, in the amount of \$24,718,610 plus a \$1,235,930 contingency in an amount not to exceed \$25,954,540. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program through the achievement of Good Faith Efforts with 15.47% MBE and 0.17% WBE participation.) **The motion authorizing the execution of a construction contract with Matous Construction, Ltd. was approved on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote.**

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

73. C14-2014-0186 – Hopper-Finley Tract – District 7 – Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2500 South Heatherwilde Boulevard (Harris Branch Watershed) from development reserve (DR) district zoning to single family residence-small lot-(SF-4A) district zoning for Tract 1, multi-family residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3, with conditions. First Reading approved on November 12, 2015. Vote: 10-0, Council Member Houston off the dais. Second Reading approved on December 10, 2015. Vote: 8-2, Council Member Pool and Council Member Kitchen voted nay, Mayor Adler-absent. Owner/Applicant: Finley Company (Tim Finley). Agent: Graves Dougherty Hearon & Moody (Michael J. Whellan). City Staff: Sherri Sirwaitis, 512-974-3057.

Ordinance 20160128-073 was approved for single family residence-small lot-(SF-4A) district zoning for Tract 1, multi-family residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3, with conditions on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Members Pool and Zimmerman abstained.

74. 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.

Ordinance 20160128-074 was approved for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was off the dais.

DISCUSSION ITEMS CONTINUED

66. Approve a resolution directing the City Manager to partner with the Local Economies Council in hosting the annual Local Business Conference.
Resolution 20160128-066 was approved on Mayor Pro Tem Tovo's motion, Council Member Casar's second on an 11-0 vote.
67. Approve a resolution directing the City Manager to explore options and locations for the provision of safe, durable, 24-hour free public toilets.
Resolution 20160128-067 was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.
71. 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.
Ordinance 20160128-071 was approved with the following amendment 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, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

The amendment was to have the ordinance read:

An Ordinance establishing classifications and positions in the classified service of the Emergency Medical Services Department; Creating certain positions; Establishing pay rates; and repealing Ordinance No. 20150908-006 relating to Emergency Medical Services Department Classification and Positions

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**PART 1. The Council finds:**

- (A) In accord with the procedures in Subchapter K of Texas Local Government Code Chapter 143 (Civil Service Status of Emergency Medical Services Personnel in Certain Municipalities) the City has adopted Chapter 143, which applies to certain employees in City's Emergency Medical Services Department.
- (B) Subchapter K of Chapter 143 provides that the City Council shall establish the classifications for the Emergency Medical Services Department and the number of positions in each classification.
- (C) The Emergency Medical Services Department recommends the creation of certain classified positions to improve the delivery of emergency medical services and increase efficiency in the Emergency Medical Services Department

PART 2. "Emergency Medical Services Department" means the Austin-Travis County Emergency Medical Services Department.

PART 3. The Emergency Medical Services Department shall be divided into three Divisions designated as the Field Division, Communications Division, and Operations Division. The number of positions in each civil service classification within each Division is established as follows:

Field Division:

(A) Commander-Field	33
(B) Captain-Field	68
(C) Medic II-Field	217
(D) Medic I-Field	141

Communications Division:

(A) Commander- Communications	4
(B) Captain- Communications	11
(C) Medic II- Communications	24
(D) Medic I- Communications	14

Operations Division:

(A) Assistant Chief	3
(B) Division Chief	6

PART 4. The number of positions in the civil service classification of Medic I Communication in Part 3 of this ordinance is an increase of three (3) from the number in existence immediately before the effective date of this ordinance.

PART 5. This Ordinance does not affect or amend the Meet and Confer Agreement between the City of Austin and the Austin-Travis County EMS Employees Association effective on October 1, 2013, which shall continue to apply to all civil service classifications except Assistant Chief, as specified in that Agreement.

PART 6. The Pay Scales attached to the Meet and Confer Agreement ratified on September 26, 2013 are adopted for each civil service classification except Assistant Chief.

PART 7. Ordinance 20150908-006 is repealed.

PART 8. This ordinance takes effect on February 9, 2016.

