

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 15, 2016**

**Invocation:** Pandit Eluwapola Thero and Rev. Unaleeye Sirinanda, Austin Buddhist Center

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 15, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:44 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of December 6, 2016, special called meeting of December 6, 2016 and regular meeting of December 8, 2016.  
**The minutes from the City Council work session of December 6, 2016, special called meeting of December 6, 2016 and regular meeting of December 8, 2016 were approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

**Items 2 and 3 were pulled for discussion.**

4. Authorize execution of a 24-month Indefinite Delivery/Indefinite Quantity construction services contract with Bilfinger Westcon, Inc., for the installation of chilled water piping construction in the right-of-way, in an amount not to exceed \$6,000,000 for an initial 24-month term, with three 12-month extension options for an amount not to exceed \$3,000,000 for each extension option, for a total contract amount not to exceed \$15,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.0% MBE and 6.0% WBE participation.) (December 12, 2016 – Not reviewed by the Electric Utility Commission due to the cancelation of the meeting.)  
**The motion authorizing execution of a construction services contract with Bilfinger Westcon, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**
5. Authorize negotiation and execution of a professional services agreement with STANLEY CONSULTANTS, INC., or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP207, to provide engineering services for Austin Energy Electric Service

Delivery, for an estimated period of three years, or until financial authorization is expended, for a total amount not to exceed \$6,450,000. (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 15.8% MBE and 15.8% WBE participation.) (December 12, 2016 – Not reviewed by the Electric Utility Commission due to the cancelation of the meeting.)

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

**Item 6 was pulled for discussion.**

7. Authorize negotiation and execution of a professional services agreement with the following five staff recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP204: WISS, JANNEY, ELSTNER ASSOCIATES; STANLEY CONSULTANTS INC.; STRUCTURES PE, LLP; ENCOTECH ENGINEERING CONSULTANTS INC.; and DATUM ENGINEERS INC, for engineering services for the 2017 Structural Engineering Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,250,000 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). No goals were established for this solicitation.)

**The motion authorizing negotiation and execution of a professional services agreement with Wiss, Janney, Elstner Associates, Stanley Consultants Inc., Structures PE, LLP, Encotech Engineering Consultants, Inc., and Datum Engineers Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

8. Authorize negotiation and execution of an amendment to the Indefinite Delivery/Indefinite Quantity contract with PEABODY CONSTRUCTION, INC. for the Facilities and Force Main Services Indefinite Delivery/Indefinite Quantity-Rebid contract in the amount of \$1,252,665 for a total contract amount not to exceed \$15,580,202. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 33.13% MBE and 28.15% WBE participation to date.)

**The motion authorizing negotiation and execution of an amendment to a contract with Peabody Construction, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

9. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC for the Gus Garcia District Park Phase 3 Improvements project in the amount of \$925,412.35 plus a \$92,541.24 contingency, for a total contract amount not to exceed \$1,017,953.59. (District 4) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.94% MBE and 1.22% WBE subcontractor participation.)

**The motion authorizing execution of a construction contract with Smith Contracting Co, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Item 10 was pulled for discussion.**

11. Approve an ordinance amending the Fiscal Year 2016-2017 Economic Development Department Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to adopt a budget for the East Sixth Street Public Improvement District, with a beginning balance of \$112,495 revenue of \$125,026, and requirements of \$165,026 (District 9).  
**Ordinance No. 20161215-011 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay.**
12. Authorize negotiation and execution of Amendment No. 1 for the contract with SKILLPOINT ALLIANCE to increase funding by \$137,833 for a revised annual contract amount of \$287,833, for the remainder of the contract term through September 30, 2018, for a contract amount not to exceed \$725,666, with three 12-month extension options in an amount not to exceed \$287,833 for each extension option, for a total contract amount not to exceed \$1,589,165.  
**The motion authorizing negotiation and execution of amendment number one for the contract with Skillpoint Alliance was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay.**
13. Authorize negotiation and execution of Amendment No. 1 for the contract with CAPITAL INVESTING IN DEVELOPMENT & EMPLOYMENT OF ADULTS INC DBA CAPITAL IDEA, INC. to increase funding by \$650,000 for a revised annual contract amount of \$1,780,650 for the remainder of the term through September 30, 2018, for a contract amount not to exceed \$4,691,950, with three 12-month extension options in the amount not to exceed \$1,780,650 for each extension option, for a total contract amount not to exceed \$10,033,900.  
**The motion authorizing negotiation and execution of amendment number one for the contract with Capital Investing In Development & Employment of Adults Inc doing business as Capital Idea, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay.**
14. Authorize negotiation and execution of an amendment to an interlocal agreement with Travis County to provide emergency medical services in areas of Travis County outside the City's corporate limits and dispatch support services to Travis County's STAR Flight program for a 12-month term beginning on October 1, 2016 in exchange for payment of \$16,632,804 by Travis County.  
**The motion authorizing negotiation and execution of an amendment to an interlocal agreement with Travis County was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**
15. Approve an ordinance authorizing the issuance and sale, by June 15, 2017, of City of Austin Airport System Revenue Bonds, Series 2017B (Alternative Minimum Tax or "AMT"), in an amount not to exceed \$160,000,000 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees. (December 13, 2016 – Approved by the Airport Advisory Committee on a vote of 9-0 with Commissioner Legate absent and one vacancy.)  
**Ordinance No. 20161215-015 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay.**

16. Approve an ordinance amending the Fiscal Year 2016-2017 Austin Transportation Department Capital Budget (Ordinance No. 20160914-002) to increase appropriations by \$8,000,000 for corridor mobility, bikeways, and safety, including the City's Vision Zero plan to eliminate traffic-related fatalities; and amending the Fiscal Year 2016-2017 Public Works Department Capital Budget (Ordinance No. 20160914-002) to increase appropriations by \$20,000,000 for sidewalks, safe routes to schools, urban trails, and capital renewal projects. (Related to Item 17)  
**Ordinance No. 20161215-016 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**
17. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of general obligation bonds to be issued for transportation and mobility-related expenditures in the total amount of \$28,000,000. (Related to Item 16)  
**Resolution No. 20161215-017 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**
18. Approve an ordinance authorizing the issuance and sale by June 15, 2017, of City of Austin Airport System Revenue Bonds, Series 2017A (Non-AMT), in an amount not to exceed \$230,000,000 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees. (December 13, 2016 – Approved by the Airport Advisory Committee on a vote of 9-0 with Commissioner Legate absent and one vacancy.)  
**Ordinance No. 20161215-018 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**
19. Approve an ordinance amending the Fiscal Year 2016-2017 Office of Real Estate Services Capital Budget (Ordinance No. 20160914-002) to increase appropriations by \$6,500,000 for HealthSouth facilities. (Related to Items 20 and 38)  
**Ordinance No. 20161215-019 was approved on consent on Council Member Zimmerman'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.**
20. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of certificates of obligation to be issued for expenditures in the total amount of \$6,500,000 for Health South facilities and the adjacent garage. (Related to Items 19 and 38)  
**Resolution No. 20161215-020 was approved on consent on Council Member Zimmerman'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.**
21. Authorize negotiation and execution of an agreement with Con Mi Madre for education, support, and mental health services, in an amount not to exceed \$60,414.  
**The motion authorizing negotiation and execution of an agreement with Con Mi Madre was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**
22. Authorize negotiation and execution of Amendment No. 1 to an interlocal agreement with Worksource Greater Austin Area Workforce Board to increase funding for early childhood services in an amount not to exceed \$183,415 for the period October 1, 2016 through September

30, 2017, and to increase funding for the four remaining 12-month renewal options in an amount not to exceed \$8,415 per renewal option, for a total increase to the agreement not to exceed \$217,075.

**The motion authorizing negotiation and execution of amendment number one to an interlocal agreement with Worksource Greater Austin Area Workforce Board was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

23. Authorize negotiation and execution of Amendment No. 3 to the 37-month agreement with Austin Independent School District to increase funding for after school enrichment services, in an amount not to exceed \$981,236 for the period September 1, 2015 through September 30, 2018, and increase funding for the three remaining 12-month renewal options in an amount not to exceed \$15,618 per renewal option, for a total increase to the agreement not to exceed \$1,028,090.

