

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 2, 2015**

Invocation: Pastor Rodney Shaw, New Life Pentecostal Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 2, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:30 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called meeting of March 23, 2015, work session of March 24, 2015 and regular meeting of March 26, 2015.
The minutes from the City Council special called meeting of March 23, 2015, work session of March 24, 2015 and regular meeting of March 26, 2015 were approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
2. Authorize execution of an interlocal agreement with Caldwell County for the installation, maintenance, and repair of Caldwell County's wireless communications equipment for a 12-month term for an estimated amount not to exceed \$5,000 payable to the City and with annual automatic renewal terms in the same estimated amount per renewal.
The motion authorizing the execution of an interlocal agreement with Caldwell County was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
3. Authorize award and execution of a construction contract with SMITH CONTRACTING COMPANY, INC. for the 3rd Street Reconstruction Phase 4 - Guadalupe Street to Nueces Street Project in the amount of \$3,895,282.50 plus a \$389,528.25 contingency, for a total contract amount not to exceed \$4,284,810.75. (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 5.72% MBE and 2.56% WBE participation.)
The motion authorizing the award and execution of a construction contract with Smith Contracting Company, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 4 was pulled for discussion.

Item 5 was set for a time certain of 11:00 a.m.

6. Approve an ordinance authorizing acceptance of supplemental grant funds in the amount of \$29,485 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, COMMUNITY PREPAREDNESS SECTION; and amending the Fiscal Year 2014-2015 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to support public health emergency preparedness activities.

Ordinance No. 20150402-006 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Item 7 was pulled for discussion.

8. Approve an ordinance amending the Fiscal Year 2014-2015 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to accept and appropriate \$65,000 in grant funds from the Asian American Resource Center, Inc. for salary expenses for a City of Austin employee to assist with Asian and Asian-American cultural protocols, programming, and marketing at the City of Austin Asian American Resource Center.

Ordinance No. 20150402-008 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Item 9 was pulled for discussion.

10. Authorize award and execution of a 60-month revenue contract with LONE STAR RIVERBOAT, INC. to provide boat excursion services on Lady Bird Lake for an estimated revenue amount of \$150,000, with one 60-month extension option in an estimated amount of \$150,000 for a total estimated revenue amount of \$300,000.

This item was postponed on consent to April 23, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Item 11 was pulled for discussion.

12. Approve an ordinance amending City Code Chapter 13-2 relating to requirements for transportation charter services.

This item was postponed on consent to April 16, 2015 on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Items 13 through 15 were pulled for discussion.

16. Approve the waiver or reimbursement of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the Texas Independence Day 5K Run and Parade, co-sponsored by the City and Celebrate Texas Incorporated, which was held Saturday, February 28, 2015. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Gregorio Casar CO 2: Mayor Steve Adler CO 3: Council Member Ann Kitchen)

The motion to approve the waiver or reimbursement of certain fees and requirements and authorize payment of certain costs for the Texas Independence Day 5K Run and Parade was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.

17. Approve a resolution initiating a process under City Code Title 14, Article 4 to name an overlook located near the southwest corner of Congress Avenue and Cesar Chavez Street after Roberta Crenshaw. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Leslie Pool CO 2: Council Member Sheri Gallo CO 3: Council Member Ann Kitchen)

Resolution No. 20150402-017 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

18. Approve a resolution amending the City's legislative program for the 84th Legislature to support House Bill 1756, which makes technical corrections and adjustments to the state statute that governs the Austin Firefighters Relief and Retirement Fund. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Sheri Gallo CO 2: Council Member Delia Garza CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Don Zimmerman)

Resolution No. 20150402-018 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

19. Approve the waiver of certain fees and costs under City Code Chapter 14-8 for the Texas State Employees Union Lobby Day march sponsored by the Texas State Employees Union which is to be held Wednesday, April 8, 2015. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Council Member Ora Houston CO 2: Council Member Delia Garza CO 3: Council Member Leslie Pool CO 4: Council Member Ann Kitchen)

The motion to approve the waiver of certain fees and costs for the Texas State Employees Union Lobby Day march was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Items 20 and 21 were pulled for discussion.