68. Approve a resolution related to funding policy goals for social service contracts and the Health and Human Services Department.
Resolution 20160128-068 was approved on Council Member Garza's motion, Council Member Houston's second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Gallo abstained.
64. Approve an ordinance amending City Code Chapter 2-1 relating to the African-American Resource Advisory Commission. (Notes: Committee)
Ordinance 20160128-064 was approved on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

CITIZENS COMMUNICATIONS: GENERAL

Susana Almanza - Drainage Fees, CIP and Equity in the City of Austin report.

Adrian Zeh - Drainage Fees, capital improvement, and equity.

Ed English - Local government transparency, accountability, and fiscal responsibility.

Zoila Vega - Wildlife management.

Susan Pantell - Bus transit.

Sharon Blythe - Wildlife contract management.

Malcolm Yeatts - Help with the Country Creek trail.

Barbara Terrell - Noise in the downtown area.

Samantha Rutherford - Williamson Creek buyout.

Amanda Mitchell Diaz - Williamson Creek buyout.

DISCUSSION ITEMS CONTINUED

10. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC., for the Main to Junction 420 Downtown Area project in the amount of \$4,732,997.65 plus a \$236,649.88 contingency, for a total contract amount not to exceed \$4,969,647.53. (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 94.77% MBE and 0.98% WBE participation.)
The motion authorizing the execution of a construction contract with Austin Underground, Inc. was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.

31. Authorize payment of the City's annual membership dues for Fiscal Year 2015-2016 to the Lone Star Rail District, in an amount not to exceed \$49,500.00.
The motion authorizing payment of the City's annual membership dues for Fiscal Year 2015-2016 to the Lone Star Rail District was approved on Council Member Kitchen's motion, Council Member Renteria'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.
72. 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 40, Block K, Yarrabee Bend Section 4, according to the map or plat thereof, recorded in Volume 77, Page 131, Plat Records, Travis County, Texas, and as corrected by Affidavit recorded in Volume 7093, Page 207, Deed Records, Travis County, Texas, in the amount of \$140,000. The owner of the needed property interest is Martha D. Alvarado. The property is located entirely in District 2, at 7102 Firefly Drive, Austin, Texas 78744-6552. 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 20160128-072 was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 9-0 vote. Council Members Troxclair and Zimmerman voted abstained.
42. Authorize negotiation and execution of a contract with TCS INTERNATIONAL for the installation of sensors and signage for the implementation of a dynamic parking system for the Transportation Department, in an amount not to exceed \$658,164. (Notes: This contract is exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing the negotiation and execution of a contract with TCS International was approved on Council Member Kitchen's motion, Council Member Pool's second on a 7-2 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 Troxclair and Zimmerman. Council Members Gallo and Houston abstained.

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.

75. 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.
76. 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.

77. Discuss legal issues related to a potential election in May 2016 concerning Transportation Network Companies and other potential ballot measures (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn without objection.

Mayor Adler recessed the Council Meeting at 1:15 p.m.

Mayor Adler reconvened the meeting at 2:20 p.m.

DISCUSSION ITEMS CONTINUED

70. Approve a resolution initiating amendments to City Code Chapter 25-10 (Sign Regulations) relating to digital signage.

Resolution 20160128-070 was approved as amended on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

The amendment was to have the resolution read:

" WHEREAS, on November 30, 2015, the Public Safety Committee of the City Council heard a presentation regarding the potential benefits of amending the City of Austin's sign regulations to allow digital billboards; and

WHEREAS, after considering the briefing, the Public Safety Committee voted to forward to the City Council, without recommendation, an item to initiate amendments to the City's sign regulations; and

WHEREAS, the City's sign regulations are part of the City's Land Development Code and are primarily a land use issue, including, compatibility with nearby uses; and

WHEREAS, there are many stakeholders in the City who participated in billboard discussions in the past and want to participate in the discussion as to whether amendments to the sign regulations to permit digital billboards are appropriate; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- 1. The City Manager is directed to conduct a series of public stakeholder meetings to ascertain support for amendments to City Code Chapter 25-10 (Sign Regulations).**
 - The stakeholder meetings should include, but are not limited to, representatives from scenic groups, neighborhood associations, bicycle community, pedestrian advocates, and representatives of the billboard business community.**
- 2. The feedback from the stakeholders meetings, along with a recommendation from staff, should be presented to the City Council for consideration within 120 days, following such other review as may be deemed appropriate."**

69. Approve a resolution directing the City Manager to include consideration of whether to allow digital signage as part of the CodeNext process.