**The motion authorizing negotiation and execution of amendment number three to an agreement with Austin Independent School District was approved on consent on Member Zimmerman's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.**

24. Authorize negotiation and execution of Amendment No. 1 to the agreement with Asian American Center, Inc., to add one 12-month extension option to provide community health system navigation services beginning January 1, 2017, in an amount not to exceed \$137,775.

**The motion authorizing negotiation and execution of amendment number one to the agreement with Asian American Center, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**

25. Authorize negotiation and execution of an interlocal agreement with Texas Department of State Health Services to provide a survey oversample in Travis County for the Texas Behavioral Risk Factor Surveillance System for the term of November 1, 2016 through September 1, 2018, in an amount not to exceed \$109,000.

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

26. Approve an ordinance authorizing acceptance of \$199,260 in grant funds from the Texas Department of State Health Services, and amending the Fiscal Year 2016-2017 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to appropriate \$199,260 in grant funds and to authorize the addition of two full-time equivalent positions to coordinative HIV medical care services.

**Ordinance No. 20161215-026 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

27. Approve an ordinance authorizing the acceptance of \$41,255 in grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration, and amending the Fiscal Year 2016-2017 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to appropriate \$41,255 for the Ryan White Part A HIV Emergency Relief Project and Minority AIDS Initiative Grant Program for the provision of medical and supportive services to people with the human immunodeficiency virus.

**Ordinance No. 20161215-027 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

28. Approve negotiation and execution of two contract amendments with the following two providers of HIV services under the Ryan White Part A HIV Emergency Relief Program: Amendment No. 14 with AIDS Services of Austin, Inc. in an amount not to exceed \$141,426, for a revised current 12-month term amount not to exceed \$1,482,512, and total contract amount not to exceed \$6,517,516; and Amendment No. 13 with Central Texas Community Health Centers in an amount not to exceed \$80,000, for a revised current 12-month term amount not to exceed \$1,765,840, and total contract amount not to exceed \$8,200,110.

**The motion approving negotiation and execution of contract amendment number 14 with AIDS Services of Austin, Inc. and contract amendment number 13 with Central Texas Community Health Centers was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**

**Items 29 through 31 were pulled for discussion.**

32. Authorize negotiation and execution of an interlocal agreement with the Austin-Travis County Sobriety Center Local Government Corporation for initial actions necessary to establish a sobriety center, including but not limited to the hiring of an executive director, administrative support personnel, and legal counsel, in the amount not to exceed \$380,000.

**The motion authorizing negotiation and execution of an interlocal agreement with the Austin-Travis County Sobriety Center Local Government Corporation was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

33. Authorize the negotiation and execution of a one-year contract with Business Investment Growth to provide training and technical assistance services to certified microenterprise firms in an amount not to exceed \$200,000.

**The motion authorizing the negotiation and execution of a contract with Business Investment Growth was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.**

34. Authorize the negotiation and execution of a 60-month lease extension for approximately 1,440 square feet of nutrition counseling space for the Women, Infants, and Children Program of the Austin/Travis County Health and Human Services Department, located at 443 Hwy 71 West, Bastrop, Texas, from BASTROP MARKETPLACE, LTD., in an amount not to exceed \$141,000.

**The motion authorizing the negotiation and execution of a lease extension from Bastrop Marketplace, Ltd. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

35. Authorize the negotiation and execution of an 84-month lease renewal for approximately 3,405 square feet of office space for the Criminal Prosecution Division of the Law Department, located at 723 East 6th Street, Austin, Texas from 723 SIXTH L.C., in an amount not to exceed \$765,483.86 (District 9).

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

36. Authorize the negotiation and execution of a 24-month lease renewal for 60 parking spaces for the Austin Code Department at 21 Waller Street, Austin, Texas, from AUSTIN GERIATRIC CENTER, INC., in an amount not to exceed \$108,000. (District 3)  
**The motion authorizing the negotiation and execution of a lease renewal from Austin Geriatric Center, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**
37. Authorize the negotiation and execution of a lease amendment to add an additional 14,530 square feet of office space for the Austin Transportation Department, located at 3701 Lake Austin Blvd., for 46 months with LOWER COLORADO RIVER AUTHORITY in an amount not to exceed \$1,462,494. (District 10)  
**This item was withdrawn on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**
38. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire from HEALTHSOUTH OF AUSTIN, INC. its interest as tenant of approximately 1.382 acres of land at 1215 Red River Street, including rights to improvements, and title to approximately 0.349 acre of land and improvements located at 606 East 12th Street, for an amount not to exceed \$6,500,000. (District 1) (Related to Items 19 and 20)  
**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire from Healthsouth of Austin, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained.**
39. Authorize negotiation and execution of a 120-month lease agreement for approximately 3,786 square feet of interior restaurant space, 2,065 square feet of covered patio space, and an approximately 789 square foot commercial catering kitchen, within the New Central Library, located at 710 West Cesar Chavez with ELM RESTAURANT GROUP, LLC, with a minimum rental income of \$2,320,174.38 less a tenant improvement allowance not to exceed \$450,000 and brokerage commission payable to CBRE, Inc. in an amount not to exceed \$65,000. (District 9).  
**The motion authorizing negotiation and execution of a lease agreement with Elm Restaurant Group, LLC was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.**
40. Approve an ordinance amending the Fiscal Year 2016-2017 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to accept and appropriate up to \$250,000 from the Trail of Lights Foundation for payment of City services, and approve the waiver or reimbursement of certain permit, application and similar fees and requirements for the 2016 Trail of Lights in an amount not to exceed \$200,000.  
**Ordinance No. 20161215-040 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**
41. Authorize negotiation and execution of a 12-month contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS cooperative purchasing program with NEXTEL OF TEXAS, INC. DBA SPRINT, to provide wireless communication services and equipment, in an amount not to exceed \$70,000, with two 12-month extension options in an amount not to exceed \$70,000 per extension option, for a total contract amount not to exceed \$210,000. (Notes: This procurement 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 negotiation and execution of a contract through the Houston-Galveston Area Council of Governments cooperative purchasing program with Nextel of Texas, Inc. doing business as Sprint was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

42. Authorize award and execution of two 24-month contracts with ENTECH SALES AND SERVICE, INC. and SIMPLEX GRINNELL LP DBA SIMPLEXGRINNELL LP, to provide security systems and related services, in an amount not to exceed \$1,106,000 each and combined, with three 12-month extension options in an amount not to exceed \$553,000 per extension option each and combined, for a total contract amount not to exceed \$2,765,000 each and combined. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there was insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

**The motion authorizing award and execution of two contracts with Entech Sales and Service, Inc. and Simplex Grinnell LP doing business as Simplexgrinnell LP was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

43. Authorize negotiation and execution of a 60-month contract with TEXAS METER AND DEVICE COMPANY, LLC, to provide installation services for commercial meter replacements, in an amount not to exceed \$3,600,000. (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 subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract with Texas Meter and Device Company, LLC was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

44. Authorize negotiation and execution of a 36-month contract with CHARGEPOINT, INC., to provide electric vehicle plug-in charging station software and support services, in an amount not to exceed \$420,000, with two 12-month extension options in an amount not to exceed \$140,000 per extension option, for a total contract amount not to exceed \$700,000. (Notes: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.) (December 13, 2016 – Recommended by the Resource Management Commission on a vote of 6-0 with Commissioners Dwyer, Gill, Vaughan, and White absent, and one vacancy.)