22. Set a public hearing to consider an ordinance amending City Code Chapter 15-2 relating to the drainage charge. (Suggested date and time: May 7, 2015 at 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX.)

The public hearing was set for May 21, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

23. Set a public hearing to consider an ordinance amending City Code Title 25 regarding adult-oriented businesses. (Suggested date and time: April 16, 2015, 10:00 a.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for April 16, 2015 at 10:00 a.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

24. Set a public hearing to consider the full purpose annexation of the LES Burleson area (approximately 13.2 acres in southern Travis County south of Burleson Road approximately 870 feet east of the intersection of Burleson Road and Smith School Road.) (Suggested dates and times: May 7, 2015, at 4:00 p.m. and May 21, 2015 at 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).

The public hearings were set for May 7, 2015 and May 21, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

25. Set a public hearing to receive citizen input on community needs concerning the City's Fiscal Year 2015-2016 Action Plan and Community Development Program, as required by the U.S. Department of Housing and Urban Development and Texas Local Government Code, Chapter 373. (Suggested date and time: April 16, 2015, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for April 16, 2015 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Item 26 was an item from the Audit and Finance Committee.

Item 27 was an eminent domain item.

Item 28 was a briefing item.

Items 29 through 32 were Executive Session items.

Items 33 through 37 were zoning items set for 2:00 p.m.

DISCUSSION ITEMS

4. Approve a resolution amending Resolution No. 20130523-019 to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Major Event Trust Fund, or in the alternative, the Texas Event Trust Fund, for the purposes of: conducting economic studies, submitting applications, and submitting any required funding, to the Texas Comptroller, or the Economic Development and Tourism Division, Office of the Governor for the Summer X-Games to be held at the Circuit of the Americas Facility in 2015, 2016, and 2017.

There was a motion made by Council Member Troxclair and seconded by Council Member Houston to approve the resolution with the following amendment.

The amendment was to delete the third “Be it Further Resolved” paragraph.

The following discussion items were included on the Council Committee agenda item referral for policy discussions by a Council Committee on the Circuit Events Local Organizing Committee:

- **the composition of the Circuit Events Local Organizing Committee and the process for appointments to the committee;**
- **how the committee operates under the Texas Open Meetings Act;**
- **the reporting by the City’s ex officio board member and whether the City’s board member should be ex officio;**
- **the auditing processes used by the committee.**

There was an amendment made by Council Member Zimmerman and seconded by Council Member Pool to strike the years 2016 and 2017.

There was an amendment made by Council Member Troxclair and seconded by Council Member Houston to amend the amendment by putting back in the year 2016. The amendment failed on a vote of 5-6. Those voting aye were: Mayor Adler and Council Members Gallo, Houston, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Kitchen, Pool and Zimmerman.

There was an amendment made by Council Member Zimmerman and seconded by Council Member Pool to strike the years 2016 and 2017. The amendment passed on a vote of 7-4. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Kitchen, Pool and Zimmerman. Those voting nay were: Council Members Gallo, Houston, Renteria and Troxclair.

There was a motion made by Council Member Kitchen and seconded by Council Member Pool to amend the “Now, “Therefore, be it Resolved by the City Council of the City of Austin:” clause by striking the words “or the Texas Event Trust Fund”. The amendment passed on an 11-0 vote.

Resolution No. 20150402-004 was approved with the previous amendments on Council Member Troxclair’s motion, Council Member Houston’s second on a 7-3 vote. Those voting aye were: Mayor Adler and Council Members Gallo, Garza, Houston, Kitchen, Renteria and Troxclair.

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

5. Approve an ordinance establishing classifications and positions in the classified service of the Austin Fire Department; creating and eliminating certain positions and repealing Ordinance No. 20140908-004 relating to the Austin Fire Department classifications and positions.

There was a motion made by Council Member Zimmerman and seconded by Council Member Houston to deny the ordinance. The motion failed on a vote of 2-9. Those voting aye were: Council Members Houston and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Kitchen, Pool, Renteria and Troxclair.

Ordinance No. 20150402-005 was approved on Council Member Pool's motion, Council Member Garza's second on a 9-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Kitchen, Pool and Renteria. Those voting nay were: Council Members Houston, Troxclair and Zimmerman.