This item was withdrawn without objection.

Action was taken on item 96 but was reconsidered later in the meeting see below.

92. Approve an ordinance relating to a voluntary background check program for people using a variety of online services involving peer-to-peer transactions. (Notes: SPONSOR: Mayor Steve

Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Sheri Gallo)

Ordinance 20160128-092 was approved on Mayor Adler's motion, Council Member Kitchen's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Kitchen, Pool and Renteria. Those voting nay were: Council Members Garza, Houston, Troxclair and Zimmerman.

96. Approve an ordinance amending Ordinance No. 20151217-075 to amend the effective date; and declaring an emergency. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Sheri Gallo)

Ordinance 20160128-096 was approved on Mayor Adler's motion, Council Member Kitchen's second on a 7-1 vote. Those voting aye were: Mayor Adler, Council Members Casar, Gallo, Houston, Kitchen, Pool and Renteria. Council Member Garza voted nay. Mayor Pro Tem Tovo, Council Members Troxclair and Zimmerman abstained.

The motion to reconsider the item was approved on Mayor Adler's motion, Council Member Kitchen's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Members Garza and Troxclair abstained.

Ordinance 20160128-096 was approved on an 8-1 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Houston, Kitchen, Pool and Renteria. Council Member Garza voted nay. Council Members Troxclair and Zimmerman abstained.

56. Approve an ordinance relating to ground transportation passenger service providers. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Delia Garza CO 2: Council Member Leslie Pool CO 3: Council Member Sheri Gallo)

This item was withdrawn without objection.

95. Approve an ordinance relating to a voluntary background check program for people using a variety of ground transportation passenger services. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Sheri Gallo)

This item was withdrawn without objection.

93. Approve an ordinance relating to ground transportation passenger services. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Sheri Gallo)

This item was withdrawn without objection.

94. Approve an ordinance relating to ground transportation passenger services. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Sheri Gallo)

This item was withdrawn without objection.

8. Authorize the negotiation and execution of a cost participation agreement with ARG BULL CREEK, Ltd. for the City to reimburse the developer for an amount not to exceed \$1,304,894.00 for costs associated with the design and construction of an oversized water main and appurtenances related to Service Extension Request No. 3607, that will provide water service to the Bull Creek Tract mixed-use development located at 4205 Bull Creek Road.

The motion authorizing the negotiation and execution of a cost participation agreement with ARG Bull Creek, Ltd. was approved on Council Member Zimmerman's motion, Council Member Houston's second on a 9-0 vote. Council Member Houston abstained. Council Member Troxclair was off the dais.

Direction was given to staff to send a memo providing which particular water treatment plant flow to and when the line from West Austin was constructed to move the flow to the Walnut Creek.

PUBLIC HEARINGS

Items 87 and 88 were acted upon in a combined motion.

87. Conduct a public hearing and consider an ordinance granting a site specific amendment to City Code Section 25-8-514 and granting variances to City Code Sections 25-8-261 and 25-8-482 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 #88.

The motion to postpone this item to February 25, 2016 was approved on Council Member Zimmerman's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was off the dais.

88. 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 #87.

The motion to postpone this item to February 25, 2016 was approved on Council Member Zimmerman's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was off the dais.

Items 59 and 79 were acted upon in a combined motion.

59. Approve an ordinance amending the Fiscal Year 2015-2016 Economic Development Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the East Sixth Street Public Improvement District, with a beginning balance of \$100,349, revenue of \$120,691, and requirements of \$120,691. Related to Item #79.

Ordinance 20160128-059 was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was off the dais.

79. Conduct a public hearing and consider an ordinance regarding the East Sixth Street Public Improvement District 2016 assessment roll and authorize the levying of 2016 assessments. Related to Item #59.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance 20160128-079 was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was off the dais.

Items 60 and 90 were acted upon in a combined motion.