**The motion authorizing negotiation and execution of a contract with Chargepoint, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

45. Authorize negotiation and execution of an interlocal agreement with LAS VEGAS METROPOLITAN POLICE DEPARTMENT to allow for cooperative procurement of goods and services. (Notes: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)



**The motion authorizing negotiation and execution of an interlocal agreement with Las Vegas Metropolitan Police Department was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

46. Authorize negotiation and execution of a 36-month contract with REPUBLIC SERVICES, or one of the other qualified offerors to Request For Proposals SLW0514, to provide citywide refuse, recycling, organics and special waste collections for City facilities, in an amount not to exceed \$7,725,000, with three 12-month extension options in an amount not to exceed \$3,090,000 per extension option, for a total contract amount not to exceed \$16,995,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

**This item was postponed to February 2, 2017 on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

47. Authorize negotiation and execution of a 12-month contract with BENTLEY SYSTEMS, INC., to provide engineering and design software and support, in an amount not to exceed \$134,963. (Notes: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

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

48. Authorize negotiation and execution of a 12-month contract with WEST PUBLISHING CORPORATION, for online legal and investigative research tools, in an amount not to exceed \$74,940, with two 12-month extension options in an amount not to exceed \$77,184 for the first extension option, and \$79,500 for the second extension option, for a total contract amount not to exceed \$231,624. (Notes: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of a contract with West Publishing Corporation was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

49. Authorize negotiation and execution of a 60-month contract through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program with MARK III SYSTEMS, to provide International Business Machines and Lenovo products and services, including maintenance and support, in an amount not to exceed \$11,500,000. (Notes: This contract will be awarded by a cooperative purchase agreement with the Texas Department of Information Resources (DIR) in accordance with Chapter 2054 of the Texas Government Code; therefore, goals were not established.) (December 12, 2016 – Not reviewed by the Electric Utility Commission due to the cancelation of the meeting.)

**The motion authorizing negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Mark III Systems was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay.**

50. Authorize negotiation and execution of a 12-month contract with CENTRAL TEXAS COMMERCIAL A/C & HEATING INC., to provide temporary rental of portable equipment for

power plants and district cooling plants, in an amount not to exceed \$600,000, 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 \$1,800,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there was limited availability of certified M/WBE firms; therefore, no subcontracting goals were established.) (December 12, 2016 – Not reviewed by the Electric Utility Commission due to the cancelation of the meeting.)

**The motion authorizing negotiation and execution of a contract with Central Texas Commercial A/C & Heating Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Members Troxclair and Zimmerman abstained.**

51. Authorize negotiation and execution of a 36-month contract with DOBLE ENGINEERING COMPANY, to provide test equipment and support services, in an amount not to exceed \$330,690, with two 12-month extension options in an amount of \$118,497 for the first extension option and \$121,460 for the second extension option, for a total contract amount not to exceed \$570,647. (Notes: This contract is exempt from the City Code Chapter 2-9C and 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.) (December 12, 2016 – Not reviewed by the Electric Utility Commission due to the cancelation of the meeting.)

**The motion authorizing negotiation and execution of a contract with Doble Engineering Company was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

**Items 52 and 53 were pulled for discussion.**

54. Approve an ordinance amending City Code Chapters 2-9A, 2-9B, 2-9C and 2-9D to add findings, revise the annual participation goals and extend the sunset date for the Minority-Owned and Women-Owned Business Enterprise Procurement Program.

**Ordinance No. 20161215-054 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

55. Authorize the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) to contribute up to \$459,047.00 from fees collected by the City from Austin's cable providers for public, educational, and governmental access channels for AISD's purchase of equipment necessary for the operation of the AISD educational access channel.

**The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) was approved on consent on Council Member Zimmerman'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.**

56. 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 Friday, March 17, 2017 from 12:00 p.m. to midnight. (District 9).

**The motion approving issuance of a street closure permit under City Code Chapter 14-8 for the Fado's Irish Pub St. Patrick's Day Festival was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 11-0 vote.**

57. Authorize payment of the City's membership fees for Fiscal Year 2016-2017 to the Greater Austin-San Antonio Corridor, which promotes the region's economic development, in an amount not to exceed \$100,000.

**The motion authorizing payment of the City's membership fees for Fiscal Year 2016-2017 to the Greater Austin-San Antonio Corridor was approved on consent on Council Member Zimmerman'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.**

58. Approve an ordinance amending City Code Section 12-4-64(D) to add portions of Martin Luther King Jr. Boulevard (East) (F.M. 969) to the table of streets having a maximum speed of 35 miles per hour, for students attending Austin Discovery School; and to provide emergency passage. (District 1)

**Ordinance No. 20161215-058 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman abstained.**

59. Authorize negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority for the establishment of a public plaza and a permanent downtown rail station on 4th Street, between Red River Street and Trinity Street, and to conduct the necessary process to establish two-way traffic on 5th Street between IH 35 and Brazos Street. (District 9)

**This item was postponed to January 26, 2017 on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-1 vote. Council Member Troxclair voted nay.**

**Item 60 was pulled for discussion.**

61. Approve an ordinance waiving or reimbursing certain fees for "The Vagina Monologues," sponsored by V-Day benefitting SafePlace, to be held on February 17-19, 2017, at the Dougherty Arts Center. (Notes: SPONSOR: Council Member Delia Garza CO 1: Mayor Steve Adler CO 2: Council Member Ann Kitchen CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Leslie Pool)

**Ordinance No. 20161215-061 approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Troxclair abstained.**

**Item 62 was pulled for discussion.**

63. Approve an ordinance waiving or reimbursing certain fees for the Second Annual Austin City Wide Iftar sponsored by the Austin Muslim Civic Ambassadors, which will be held June 3, 2017, at the Austin Asian Resource Center. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Gregorio Casar CO 3: Council Member Delia Garza CO 4: Council Member Ora Houston)

**Ordinance No. 20161215-063 approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Troxclair abstained.**

**Item 64 was pulled for discussion.**

65. Approve a resolution supporting the Environmental Protection Agency's work toward finalizing methane pollution standards. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ann Kitchen CO 3: Council Member Delia Garza CO 4: Council Member Gregorio Casar)  
**Resolution No. 20161215-065 was approved on consent on Council Member Zimmerman'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.**

**Items 66 and 67 were pulled for discussion.**

68. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Govalle Affordable Housing, L.P., or an affiliated entity, for low income housing tax credits in connection with the new construction of an affordable multi-family development to be located on Shady Lane within the ThinkEAST Planned Unit Development. (District 3) (Suggested date and time: January 26, 2017 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for January 26, 2017 at 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**
69. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Pathways at Gaston Place, LP, or an affiliated entity, for low income housing tax credits in connection with the rehabilitation of an affordable multi-family development to be located at 1941 Gaston Place. (District 1) (Suggested date and time: January 26, 2017 at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for January 26, 2017 at 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**
101. Approve a waiver or reimbursement of certain fees under City Code Chapter 14-8 for the March for Justice and Families sponsored by Grassroots Leadership which is to be held January 20, 2017 in downtown Austin streets. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Council Member Delia Garza CO 2: Council Member Ann Kitchen CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Leslie Pool)  
**The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the March for Justice and Families was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Council Member Troxclair abstained.**

Items 70 and 71 were Council Committee Items.

Items 72 through 75 were Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

Items 76 through 89 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Item 90 was an Executive Session Item.

Item 91 was a Briefing Item.

Item 92 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Items 93 through 99 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

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

**A motion to divide the question was made by Mayor Pro Tem Tovo.**

**A motion to remove Carol Lee from the Parkland Events Taskforce failed on Council Member Gallo's motion, Council Member Troxclair's second on a 4-4 vote. Those voting aye were: Council Members Gallo, Houston, Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar and Pool. Council Members Garza, Kitchen, and Renteria abstained.**

**The following appointments and certain related waivers were approved on Council Member Pool's motion, Council Member Zimmerman's second on an 11-0 vote.**

### **Nominations**

#### **Board/Nominee**

#### **Nominated by**

#### **Airport Advisory Commission**

**Aaron Johnson**

**Council Member Casar**

#### **Asian American Quality of Life Advisory Commission**

**Pooja Sethi**

**Asian American QOL  
Advisory Commission**

#### **Asian American Quality of Life Advisory Commission**

**Catherina Conte**

**Asian American QOL  
Advisory Commission**

#### **Visitor Impact Task Force**

**Jonathan Malone**

**Planning & Neighborhoods Committee**

### **Nominations to Intergovernmental Bodies**

#### **Housing Authority of the City of Austin**

**Tyra Duncan-Hall**

**Mayor Adler**

#### **Housing Authority of the City of Austin**

**Edwina Carrington**

**Mayor Adler**

#### **Housing Authority of the City of Austin**

**Isaac Robinson**

**Mayor Adler**

### Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Jeffrey Thompson on the Planning 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 August 1, 2016, if the person completed the training required by Section 2-1-23 on or before December 25, 2016.