CITIZEN COMMUNICATIONS: GENERAL

Lisa Whitted - ABA for City of Austin Healthplan

Ernest Calderon - City Elections- Discrimination

Susana Almanza - City Elections- Discrimination

Michael Whellan - Challenges with the site development permit process

Sylvia Servin - Traffic problems **Not present when name was called**

Bertha Delgado - The preservation of East Austin homes, neighborhoods and community

Pat Valls-Trelles - Animal issues

Paul Robbins - City and budget issues

Carlos León - 1) God, Jesus Christ, and the Holy Spirit are the greatest 2) Clean air for Austin requires zero chemical air for Austin 3) Losing your marbles - Part V

CAROLANNROSEKENNEDY - GOD BLESS MY UNDERWEAR

Mayor Adler recessed the Council Meeting at 1:05 p.m.

Mayor Adler called the Council Meeting back to order at 1:44 p.m.

DISCUSSION ITEMS CONTINUED

7. Approve an ordinance authorizing acceptance of \$101,540 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; and amending the Fiscal Year 2014-2015 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$101,540 for the delivery of services to address basic needs of and to provide case management, employment support services, and preventive health services to low-income residents.

Ordinance No. 20150402-007 was approved on Council Member Casar's motion, Council Member Houston's second on a 10-1 vote. Council Member Zimmerman voted nay.

9. Authorize award, negotiation, and execution of a 36-month contract with TEXAS TENNIS CONSULTANTS, or one of the other qualified offerors to Request for Proposal No. TVN0047, to provide management services for Caswell Tennis Center, in an amount not to exceed \$117,000, with two 36-month extension options in an amount not to exceed \$117,000 per extension option, for a total contract amount not to exceed \$351,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-C Minority-Owned and Women-Owned Business Enterprise Procurement Program. Per the Small & Minority Business Resources Department (SMBR), no subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award, negotiation and execution of a contract with Texas Tennis Consultants was approved on Mayor Pro Tem Tovo's motion, Council Member Gallo's second on an 11-0 vote.
11. Approve issuance of a street closure permit under City Code Chapter 14-8 for the 2015 Silicon Labs Sunshine Run, which will be held on Sunday, May 3, 2015, from 7:30 a.m. to 10:00 a.m.
The motion to approve the issuance of a street closure permit for the 2015 Silicon Labs Sunshine Run was approved on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
13. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

Hispanic/Latino Quality of Life

Resource Advisory Commission (temporary appointment)

Jill Ramirez

Mayor Adler

Sustainable Food Policy Board (temporary position)

Sharon Mays

Mayor Adler

Sustainable Food Policy Board (temporary position)

Dustin Fedako

Mayor Adler

Planning Commission (temporary position)

James Shieh

Mayor Adler

Commission on Veterans Affairs (temporary position)

Nick Van Zandt

Mayor Adler

Commission on Immigrant Affairs

Rebecca Forest

Council Member Zimmerman

Planning Commission

Michael Wilson

Council Member Zimmerman

Human Rights Commission

Garry Brown

Council Member Pool

Ethics Review Commission

Brian Thompson

Council Member Pool

Downtown Austin Community Court Advisory Committee

Brian Thompson

Council Member Pool

Airport Advisory Commission

William “Teddy” McDaniel

Council Member Pool

Early Childhood Council

Rhonda Paver

Council Member Pool

Early Childhood Council

Dr. Aletha Huston

Council Member Kitchen

Water & Wastewater Commission

Nhat Ho

Council Member Garza

Water & Wastewater Commission

Christine Castleberry

Council Member Kitchen

Asian American Quality of Life Advisory Commission

Vincent Cobalis

Council Member Kitchen

Board of Adjustment

Melissa Hawthorne

Council Member Kitchen

Electric Utility Commission

Karen Hadden

Council Member Kitchen

Environmental Commission

Mary Ann Neely

Council Member Kitchen

Zero Waste Advisory Commission

Cathy Gattuso

Council Member Kitchen

Parkland Events Task Force

David King

Council Member Kitchen

Waivers

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Brian Thompson. The waiver allows his simultaneous service on the Ethics Review Commission and Downtown Austin Community Court Advisory Committee.