60. 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 Estancia Hill Country Public Improvement District. Related to Item #90.

Ordinance 20160128-060 was approved on Council Member Kitchen's motion, Council Member Renteria's second on a 9-0 vote. Council Members Pool and Troxclair were off the dais.

90. Conduct a public hearing and consider an ordinance regarding the Estancia Hill Country Public Improvement District 2016 assessment roll and authorizing the levying of the 2016 assessments. Related to Item #60.
- The public hearing was conducted and the motion to close the public hearing and approve Ordinance 20160128-090 was approved on Council Member Kitchen's motion, Council Member Renteria's second on a 9-0 vote. Council Members Pool and Troxclair were 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 5:16 p.m. See separate minutes.

78. 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 5:27 p.m.

PUBLIC HEARINGS CONTINUED

89. Conduct 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)
- The public hearing was conducted and the motion authorizing the temporary use of a portion of dedicated parkland known as Shoal Creek Greenbelt was approved on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**

Items 81 through 83 were acted upon in a combined motion.

81. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family development to be called the Cannon Woods Estates Apartments, located at 4506 East William Cannon Drive, in Austin, Texas (District 2).
- The motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Gallo's second on an 11-0 vote.**

Resolution No. 20160128-081 was approved on Council Member Renteria's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was off the dais.

82. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family development to be called the Paddock at Fiskville Apartments, located at 10017 Middle Fiskville Road, in Austin, Texas (District 4).
- The motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Gallo's second on an 11-0 vote.**

Resolution No. 20160128-082 was approved on Council Member Renteria's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was off the dais.

83. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family development to be called the Villages of Goodnight Apartments, located at Slaughter Lane and Nuckols Crossing, in Austin, Texas (District 2).
The motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Gallo's second on an 11-0 vote.

Resolution No. 20160128-083 was approved on Council Member Renteria's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was off the dais.

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

LIVE MUSIC

La Frenetika

PROCLAMATIONS

Proclamation - Coal Tar Sealer Ban Anniversary - to be presented by Mayor Steve Adler and to be accepted by Joe Pantalion

Proclamation - School Choice Week - to be presented by Council Member Ellen Troxclair and to be accepted by Randan Steinhauser

Proclamation - Stalking Awareness Month - to be presented by Council Member Leslie Pool and to be accepted by Gretta Gardner

Distinguished Service Award - Andrew Primeaux - to be presented by Mayor Steve Adler and to be accepted by the honoree

Distinguished Service Award - David Galvan - to be presented by Mayor Steve Adler and to be accepted by the honoree

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

Mayor Adler called the Council Meeting back to order at 7:11 p.m.

62. Approve an ordinance amending the Fiscal Year 2015-2016 Austin Resource Recovery Operating Budget (Ordinance No. 20150908-001) to increase revenue by \$1,450,001; increase transfers out by \$1,450,001; and amending the Fiscal Year 2015-2016 Austin Resource Recovery Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate \$1,450,001 from the Austin Resource Recovery Operating Budget for facility development and construction. Related to Item #63. (Notes: Austin Resource Recovery)
The motion to postpone this item to February 4, 2016 was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.

63. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell approximately 9.405 acres of land, located at Lot 1, Block "E", Missouri-Pacific Industrial Park, Section One, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 52, Page 21 of the Plat Records of Travis County, Texas, and locally known as 4711 Winnebago Lane, to Jimmy Nassour in the amount of \$1,450,001 for the land (District 2). Related to Item #62. (Notes: Office of Real Estate Service - Item #11 on December 10, 2015)
The motion to postpone this item to February 4, 2016 was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.
85. 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.
The motion to postpone this item to February 11, 2016 was approved on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
86. 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.
A motion to approve ordinance dated January 25, 2016 including the staff recommendations listed in the staff report and amendment sheet and staff exhibit A was made by Council Member Gallo and seconded by Council Member Pool.