Board/Commission	Member
Asian American Quality of Life Advisory Commission	Sonemaly Phrasavath

### ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

72. NPA-2016-0010.02 - East Sixth Street Village - District 3 - Approve second and third readings of an ordinance amending Ordinance No. 011213-43, the Holly Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) for property locally known as 622 Pedernales Street (Lady Bird Lake Watershed) from industry land use to mixed use land use. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair was off the dais. Owner/Applicant: 2422 Hidalgo Street, LP (M. Timothy Clark). Agent: 2422 Hidalgo Street, LP (David Cox). City Staff: Maureen Meredith, 512-974-2695.

**The motion approving the ordinance on second reading only to change the future land use map (FLUM) to mixed use land use was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

73. C14-2016-0041 - East Sixth Street Village South - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2416 East Sixth Street (Lady Bird Lake Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair was off the dais. Owner/Applicant: 2416 East Sixth Street, L.P. (David Cox). City Staff: Heather Chaffin, 512-974-2122.

**The motion approving the ordinance on second reading only for general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

74. C14-2016-0043 - East Sixth Street Village North - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 622 Pedernales Street (Lady Bird Lake Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair was off the dais. Owner/Applicant: 2416 East Sixth Street, L.P. (David Cox). City Staff: Heather Chaffin, 512-974-2122.

**The motion approving the ordinance on second reading only for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

76. NPA-2016-0013.01 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 908, 1000, & 1002 South 2nd Street (East Bouldin Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To grant Higher Density Single Family land use. Owner/Applicant: PSW Homes, LLC (Jarrod Corbell). City Staff: Maureen Meredith, (512) 974-2695.  
**This item was postponed to January 26, 2017 at the request of the neighborhood on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Mayor Pro Tem Tovo recused herself.**
77. C14-2016-0077 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 900, 904, 908, 1000 & 1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Agent: PSW Homes (Jarrod Corbell). Owner: 1st Street Highlands LP (PSW Homes). City Staff: Andrew Moore, 512-974-7604.  
**This item was postponed to January 26, 2017 at the request of the neighborhood on Council Member Zimmerman's motion, Council Member Gallo's second on a 10-0 vote. Mayor Pro Tem Tovo recused herself.**
78. C14-2016-0020 - Lantana IV - District 8 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7717 Southwest Parkway (Williamson Creek Watershed-Barton Springs Zone) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on December 13, 2016. Owner/Applicant: JDI Holding LLC (Douglas Ivey). Agent: Permit Partners LLC (David Cancialosi). City Staff: Andrew Moore, 512-974-7604.  
**This item was postponed to January 26, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**
79. C14-2016-0021 - Double Creek Residences - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 420 East FM 1626 Road (Onion Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning, and community commercial (GR-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission

Recommendation: To be reviewed January 17, 2016. Owner/Applicant: Riddell Family Limited Partnership (Jim Henry). Agent: Walters Southwest (Amanda Swor). City Staff: Wendy Rhoades, 512-974-7719.

**This item was postponed to January 26, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

81. C14-2016-0050 - Plaza Saltillo Tract 1/2/3 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 901, 1011, and 1109 E. 5th Street (Waller Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2016. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.

**This item was postponed to January 26, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

82. C14-2016-0049 - Plaza Saltillo Tract 4/5 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1211 and 1301 E. 5th Street (Waller Creek Watershed; Lady Bird Lake Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2016. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.

**This item was postponed to January 26, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

83. C14-2016-0051 - Plaza Saltillo Tract 6 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 413 Navasota Street (Lady Bird Lake Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2016. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.

**This item was postponed to January 26, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

84. C14-2016-0063.SH - Villas at Vinson Oak Rezone - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4507 and 4511 Vinson Drive (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Planning



Commission Recommendation: To be reviewed December 13, 2016. The ordinance may include waiver of fees. Owner/Applicant: Notigius LLC - Series Vinson (Antonio Giustino). Agent: Perales Engineering, LLC (Jerry Perales, P.E.). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to January 26, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

85. C14-2016-0065 - Pioneer Bank on W. 38th St. - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 623 West 38th Street (Waller Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To be reviewed December 13, 2016. Owner: Pioneer Bank, SSB (Brian May). Applicant: Doucet & Associates (Ted McConaghy). City Staff: Heather Chaffin, 512- 974-2122.

**This item was postponed to February 9, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

86. C14-2016-0086 - La Mexicana Supermercado Rezoning - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2004 East William Cannon Drive (Williamson Creek Watershed) from neighborhood commercial (LR) district zoning and multifamily residence-medium density (MF-3) district zoning to neighborhood commercial (LR) district zoning for Tract 1 and multifamily residence-medium density (MF-3) district zoning for Tract 2. Staff Recommendation: To grant neighborhood commercial (LR) district zoning for Tract 1 and multifamily residence-medium density (MF-3) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning for Tract 1 and multifamily residence-medium density (MF-3) district zoning for Tract 2. Owner/Applicant: TATI Investments Group, LLC (Zulfikar Maknojia). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr.). City Staff: Wendy Rhoades, 512-974-7719.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161215-086 for neighborhood commercial (LR) district zoning for Tract 1 and multifamily residence-medium density (MF-3) district zoning for Tract 2 was approved on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

**Action was taken on item 87 but was reconsidered in the meeting see below.**

88. C14-2016-0117 – Neill-Cochran House Museum – District 9 – Conduct a public hearing and approve an ordinance amending Title 25 by rezoning property locally known as 2310 San Gabriel Street (Waller Creek Watershed) from family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning to neighborhood commercial-historic landmark-conditional overlay-neighborhood plan (LR-H-CO-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-historic landmark-conditional overlay-neighborhood plan (LR-H-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2016. Owner: National Society of the Colonial Dames in Texas. Applicant: Neill-Cochran House Museum (Rowena Dasch). City Staff: Heather Chaffin, 512- 974-2122.

**This item was postponed to January 26, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

70. Approve the appointment of Abigail Aiken to the Central Health Board of Managers as a joint appointee with Travis County.  
**The motion approving the appointment of Abigail Aiken to the Central Health Board of Managers was approved on Council Member Houston' motion, Council Member Garza's second on an 11-0 vote.**
87. C14-2016-0096 - 7901 Ranch Road 2222 - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7901 Ranch to Market Road 2222 (West Bull Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to general office-mixed use (GO-MU) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Owner/Applicant: Malamae/Dentastic, LP (James V. Potter). City Staff: Sherri Sirwaitis, 512-974-3057.  
**The motion to reconsider the item failed on Council Member Zimmerman's motion, Council Member Troxclair's second on a 2-8 vote. Those voting aye were: Council Members Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Gallo, Kitchen, Pool, and Renteria. Council Member Houston was off the dais.**

**This item was postponed to January 26, 2017 at the request of the neighborhood on Council Member Zimmerman's motion, Council Member Gallo's second on an 11-0 vote.**

#### **CITIZENS COMMUNICATIONS: GENERAL**

Susana Almanza - Save the Negro school. Support Cactus Rose Residents.

Clifton Griffin - Demolition of Montopolis Negro school.

Fred McGhee - Montopolis Negro school. – **Not present.**

David King - Save the Montopolis Negro school.

Gus Pena - 1) Lets make a better effort to keep Austin really affordable. 2) We need more housing units that are affordable Lets clearly define affordable. 3)Thank you Brenda Branch for all of your years of service as Director of the Austin Public Library system. 4) Thank you Doctor Haiden Al-Wishah owner of South Austin Pharmacy for your support for the people and youth in need especially our senior citizens and veterans. 5) Feliz Navidad "y" un muy prospero año Nuevo de parte de la familia Peña. Lets remember what Christmas is all about. The birth of baby Jesus. 6) A society's worth is measured by its treatment of the less fortunate. 7) Semper Fi U.S.M.C.