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of James Shieh. The waiver allows his simultaneous service on the Design Commission and Planning Commission.

There was a motion made by Mayor Adler and seconded by Council Member Houston to postpone the appointment of Sharon Blythe to the Parkland Events Task Force and Parks and Recreation Board. The motion passed on a vote of 10-1. Council Member Zimmerman voted nay.

15. Approve a resolution initiating a code amendment to mitigate the effects of smoke emissions from restaurants and mobile food vendors near residentially zoned areas. (Notes: SPONSOR - Council Member Sabino "Pio" Renteria CO 1: Council Member Kathie Tovo CO 2: Mayor Steve Adler CO 3: Council Member Gregorio Casar)

There was a motion made by Council Member Renteria and seconded by Mayor Adler to approve the resolution.

There was an amendment made by Mayor Adler and seconded by Council Member Gallo to amend the resolution by having the "Be it Resolved by the City Council of the City of Austin:" and the last "Be it Further Resolved" read as follows. The amendment was accepted by the maker of the motion.

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

"Council initiates an amendment to the City Code to address smoke from cookers, restaurants, trucks and their impact on residents provisions to consider shall include but not be limited to those to require restaurants and mobile food vendors that utilize a wood or charcoal burning stove or grill located within 100 feet of the nearest property line of a property zoned as residential base district or property used for a residential use to take appropriate action to mitigate the impact of smoke emissions on the health and quality of life of surrounding residents by relocating smoke-emitting equipment to exceed the aforementioned distance or installing smoke-mitigating devices."

Be it Further Resolved:

"The City Manager is directed to present the proposed ordinance and associated recommendations consistent with this resolution to the Planning Commission and the Planning and Neighborhoods Committee of Council for consideration no later than the first meeting after July 31, 2015."

There was an amendment made by Council Member Gallo and seconded by Council Member Houston to have this item go back to the Economic Opportunity and the Health and Human Services Committees. The amendment was approved without objection.

There was an amendment made by Council Member Casar and seconded by Council Member Pool to strike the Planning Commission and the Planning and Neighborhoods Committee from the last "Be it Further Resolved" clause. The amendment was approved without objection.

There was an amendment made by Council Member Garza and seconded by Council Member Kitchen to amend the "Be it Resolved by the City Council of the City of Austin: " to read, "Council initiates a possible amendment to the City Code..." and the next to the last "Be it further Resolved:" to read, "The City Manager is directed to initiate a stakeholder input gathering process to provide an opportunity for affected residents and business owners to provide recommendations." The amendment was approved without objection.

There was an amendment made by Council Member Kitchen to amend the next to the last "Be it further Resolved:" to read, "The City Manager is directed to initiate a stakeholder input gathering process to provide an opportunity for affected residents, business owners and other stakeholders to provide recommendations." The amendment was approved without objection.

Resolution No. 20150402-015 was approved with the previous amendments on Council Member Renteria's motion, Mayor Adler's second on a vote of 9-2. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

20. Approve a resolution related to the issuance of a request for proposals for up to 600 megawatts of solar generation. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Gregorio Casar

CO 2: Council Member Leslie Pool CO 3: Council Member Ann Kitchen CO 4: Mayor Pro Tem Kathie Tovo)

Resolution No. 20150402-020 was approved on Council Member Garza's motion, Council Member Casar's second on a 10-1 vote. Council Member Zimmerman voted nay.

21. Approve a resolution directing the City Manager to return to council with an ordinance for consideration that creates a civil offense for unlawfully passing a school bus. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Ora Houston CO 3: Council Member Sheri Gallo)

There was a motion made by Zimmerman and seconded by Mayor Adler to refer to Council committee. The motion failed on a vote of 1-10. Council Member Zimmerman voted aye.

Direction was given to staff to provide:

- **More information from AISD regarding the pilot program.**
- **A copy of the result of the feasibility study of a new civil penalty ordinance for unlawfully passing a stopped school bus conducted by the City Manager's office.**
- **The impact this would have on the municipal courts and the police department's case load.**

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

There was a motion made by Council Member Zimmerman to strike the wording "the City Manager is directed to return" and replace it with "The Public Safety Committee is directed to return to Council". The motion died for lack of a second.