The following staff recommendations were incorporated:

Amendment 1: Revised Fee In-Lieu Requirements

To add a new definitions to Section 25-1-601 (D) (Dedication of Parkland) and renumber the remaining definitions accordingly. The new definitions are:

“(7) PARKLAND DEDICATION URBAN CORE means an area bound by Highway 71/Ben White Boulevard to the south; Highway 183 to the east and north; Loop 1 (MOPAC) on the west to FM 2222; FM2222 on the north to Loop 360; Loop 360 on the west to Lake Austin; Lake Austin on the west to Loop 1 (MOPAC); and Loop 1 (MOPAC) on the west to Highway 71 (Ben White);

(8) DEFICIENT PARK AREA MAP means a map depicting areas that the director has determined lack sufficient parkland based on the locational criteria established by the Parkland Dedication Operating Procedures and the parkland policies of the Imagine Austin Comprehensive Plan.”

To replace Subsections (A) and (B) in Section 25-1-605 (Fee In-Lieu of Parkland Dedication) with the following language and add a new Subsection (E):

(A) The director may require or allow a subdivision or site plan applicant to deposit with the City a fee in-lieu of land dedication under Section 25-1-602 (Dedication of Parkland) if:

(1) the director determines that payment of a fee in-lieu of dedication is justified under the criteria in Subsection (B) of this section; and

(2) the following additional requirements are met:

(a) less than six acres is required to be dedicated under Section 25-1-602 (Dedication of Parkland); or

(b) the land available for dedication does not comply with the standards for dedication under Section 25-1-603 (Standards for Dedicated Parkland).

(B) In determining whether to require dedication of land under Section 25-1-602 (Dedication of Parkland) or allow payment of a fee in-lieu of dedication under this section, the director shall consider whether the subdivision or site plan:

- (1) is located within the Deficient Park Area Map;
- (2) is adjacent to existing parkland;
- (3) has sufficient acreage to meet the standards for dedicated parkland under the Parkland Dedication Operating Procedures;
- (4) is needed to address a critical need for parkland or to remedy a deficiency identified by the Deficient Park Area Map; or
- (5) would provide increased connectivity with existing or planned parks or recreational amenities.

(E) If the director determines that payment of a fee in-lieu of parkland dedication is authorized under this section for only a portion of the land required to be dedicated under Section 25-1-602 (Dedication of Parkland), the director may allow an applicant to pay a fee in-lieu for that portion and require that the remaining land be dedicated. If an applicant dedicates parkland under Section 25-1-602 (Dedication of Parkland), the director may not include that acreage in calculating the fee in-lieu required by this section for any remaining land not included in the dedication.

To replace Subsection (A) in Section 25-1-602 (Dedication of Parkland) with the following:

(A) A subdivision or site plan applicant shall provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes under this article or by payment of a fee in-lieu of dedication under Section 25-1-605 (Fee In-Lieu of Parkland Dedication).

Amendment 2: Appeals Process

To add the following Subsection (F) in Section 25-1-605 (Fee In-Lieu of Parkland Dedication) to read:

(F) If the director rejects a request to pay a fee in-lieu of dedication under Subsection (B) of this section, the applicant may appeal the director's decision to the Land Use Commission consistent with the procedures in Article 7, Division 1 (Appeals) of this chapter. Before the Land Use Commission considers the appeal, the director shall present the case to the Parks Board for a recommendation, but failure by the Parks Board to act shall not prohibit the Land Use Commission from considering the appeal.

Amendment 3: Cap on Land Dedications in the Urban Core

To replace Subsection (E) in Section 25-1-602 (Dedication of Parkland) and add a new Subsection (J) to read:

(E) Except as provided under Subsection (J) of this section, the amount of parkland required to be dedicated to the City is 9.4 acres for every 1,000 residents, as determined by the following formula:

$$\frac{9.4 \times (\text{Number of Units})}{\text{X (Residents Per Unit)}} = \text{Acres of parkland}$$

1000

(J) The amount of parkland required to be dedicated within the Parkland Dedication Urban Core may not exceed 15% of gross site area for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.

(1) The director may request that the Land Use Commission approve dedication in excess of the 15% cap, up to the amount required under Subsection (E) of this section, if doing so is necessary to:

- (a) address a critical shortage of parkland for an area identified in the Deficient Parkland Area Map; or
- (b) provide connectivity with existing or planned parks or recreational amenities.