Georgia Steen - To save the Montopolis schools for Negro children (aka Montopolis School).

Audrey Steiner - Militarization of police. – **Not present.**

Carlos León - 1) Dios, Jesucristo, y El Espiritu Santo son los mejores y mayores; 2) Chemtrail the sprayers, not us; 3) Losing your marbles, Vol.II, part ?

Daniel Llanes - Save the Negro school.

Janice Pickens - Substandard living conditions in my apartment. – **Not present.**

**Mayor Adler recessed the Council Meeting at 12:42 p.m.**

### **EXECUTIVE SESSION**

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

90. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**

**Mayor Adler called the meeting back to order at 1:50 p.m.**

### **DISCUSSION ITEMS CONTINUED**

67. Approve an ordinance amending City Code Chapter 13-2 relating to ground transportation driver disqualification. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Ora Houston CO 3: Council Member Ann Kitchen)  
**A motion was made by Council Member Casar and seconded by Council Member Houston to approve the Ordinance.**

**The motion to amend the ordinance to add a new Part 3 was made by Council Member Garza and accepted without objection. The amendment was to have Part 3 read:**

**“PART 3. Parts 1 and 2 go into effect immediately. Among any other options, the City Manager would deem appropriate, the City Manager is directed to bring back this proposal, to develop a process through which appellate authority is shifted from the director to the Austin Municipal Court, so that an individual disqualified from driving a ground transportation vehicle due to a criminal conviction and filing an appeal of the decision will be heard by a judge of the Austin Municipal Court instead of the director. The City Manager should include as part of the appeal process a requirement that the judge shall rely on EEOC Enforcement Guidance 915.002 (Apr. 25, 2012) when assessing whether to overturn the disqualification. The City Manager is directed to present this process and all necessary ordinance amendments to Council on or before March 1, 2017.”**

**The motion to amend Part 4 was made by Council Member Casar and accepted without objection. The amendment was to have Part 4 read:**

**“PART 4. Council finds that with the impending holidays and weather hazards, a need for qualified ground transportation drivers to serve the public constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of public peace, health, and safety.”**

**Ordinance No. 20161215-067 was approved as amended above on Council Member Casar's motion, Council Member Houston's second on a 10-0 vote. Council Member Gallo was off the dais.**

66. Approve a resolution directing the City Manager to identify emergency funding for immigrant legal services. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Council Member Delia Garza CO 2: Council Member Ann Kitchen CO 3: Mayor Pro Tem Kathie Tovo CO 4: Mayor Steve Adler)

**Resolution No. 20161215-066 was approved on Council Member Casar's motion, Council Member Garza'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 was off the dais.**

64. Approve a resolution directing the City Manager to provide gun safety brochures and free gun locks to the public at events and community meetings and to make gun safety information available on the City of Austin web page. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ann Kitchen CO 2: Council Member Leslie Pool CO 3: Council Member Ora Houston)

**A motion to approve the resolution with an amendment to remove the fourth Whereas clause was made by Mayor Pro Tem Tovo.**

**A motion to divide the question was made by Council Member Troxclair and accepted without objection.**

**The motion to approve the Be It Resolved clauses in the resolution 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 Gallo was off the dais.**

**The motion to approve the Whereas clauses in the resolution as amended by removing the fourth Whereas clause was approved on Mayor Pro Tem Tovo's motion, Council Member Pool'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 was off the dais.**

**Resolution 20161215-064 was approved as amended above.**

**Items 2 and 3 were acted on in a combined motion.**

2. Authorize negotiation and execution of a professional services agreement with the following 10 staff-recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP201: CAS Consulting & SERVICES, INC.; AECOM TECHNICAL SERVICES, INC.; BROWN & GAY ENGINEERS, INC.; CP&Y, INC.; JACOBS ENGINEERING GROUP, INC.; STANTEC CONSULTING SERVICES INC.; LOCKWOOD, ANDREWS & NEWNAM, INC.; BLACK & VEATCH CORPORATION; CHAN & PARTNERS ENGINEERING, LLC.; ATKINS NORTH AMERICA, for engineering services for the 2017 Large Diameter Pipeline Engineering Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$10,000,000 divided among the 10 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 15.80% MBE and 15.80% WBE participation.) **A motion was made by Council Member Garza and seconded by Council Member Kitchen to add the eleventh firm, Davcar LLC (MBE/MH) to the rotation list. The motion passed on a 7-1 vote. Council Member Zimmerman voted nay. Council Members Houston and Troxclair abstained. Council Member Gallo was off the dais.**

**The motion authorizing negotiation and execution of a professional services agreement with CAS Consulting & Services, Inc., Aecom Technical Services, Inc., Brown & Gay Engineers, Inc., CP&Y, Inc., Jacobs Engineering Group, Inc., Stantec Consulting Services Inc., Lockwood, Andrews & Newnam, Inc., Black & Veatch Corporation, Chan & Partners Engineering, LLC., Atkins North America, and Davcar LLC (MBE/MH) was approved on Council Member Renteria's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Gallo was off the dais.**

3. Authorize negotiation and execution of a professional services agreement with the following 10 staff-recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP202: K FRIESE & ASSOCIATES, INC.; RILEY MOUNTAIN ENGINEERING, LLC DBA OTHON FOWLER, INC., ALAN PLUMMER ASSOCIATES, INC.; THONHOFF CONSULTING ENGINEERS, INC.; HEJL, LEE & ASSOCIATES, INC.; FREESE AND NICHOLS, INC., MWM DESIGN GROUP; WESTON SOLUTIONS, INC.; COBB, FENDLEY & ASSOCIATES, INC.; URBAN DESIGN GROUP PC.; for engineering services for the 2017 Small Diameter Pipeline Engineering Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$5,000,000 divided among the 10 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 15.80% MBE and 15.80% WBE participation.) **The motion authorizing negotiation and execution of a professional services agreement with K Friese & Associates, Inc., Riley Mountain Engineering, LLC doing business as Othon Fowler, Inc., Alan Plummer Associates, Inc., Thonhoff Consulting Engineers, Inc., HEJL, Lee & Associates, Inc., Freese and Nichols, Inc., MWM Design Group, Weston Solutions, Inc, Cobb, Fendley & Associates, Inc., and Urban Design Group PC was approved on Council Member Renteria's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Gallo was off the dais.**
71. Approve a resolution supporting staff recommendations regarding posted speed limits developed as a result of Council Resolution No. 20160519-049 that adopted the Vision Zero Action Plan. **Resolution No. 20161215-071 was approved on Council Member Kitchen's motion, Council Member Casar'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 was off the dais.**
6. Authorize negotiation and execution of a professional services agreement with JAIME BEAMAN, AIA, INC. dba CASABELLA ARCHITECTS to provide design and planning services for the Emma S. Barrientos Mexican American Cultural Center for a total contract amount not to exceed \$360,000. (District 9) (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 12% MBE and 10% WBE participation.) **The motion authorizing negotiation of a professional services agreement with Jaime Beaman, AIA, Inc. doing business as Casabella Architects was approved on Council**

**Member Garza's motion, Council Member Zimmerman's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.**

10. Authorize the negotiation and execution of an interlocal agreement with Texas State University at San Marcos to perform a study regarding the implementation of a full-time expired permit and work without permit program, and an organizational assessment of the Document Sales Research Center.  
**A motion was made by Council Member Zimmerman to strike execution from the agreement. The motion failed for lack of a second.**

**The motion authorizing negotiation and execution of an interlocal agreement with Texas State University at San Marcos was approved on Council Member Pool's motion, Council Member Garza's second on a 9-1 vote. Council Zimmerman voted nay. 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 3:54 p.m. See separate minutes.**

92. 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 4:06 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

52. Approve an ordinance waiving Chapter 2-7, Article 6 (Anti-lobbying and Procurement) of the City Code regarding past and future solicitations of Austin Water for the sale and removal of compost materials and the management of biosolids reuse and regarding contracts.  
A motion was made by Council Member Houston to make an amendment.  
**Ordinance No. 20161215-052 was approved as amended below on Council Member Houston's motion, Council Member Casar's second.**

**The motion to amend the caption of the ordinance to read: "An ordinance waiving Chapter 2-7, Article 6 (Anti-lobbying and Procurement) of the City Code regarding solicitations for the sale and removal of compost materials and management of biosolids reuse" and to strike Part 3. Future Solicitation and waiver of Chapter 2-7, Article 6 from the ordinance and renumber remaining parts accordingly was approved on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was off the dais.**

53. Authorize negotiation and execution of a 60-month contract with SYNAGRO OF TEXAS-CDR, INC., or one of the other qualified offerors to Request For Proposals CDL2003, for the management of biosolids reuse, in an amount not to exceed \$9,424,778, with five 12-month extension options in an amount not to exceed \$2,185,180 per extension option, for a total contract amount not to exceed \$20,350,678. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)

The item was withdrawn and direction was given to staff to reissue the request for proposal and to send the request for proposal to the Zero Waste Advisory Commission and the Water and Wastewater Commission on Council Member Casar's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.