There was an amendment made by Council Member Troxclair and seconded by Council Member Zimmerman to direct the City Manager to bring the ordinance back to the Public Safety Committee. The amendment was accepted without objection.

There was a friendly amendment made by Mayor Pro Tem Tovo to amend the previous amendment made by Council Member Troxclair to include the wording "The City Manager is further directed to provide that ordinance to the Public Safety Committee prior to its Council scheduling for its review and recommendation." The amendment was accepted by the maker and Council Member Zimmerman, who made the second.

Ordinance No. 20150402-021 was approved with the previous amendments on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on an 11-0 vote.

ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S)

26. Approve a resolution directing the City Manager to identify funding options from the current budget for five full-time equivalent staff positions for the Mayor's Office and \$25,000 for each council office for the purpose of providing enhanced constituent services.(Item from Council) (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Leslie Pool CO 2: Council Member Sheri Gallo CO 3: Council Member Ann Kitchen)

There was a motion made by Council Member Zimmerman and seconded by Mayor Adler to approve the resolution with the following language.

"Whereas, the new 10-1 City Council has made, and continues to make, significant changes in the way that City business is conducted in Austin; and

Whereas, there has been, and continues to be a shift of more authority to the Mayor and to Council Members-such as their ability to determine their own staff (as authorized by Proposition 12 that was approved by Austin voters as recently as 2012); and

Whereas, given the expansion of responsibilities that the Mayor and Council Members find themselves confronted with, it is necessary to provide to the Mayor and to Council Members the additional human resources that are called for in order to properly carry out the added responsibilities that the Mayor and Council Members are required to address; Now, Therefore,

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

The City Manager is directed to temporarily re-allocate from the existing City budget, vacant positions and funding for the equivalent of three FTEs at salaries not to exceed that of a sitting council member, and funding for associated benefits, to the Mayor's office personnel budget, and vacant positions and funding for the equivalent of one FTE, at a salary not to exceed that of a sitting council member, and funding for associated benefits, to each council office personnel budget. The number of and amount paid to mayor or council office staff members, is the decision of that elected officeholder, within the maximums established by the current budget and this resolution."

There was a friendly amendment made by Mayor Pro Tem Tovo to add the language "Positions or funding will return to the originating department absent an affirmative vote at the Council to continue funding these positions in the FY16 budget." The amendment was accepted by the maker and Mayor Adler, who made the second.

There was an amendment made by Council Member Troxclair and seconded by Council Member Houston to cap the salary of the Council staff by not exceeding the average Council staff salary. The amendment passed on a vote of 7-4. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Pool and Troxclair. Those voting nay were: Mayor Adler and Council Members Kitchen, Renteria and Zimmerman.

Resolution No. 20150402-026 was approved with the previous amendments on Council Member Zimmerman's motion, Mayor Adler's second on a 9-2 vote. Those voting aye were: Mayor Adler and Council Members Casar, Gallo, Houston, Kitchen, Pool, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Member Garza.

Mayor Adler recessed the Council Meeting for Live Music and Proclamation at 5:46 p.m.

LIVE MUSIC

Gina Chavez

PROCLAMATIONS

Proclamation -- National Donate Life Month -- to be presented by Mayor Steve Adler and to be accepted by Michelle Segovia

Proclamation -- National Public Health Week -- to be presented by Mayor Steve Adler and to be accepted by Shannon Jones

Proclamation -- Jazz Appreciation Month -- to be presented by Mayor Steve Adler and to be accepted by Fito Kahn and Paul Klemperer

Proclamation -- Telecommunications Workers Week -- to be presented by Mayor Steve Adler and to be accepted by Capt. Rebecca Ackerman

Proclamation -- CARY Youth Violence Prevention Week -- to be presented by Mayor Steve Adler and to be accepted by Adrian L. Moore

Proclamation -- Sexual Assault Awareness Month -- to be presented by Council Member Ora Houston and to be accepted by representatives of the Austin/Travis County Family Violence Task Force

Proclamation -- Local Business Month -- to be presented by Council Member Leslie Pool and to be accepted by Rebecca Melancon

Proclamation -- Save Texas Schools Rally -- to be presented by Mayor Pro Tem Kathie Tovo and to be accepted by Susan Moffatt

Mayor Adler called the Council Meeting back to order at 7:02 p.m.