- (2) Before the Land Use Commission considers a request under this subsection for approval, the director shall present the request to the Parks Board for a recommendation.
- (3) In considering a request from the director under this subsection, the Land Use Commission may:
 - (a) deny the director's request and limit the required dedication to no more than 15% of gross site area; or
 - (b) require additional parkland dedication beyond the 15% cap, up to the lesser of:
 - (i) the amount required under Subsection (E) of this section; or
 - (ii) the minimum amount the Land Use Commission finds to be necessary based on the criteria in Paragraph (1)(a)-(b) of this subsection and the Parkland Dedication Operating Procedures.
- (4) If an applicant dedicates less than the amount of land required for dedication under Subsection (E) due to the cap imposed by this subsection, the director shall require payment of a fee in-lieu of dedication under Section 25-1-605 (Fee In-Lieu of Parkland Dedication) for the remaining undedicated land.
- (5) A request by the director under this subsection may be consolidated with an appeal by the applicant under Section 25-1-605(F) (Payment of Fee In-Lieu Dedication).

To add a new Part 4 to the ordinance and renumber the remaining part accordingly to read:

PART 4: The City Manager is directed to use the criteria in Exhibit A to this ordinance in applying Sections 25-1-602 (Dedication of Parkland) and 25-1-605 (Fee In-Lieu of Parkland Dedication) until the department adopts Parkland Dedication Operating Procedures by administrative rule, which shall supersede Exhibit A.

Amendment 4: Credit for Private Parkland

To replace the introductory Subsection (A) and Paragraph (A)(1) in Section 25-1-604 and delete the existing Subsection (E) which is no longer needed and replace with the following:

- (A) The director may allow up to a 100 percent credit toward fulfilling the requirements of:
- (1) Section 25-1-602 (Dedication of Parkland) for privately owned and maintained parkland or recreational easements that are available for use by the public and meet the standards of the Parkland Dedication Operating Procedures; and

(E) If private parkland is allowed, a recreational easement must be recorded prior to site plan or subdivision approval.

Amendment 5: Refund Procedures

To replace Paragraph (1) of Section 25-1-607(D) (Fee Payment and Expenditure) with the following:

- (1) A refund may only be requested for unbuilt units for which a fee in-lieu of dedication was paid. The refund request must be made in writing and filed with the Parks and Recreation Department not later than 180 days after the expiration of the deadline under Subsection (C).

Amendment 6: Adoption of Fee In-Lieu and Parkland Development Fee with Annual Fee Schedule

To replace Subsection (D) and Paragraph (D)(2)(a) in Section 25-1-605 (Fee In-Lieu of Parkland Dedication) with the following:

(D) The amount of the fee in-lieu of parkland dedication is established in the annual fee schedule based on a recommendation by the director in accordance with this subsection.

(D)(2)(a) "Parkland Cost Factor" is determined by the director based on the average purchase price to the City for acquiring an acre of parkland, excluding a metro or district park or golf course; and

To replace Subsection (B) and Paragraph (B)(2)(a) in Section 25-1-606 (Parkland Development Fee) with the following:

(B) The amount of the development fee is established in the annual fee schedule based on a recommendation by the director in accordance with this subsection.

(B)(2)(a) "Park Development Cost Factor" is determined by the director based on the average cost of developing an acre of parkland up to the standards of a neighborhood park; and

To replace the Exhibit A attached to the staff recommendation motion sheet and replace it with Exhibit A dated January 26, 2016 which includes the following additional language:

- "Whether other departments reviewing the project agree that the parkland on the site will not diminish other city objectives for Imagine Austin goals and policies such as land use, density, affordability, connectivity, environmental protection, transportation, etc. (The City will consult with other relevant departments in making the determination, if applicable).
- Whether the dedication of land is consistent with the core principles of Imagine Austin:
 - Grow as a compact, connected city
 - Integrate nature into the city
 - Provide paths to property for all
 - Develop as an affordable and healthy community
 - Sustainably manage, water, energy and other environmental resources
 - Think creatively and work together"

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

A motion to replace the staff recommendation Exhibit A with the Exhibit A recommended by the Open Space & Environment Sustainability Committee was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 6-5 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Mayor Adler, Council Members Casar, Gallo, Troxclair and Zimmerman.