Mayor Adler recessed the meeting at 5:28 p.m.

### **LIVE MUSIC**

Ro-Tel & the Hot Tomatoes

### **PROCLAMATIONS**

Proclamation – Women in Policing Day – To be presented by Mayor Steve Adler

Distinguished Service Award – Junie Plummer – To be presented by Mayor Steve Adler and to be accepted by the honoree

Distinguished Service Award – Brian Works – To be presented by Mayor Steve Adler and to be accepted by the honoree

Distinguished Service Award – JoAnn Alejandro - To be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation – Ghisallo Cycling Initiative Day – To be presented by Mayor Steve Adler and to be accepted by Christopher Stanton

Proclamation and Certificate of Appreciation – City of Austin Employees Care Day – To be presented by Mayor Steve Adler and to be accepted by Stephen Elkins and honoree Tatiana Gonzalez

Mayor Adler reconvened the meeting at 7:01 p.m.

### **PUBLIC HEARINGS**

93. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Del Valle 969 Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at approximately 14011 FM 969, in the Extraterritorial Jurisdiction of the City of Austin. **This item was postponed to January 26, 2017 at the request of the staff on Council Member Zimmerman's motion, Council Member Houston's motion on an 8-0 vote. Council Members Gallo, Renteria and Troxclair were off the dais.**

### **DISCUSSION ITEMS CONTINUED**

Items 29, 30, 75 and 100 were acted on in a combined motion.

29. Approve a resolution directing the City Manager to identify and return to Council a recommendation on how to fund off-site sidewalk and traffic calming improvements associated with the Grove Planned Unit Development. (Related to Items 30, 31, 75 and 100)

**Resolution No. 20161215-029 was approved as amended below on Council Member Pool's motion, Council Member Gallo's second on a 10-1 vote. Council Member Troxclair voted nay.**

**A motion to amend the Be It Resolved clause to read as follows was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-1 vote. Council Member Zimmerman voted nay. The amendment was to have the Be It Resolved clause read: "The City Manager is directed to identify and return to Council with recommendations for how off-site sidewalk and traffic calming improvements associated with the Grove PUD could be funded, up to an amount of \$900,000."**

30. Approve an ordinance amending City Code Chapter 8-1 relating to permits for use of sound equipment on parkland within the Grove Planned Unit Development, generally located at the intersection of Bull Creek Road and West 45th Street. (Related to Items 29, 31, 75 and 100)  
**Ordinance No. 20161215-030 was approved on Council Member Pool's motion, Council Member Gallo's second on a 10-1 vote. Council Member Troxclair voted nay.**

75. C814-2015-0074 – The Grove at Shoal Creek PUD – District 10 – Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 4205 Bull Creek Road (Shoal Creek Watershed) from unzoned (UNZ) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved on October 20, 2016. Vote: 8-2, Council Member Houston and Mayor Pro Tem Tovo voted nay; Council Member Troxclair was off the dais. Second Reading approved on December 6, 2016. Vote: 8-0, Council Member Garza, Council Member Tovo and Council Member Zimmerman-off the dais. Owner/Applicant: ARG Bull Creek, Ltd. (Garrett Martin). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057. (Related to Items 29, 30, 31 and 100)

**A motion to approve Ordinance No. 20161215-075 as amended below for planned unit development (PUD) district zoning was made on Council Member Pool's motion, Council Member Gallo's second.**

**A motion to include the following items was approved on Council Member Pool's motion, Council Member Gallo's second without objection:**

- I. **Reinstate the market rate apartment unit cap at 950.**  
**Amend Part 5. D. as follows: "D. The maximum number of market rate residential units within the Grove PUD shall not exceed 1,515 units. The maximum number of market rate multi-family rental apartment units shall not exceed 950 units. The maximum combined number of market rate residential units, including multi-family rental apartment units, and congregate living units with a kitchen shall not exceed 1,548 units."**
- II. **Correct Idlewild setback:**  
**Amend Part 7. E. 3. as follows: "3. No surface runoff from the 100-year frequency storm from areas outside of the 35-foot setback on Tract E, as shown on Exhibit C, shall be allowed to drain to the adjacent existing residential development."**
- III. **Clarify traffic improvements**  
**Amend Part 9. A. as follows: "A. Transportation network improvements through street construction, traffic signals, pedestrian hybrid beacons, and pedestrian and**



bicycle facilities, as described in the most recent, approved Traffic Impact Analysis Memorandum on file in City File No. C814-2015-0074, shall be funded and constructed by the Landowner.”

**IV. Use of bridge fiscal**

Amend Part 9. D. as follows: “D. The Landowner shall post fiscal security for the construction of a bicycle and pedestrian bridge crossing Shoal Creek, as described in Exhibit C. If construction of the bridge has not commenced within 7 years of the effective date of this Ordinance, the fiscal shall be transferred to the City and shall be used for pedestrian and bike improvements within 0.5 mile of the Rosedale neighborhood boundaries.”

**V. Off-site Traffic Improvements**

Amend Part 9 F. as follows: “F. The Landowner shall comply with an off-site sidewalk and traffic calming program (Traffic Program). 1. Prior to approval of the first site development permit within the Grove PUD, the Landowner shall contribute a maximum amount of \$400,000 to a fund established by the City to implement the Traffic Program. The Traffic Program shall be reviewed jointly by the City, the Landowner, and the Bull Creek Road Coalition (BCRC), or successor organization, and approved by the City. 2. The Traffic Program may include public sidewalks, traffic calming measures, and other appropriate traffic improvements at locations within Allandale and Highland Park West Balcones Area north of the Grove PUD, Oakmont Heights west of the Grove PUD, Ridgelea and Bryker Woods south of the Grove PUD, and Rosedale east of the Grove PUD (collectively, the “BCRC Area”) contingent on the feasibility and approval of Traffic Program improvements by the City, Landowner, and the respective Neighborhood Association(s). A tentative list of improvements requested by the BCRC to be considered for feasibility review in the Traffic Program improvements has been provided to City staff.” 3. Approved Traffic Program improvements shall be constructed by Landowner at cost within the BCRC area at cost during build-out of the Grove PUD. The Landowner’s obligation to pay for such costs shall be limited to its \$400,000 maximum contribution. The City shall be responsible for securing and paying for all utility relocations, right-of-way and easement acquisitions, and permitting associated with the Traffic Program improvements. 4. The City may contribute an amount not to exceed \$900,000 to provide supplemental funding to implement the Traffic Program. Notwithstanding section F.1. above, any money contributed to the City to fund the Traffic Program shall be evaluated using the City’s prioritization process for sidewalk and traffic calming projects.

**VI. Transportation Demand Management**

Amend Part 9 F. as follows: “G. The Landowner shall comply with a Transportation Demand Management (TDM) program approved by the Director of the Austin Transportation Department (ATD) to reduce vehicular trips to and from the Grove PUD. The TDM program may implement both on-site and off-site demand measures. The TDM program will be applicable and enforceable against the Landowner. The deadline for submission of the TDM plan is prior to the approval of the first site development permit on the Grove PUD property. 1. The TDM program shall establish on-site demand management measures and strategies to achieve a 22 percent reduction in the unadjusted daily trips approved for the project, a 26 percent reduction in the unadjusted AM peak hour trips approved for the project, and a 32 percent reduction in the unadjusted PM peak hour trips

approved for the project. 2. The trip rates for the site shall be monitored and reported to the Director of ATD on a quarterly basis, for a period of five (5) years once permitted development within the Grove PUD reaches 7,500 calculated unadjusted trips per day and a minimum of 10 percent of the total non-residential land uses have been permitted. Means and methodology for conducting traffic counts shall be submitted by the Landowner and approved by the Director of ATD.

3. If the owner or property owner's association fails to meet the trip reductions (calculated by multiplying the percentages provided in G.1. with the unadjusted trips in G.2.) in the TDM program for three consecutive quarters, the owner or property owner's association shall make a quarterly mitigation payment to the City each quarter until the development within the Grove PUD is in compliance with G.1. The mitigation payment shall not exceed \$18,750 per quarter, up to a maximum of \$75,000 total, and shall be used to offset the costs to implement additional on-site TDM measures at the direction of ATD. The City shall place the mitigation payments in a fund established by the City.

#### **VII. Workers Protection**

Add a new Part 12 to read as follows and renumber the remaining Parts accordingly to read: Part 12. The Landowner and the Workers Defense Project have entered into an enforceable agreement regarding worker protection for construction of commercial only building and parking improvements at the Grove PUD. The City supports the agreement."

A motion to amend the ordinance as listed below was approved on Council Member Casar'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. The amendment was to revise Part 8 as follows:

- Amend Part 8A to (i) change "Ten percent" to "11.85%", (ii) change "2.5%" to "1.6% and (iii) change "12.5%" to "13.45%".  
Amend Part 8A.2. as follows: 2. Affordable Rental Units must contain a mix of studio, one, two, and three bedroom units in the same proportion as the market rate units, and shall have the same minimum and average unit size as the market rate units located in the same building.
- Amend Part 8 B. to (i) change "5%" to "7.9%", (ii) delete the second sentence, and (iii) delete the word "Collectively" from the third sentence and change "6.25%" to "7.9%".
- Amend Part 8 B.2. as follows:
  - At least 50% of the Affordable Ownership Units must contain 2 or more bedrooms, and shall have the same minimum and average unit size as the market rate units located in the same building.
- Amend Part 8 B.4. a and b as follows:
  - a. Be sold to an income eligible household at 80 percent of or below MFI
  - b. Include resale restrictions that require that resale of the affordable unit must be to a household at 80 percent of or below MFI
- Amend Part 8. F. to change "\$10,200,000.00" to "\$13,150,000.00"

The following friendly amendment to the above amendment was made by Mayor Pro Tem Tovo and accepted by Council Member Casar. The amendment was to request the land use language be adjusted from 120% MFI to 80% MFI.

A motion to amend the ordinance as listed below was approved on Council Member Casar's motion, Council Member Gallo's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Gallo, Garza, Kitchen, Pool and Renteria. Those voting nay were: Mayor Pro Tem Tovo, Council Members Houston, Troxclair and Zimmerman. The amendment was to revise Part 5 to delete Subsection C and renumber the remaining subsections and add a new Part 11, Subsection B, 11 to read: "11. Chapter 25-2, Subchapter B, Article 2, Division 5, Subpart B (Planned Unit Development Standards), Section 2.5 (Development Bonuses) is modified to delete applicability to the Grove PUD."

A motion to amend the ordinance as listed below was approved on Council Member Garza's motion, Council Member Gallo's second on a 10-1 vote. Council Member Zimmerman voted nay. The amendment was to revise Parts 5 and 9 to read and to amend Exhibits C and E as follows:

**"Part 5. Land Use.**

**The following conditions apply:**

- G. The Jackson Avenue extension shall provide a connection for pedestrian and bicycle access to 45<sup>th</sup> Street.

**Part 9. Transportation.**

- H. The Landowner shall construct a public pedestrian and bicycle connection between the Grove PUD and 45<sup>th</sup> Street at or near the corner of West 45<sup>th</sup> Street and Chiappero Trail. This connection shall be no wider than necessary for pedestrian and bicycle access. Landowner shall provide a pedestrian hybrid beacon at this location to facilitate pedestrian and bicycle crossing at West 45<sup>th</sup> Street.

**ARG Bull Creek, Ltd. should amend the exhibits to do the following:**

- Delete from Exhibit C, Land Use Plan, page 2, the words "Optional (at Owner's discretion)" from the note calling out a pedestrian hybrid beacon at 45<sup>th</sup> Street and Chiappero Trail.
- Add to the Exhibit E, Parks Plan a dashed red line indicating trail connections to 45<sup>th</sup> Street."

A motion to amend the ordinance as listed below was approved on Council Member Pool'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. The amendment was to add a new Part 13 to read as follows and to renumber the remaining parts accordingly:

**"PART 13. Cultural and Historical Measures.**

1. The Landowner shall develop a historical and cultural recognition program to be incorporated in the development and programming of public spaces on the property. This program should be developed by the project's site design consultants in collaboration with the Travis County Historical Commission, surrounding neighborhoods, Parks and Recreation Department, and other interested stakeholders.
2. A licensed archaeologist shall be retained by the Landowner during construction and development of the property to promptly investigate any unmarked graves found on the property. The Landowner shall follow all applicable rules and regulations regarding the proper treatment of any human remains found on the property."

A motion to amend the ordinance as listed below was approved on Council Member Kitchen'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. The amendment was to:

Add new Subsection to ordinance Part 8 to read: "The Landowner agrees and the City Council intends that the Landowner participate in any employer assisted housing program that emphasizes assistance to employees who are in households with incomes that range from 40 percent to 60 percent of or below the MFI if created by an employer located within a two mile radius of the Grove PUD. For purposes of this subsection, the Landowner's obligation to participate does not mean financial contributions to the program."

Add a new Part to ordinance to read: "The Landowner shall affirmatively market housing opportunities, including affordable housing opportunities, to employers whose place of business is located within a two mile radius of the Grove PUD and employees whose place of employment is located within a two mile radius of the Grove PUD."

A motion to amend the ordinance as listed below was approved on Council Member Pool's motion, Council Member Gallo's second on an 11-0 vote. The amendment was to revise Note 12 on the land use plan so that the first floor of a Live Work unit shall not count against the caps set out in Notes 4 and 5 (Commercial and Office Caps).

A motion to amend the ordinance as listed below was approved on Mayor Pro Tem Tovo'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. The amendment was to revise Part 8 A to read: "Multifamily Rental Housing. At least 50% of the Affordable Rental Units must contain 2 or more bedrooms."

A motion to amend the ordinance as listed below failed on Council Member Troxclair's motion, Council Member Zimmerman'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 amendment was to revise Part 8 F to read:

"F. The incentive amount necessary for the Landowner to achieve the affordable housing in this ordinance is \$10,200,000.00 (the "Incentive Amount"). The Landowner will recover a portion of the Incentive Amount through S.M.A.R.T. Housing waiver of development fees. The Landowner will recover the remaining portion of the Incentive Amount through:

1. payments from the City property taxes collected from the Grove PUD property above the City property taxes collected in 2016, in an amount not to exceed \$9,600,000.
2. payments from the 2013 affordable housing general obligation bond funds in an amount not to exceed \$4,000,000, or
3. payments from other lawful funding mechanisms."

A motion to approve Ordinance No. 20161215-075 for planned unit development (PUD) district zoning as amended above was approved on Council Member Pool's motion, Council Member Gallo's second on a 10-1 vote. Council Member Troxclair voted nay.