The amendment was to remove the following:

- "Whether other departments reviewing the project agree that the parkland on the site will not diminish other city objectives for Imagine Austin goals and policies such as land use, density, affordability, connectivity, environmental protection, transportation, etc. (The City will consult with other relevant departments in making the determination, if applicable).
- Whether the dedication of land is consistent with the core principles of Imagine Austin:
 - Grow as a compact, connected city
 - Integrate nature into the city
 - Provide paths to property for all

- Develop as an affordable and healthy community
- Sustainably manage, water, energy and other environmental resources
- Think creatively and work together”

A motion to amend Exhibit A to provide additional language to “consider whether the dedication of land will impact affordable housing” was approved on Council Member Casar’s motion, Council Member Gallo’s second on a 6-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Renteria and Troxclair. Those voting nay were: Council Members Houston and Zimmerman. Council Members Garza, Kitchen and Pool abstained.

A motion to amend Section 25-1-602 (J) (Dedication of Parkland) failed on Mayor Pro Tem Tovo’s motion, Council Member Houston’s second on a 4-7 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Houston, Kitchen and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Gallo, Garza, Renteria, Troxclair and Zimmerman.

The amendment was to revise Subsection (J) as follows:

“(J) The amount of parkland required to be dedicated within the Parkland Dedication Urban Core may not exceed 15% of gross site area for parcels of 6 acres or less for the development required to provide the dedication except upon consent of the applicant or as authorized under this subsection.”

Ordinance 20160128-086 was approved with the amendments listed above on Council Member Gallo’s motion, Council Member Pool’s second on a 10-1 vote. Council Member Zimmerman voted nay.

AFTER 10:00 P.M.

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 Garza’s second on an 11-0 vote.

80. Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to approval requirements for Planned Unit Development zoning cases.

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Renteria’s motion, Council Member Garza’s second on a 10-0 vote. Council Member Casar was off the dais.

The motion to approve the ordinance on first reading was made by Mayor Pro Tem Tovo and seconded by Council Member Houston.

A motion to amend Part 1 of the ordinance was made by Council Member Zimmerman and seconded by Council Member Renteria. The amendment was to have Part 1 of the ordinance read:

- (A) The affirmative vote of three-fourths of the members of council is required to approve:
- (1) zoning or rezoning property to a planned unit development if the Land Use Commission recommends denial of the application by a vote of at least three-fourths of the members of the Land Use Commission; or
 - (2) a proposed rezoning that is protested in writing by the owners of not less than 20 percent of the area of land:
 - (a) included in the proposed change; or

(b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

A substitute motion was made to amend Subsection (A) of City Code Section 25-2-284 was made by Mayor Pro Tem Tovo's motion and seconded by Council Member Garza. The amendment was to have Part 1 read as follows:

- (A) The affirmative vote of three-fourths of the members of council is required to approve:
- (1) rezoning property to a planned unit development if the Land Use Commission recommends denial of the application by a vote of at least three-fourths of the members of the Land Use Commission ; or
 - (2) a proposed rezoning that is protested in writing by the owners of not less than 20 percent of the area of land:
 - a. included in the proposed change; or
 - b. immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

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

The first reading of the ordinance with the amendment listed above was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Renteria and Troxclair. Those voting nay were: Council Members Kitchen and Pool voted nay. Council Member Zimmerman abstained.

84. Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to neighborhood plan contact team regulations.

The public hearing was conducted and the motion to close the public hearing was approved on Council Member Casar's motion, Council Member Renteria's second without objection.

Ordinance 20160128-084 was approved with the following direction on Council Member Renteria's motion, Council Member Casar's second on an 11-0 vote.

Direction was given to staff to bring the proposed bylaws back to the Council for approval.

91. Conduct a public hearing and consider an ordinance relating to short-term rental use. The public hearing was conducted and the motion to close the public hearing was approved on Council Member Houston's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Garza was off the dais.

The motion to postpone the item to a special called meeting to be held on February 23, 2016 was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 9-2 vote. Those voting aye were: Mayor Adler and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Member Renteria.

Mayor Adler adjourned the meeting at 2:18 a.m. without objection.

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