100. Approve negotiation and execution of the Affordable Housing Agreement with ARG Bull Creek LTD, for the Grove PUD. (Related to Items 29, 30, 31, 75)  
**A motion approving the negotiation and execution of the Affordable Housing Agreement with ARG Bull Creek LTD was approved on Council Member Pool's motion, Council Member Gallo's second on a 10-1 vote. Council Member Troxclair voted nay.**

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

31. Approve a resolution authorizing the City Manager to fund a pilot program for employer-assisted housing. (Related to Items 29, 30, 75 and 100)  
**Resolution No. 20161215-031 was approved as amended below on Council Member Kitchen's motion, Council Member Gallo's second on a 9-2 vote. Those voting aye were: Those voting nay were: Council Members Troxclair and Zimmerman. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria.**

**The amendment was to revise the first Be It Resolved clause to read:**

**"The City Council authorizes the City Manager to provide funding, if necessary, to support administrative costs associated with a pilot program that will connect housing and jobs through local employers by matching income-qualified local employees with on-site affordable units and the employer paying the differential between employee income (approximately 40% MFI) and affordable units at the Grove (approximately 60% MFI). The funding may not exceed \$75,000."**

80. C14-2016-0039 - Thornton II - District 5 - Conduct a public hearing and approve second reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2413 Thornton Road (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to multifamily moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Council approved multifamily residence low density (MF-2) district zoning on First Reading, November 10, 2016; Vote: 11-0. Applicant: South Llano Strategies (Glen Coleman). Owner: John & Susan Hoberman. City Staff: Andrew Moore, 512-974-7604.  
**This item was postponed to February 16, 2017 on Council Member Kitchen's motion, Council Member Casar's motion on a 9-0 vote. Council Members Pool and Renteria were off the dais.**
95. Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to right-of-way dedications and transportation improvements required as a condition to mitigate the impacts of development.  
**This item was postponed to March 2, 2017 at the request of staff on Council Member Zimmerman's motion, Council Member Casar's motion on a 9-0 vote. Council Members Pool and Renteria were off the dais.**
96. Conduct a public hearing and consider an appeal regarding the Planning Commission's approval of two compatibility waivers for development at 2510 South Congress Avenue (Site Plan No. SP-2015-0300C) (District 3).  
**This item was postponed to January 26, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Houston's motion on a 9-0 vote. Council Members Pool and Renteria were off the dais.**

97. Conduct a public hearing and consider an ordinance amending City Code Title 25 to require Historic Landmark Commission review of demolition applications for structures that are fifty years or older and dedicated to certain civic uses.

**This item was postponed to February 2, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Houston's motion on a 10-0 vote. Council Member Renteria was off the dais.**

62. Approve an ordinance waiving and modifying certain City Code requirements for the City South by Southwest conferences and festival to be held March 10-19, 2017. (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 No. 20161215-062 approved as amended below on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.**

**The motion to strike Part 4, Subsection 6 from the ordinance was made by Mayor Adler and accepted without objection.**

### **BRIEFING**

91. Briefing on the Project Assessment Report for the 425 W. Riverside Drive Planned Unit Development, located at 425 W. Riverside Drive, within the Lady Bird Lake Watershed (CD-2016-0010) (District 9).

**Presentation made by Jerry Rusthoven, Manager, Planning and Zoning Department.**

### **PUBLIC HEARINGS CONTINUED**

94. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Atlantic Housing Foundation, Inc., or an affiliated entity, for the new construction of an affordable multi-family development to be located at 1621 Fish Lane. (District 7)

**The public hearing was held and a motion to close the public hearing and approve Resolution No. 20161215-094 was approved on Council Member Renteria's motion, Council Member Pool's motion on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained. Council Member Garza was off the dais.**

98. Conduct a public hearing and consider an ordinance regarding floodplain variances for construction of a commercial building and associated parking at 1000 N. Lamar Blvd. The property is located in the 25-year and 100-year floodplains of Shoal Creek. (District 9)

**The public hearing was held and a motion to close the public hearing and approve Ordinance No. 20161215-098 was approved on Council Member Zimmerman's motion, Council Member Gallo's motion on a 10-0 vote. Council Member Garza was off the dais.**

99. Conduct a public hearing and consider an ordinance regarding floodplain variances for the construction of a new single family residence at 4515 Avenue D as requested by the owner of the property. The property is located in the 25-year and 100-year floodplains of Waller Creek. (District 9)

**The motion to close the public hearing and approve the ordinance on first reading only was made by Council Member Zimmerman and seconded by Council Member Troxclair.**

**The motion to amend the ordinance to limit the inhabited area to 1,250 square feet was approved on Mayor Pro Tem Tovo's motion, Council Member Casar's second on a 6-4 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 Houston, Renteria, Troxclair and Zimmerman. Council Member Garza was off the dais.

The motion to amend the ordinance to include the language that the property is not eligible for a buyout was approved on Council Member Kitchen's motion, Council Member Pool's second on a 10-0 vote. Council Member Garza was off the dais.

The public hearing was held and a motion to close the public hearing and approve the ordinance on first reading only failed on Council Member Zimmerman's motion, Council Member Troxclair's motion on a 5-5 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Kitchen, Troxclair and Zimmerman. Those voting nay were: Council Members Casar, Gallo, Houston, Pool and Renteria. Council Member Garza was off the dais.

#### **AFTER 10:00 P.M.**

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Houston's motion, Council Member Pool's second on an 8-0 vote. Mayor Pro Tem Tovo, Council Members Garza and Zimmerman were off the dais.

#### **PUBLIC HEARINGS CONTINUED**

89. C814-2014-0120 - Austin Oaks PUD - District 10 - Conduct a public hearing and approve an ordinance amending City Code Chapter Title 25 by rezoning property locally known as 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724, and 3737 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive (Shoal Creek Watershed) from community commercial (GR) district zoning, neighborhood commercial (LR) district zoning, limited office (LO) district zoning and family residence (SF-3) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Applicant: Graves Dougherty Hearon & Moody (Michael Whellan). Owner: Twelve Lakes LLC, Jon Ruff. City Staff: Andrew Moore, 512-974-7604.

The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for planned unit development (PUD) district zoning with the following additional conditions was made by Council Member Gallo and seconded by Council Member Renteria.

The conditions include:

1. Conditions in the revised Land Use Plan dated December 1, 2016 with an additional column added to the building height table to include the associated mean sea level (MSL) as outlined in Column E of the table in Attachment E: Building Heights
2. Conditions in the revised AO Park Plan and Park Space dated December 6, 2016
3. Conditions in the revised AO Creek Plan dated September 15, 2016
4. Conditions in the Streetscape Plan dated August 30, 2016
5. Conditions in the Tree Plan dated August 30, 2016
6. Conditions in the revised Topography and Land Use Plan dated December 1, 2016 with an additional column added to the building height table to include the

associated mean sea level (MSL) as outlined in Column E of the table in Attachment E: Building Heights

7. Conditions in the Open Space Plan dated August 30, 2016
8. Conditions outlined in Attachment A: General Site Development Regulations
9. Conditions outlined in Attachment B: Phasing Plan
10. Conditions outlined in Attachment C: General Provisions
11. Conditions outlined in Attachment D: Code Modification Background – For Information Purposes Only

The motion to postpone the item to January 26, 2017 and keep the public hearing open failed on Council Member Pool's motion, Council Member Houston's second on a 3-6 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Houston and Pool. Those voting nay were: Mayor Adler and Council Members Casar, Gallo, Kitchen, Renteria and Zimmerman. Council Member Garza and Troxclair were off the dais.

The motion to approve the Zoning and Platting Commission recommendations, which includes staff's recommendations, on first reading was made by Council Member Pool. The motion failed for a lack of a second.

The motion to amend the ordinance to remove the statement that 50% of the units could be at as much as 120% MFI and leave it with 10% will be available for incomes at 60% and 80% MFI failed on Mayor Pro Tem Tovo's motion, Council Member Houston's second. Those voting aye were: Mayor Pro Tem Tovo and Council Member Casar. Those voting nay were: Mayor Adler and Council Members Gallo, Houston, Kitchen, Renteria and Zimmerman. Council Member Pool abstained. Council Members Garza and Troxclair were off the dais.

The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for planned unit development (PUD) district zoning with without the additional conditions was approved on Council Member Kitchen's motion, Council Member Renteria's motion on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Casar, Gallo and Zimmerman. Council Members Garza and Troxclair were off the dais.

Mayor Adler adjourned the meeting at 1:16 a.m. without objection.

The minutes were approved on this the 26<sup>th</sup> day of January 2017 on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.