EMINENT DOMAIN

This vote applies to all units of property (Items 27) to be condemned

27. Approve a resolution authorizing the filing of eminent domain proceedings for the University Hills Branch Library Parking Lot Expansion Project for approximately 22,147 square feet of land for a public parking lot, out of Lot 1A, The Bluffs of University Hills, Resubdivision of Lots 1 and 2, Block A, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 84, Page 43D, Plat Records of Travis County, Texas, conveyed to SAFA Trading Establishment, Inc. by Special Warranty Deed recorded in Volume 12932, Page 1629 of the Real Property Records of Travis County, Texas, in the amount of \$155,000. The owner of the needed property interests is SAFA TRADING ESTABLISHMENT, INC. The property is located entirely in District 1, at 4601 Loyola Lane, in Austin, Travis County, Texas 78723. The general route covered by this project includes the University Hills Branch Library area, located on a portion of Loyola Lane, between Manor Road and Ed Bluestein Boulevard (United States Highway 183).

Resolution No. 20150402-027 was approved on Council Member Houston's motion, Council Member Renteria's second on an 8-0 vote. Council Members Garza and Zimmerman abstained. Council Member Troxclair was off the dais.

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.

29. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
30. Discuss legal issues related to the filing of eminent domain proceedings for the University Hills Branch Library Parking Lot Expansion Project (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.

31. Discuss personnel matters related to the appointment of a new City Auditor (Personnel Exception - 551.074 of the Government Code).
This item was withdrawn.
32. Discuss legal issues related to Mercer et al v. City of Austin et al, Cause No. 1:13-cv-00830, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel-Section 551.071) (Related to July 26, 2013 officer-involved shooting).
This item was withdrawn.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

36. C14-2014-0167 - Cantarra Mixed Use - (District 1) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13007 Cantarra Drive (Harris Branch Watershed) from interim-single family residence-small lot (I-SF-4A) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Staff recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Owner: Michael Jeter. Applicant/Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to April 16, 2015 at the neighbor's request on Council Member Gallo's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was off the dais.
37. C14-2015-0013 - 2363 Seventy One - (District 2) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 2363 East State Highway 71 Westbound (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services (CS) district zoning. Owner/Applicant: Mohammad Mokri; Javad Oskouipour. Agent: Paul E. Kennedy. City Staff: Wendy Rhoades, 512-974-7719.
This item was postponed on consent to April 16, 2015 at the neighbor's request on Council Member Gallo's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was off the dais. Direction was given to staff to refer this item to the Neighborhood and Planning Council Committee and the Animal Advisory Commission.

ZONING DISCUSSION ITEMS

33. C14-2014-0178 - Overlook at Spicewood Springs - (District 10) - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4920 Spicewood Springs Road (Bull Creek Watershed) from single-residence-standard lot (SF-2) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. First Reading approved on February 12, 2015. Vote: 11-0. Owner/Applicant: Joseph Benford and Richard A. Haberman Trust (Danny Haberman, Trustee). Agent: CIVILE, LLC (Lawrence M. Hanrahan). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 20150402-033 for limited office-conditional overlay (LO-CO) combining district zoning was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 7-2 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Renteria and Zimmerman. Those voting nay were: Council Members Kitchen and Pool. Mayor Adler recused himself. Council Member Troxclair was off the dais.

Items 34 and 35 were acted on in a combined motion.

34. NPA-2014-0029.01 - Little Walnut Creek - (District 1) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20120426-100, the St. John/Coronado Hills Combined 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 7400, 7424, and 7450 East U.S. Highway 290 and 2509 East Anderson Lane (Little Walnut Creek Watershed) from Office land use to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To deny Mixed Use/Office land use. Owners/Applicants: Cozy Living, LLC; AAA Fire & Safety, Inc.; and Seyed Miri. Agent: Coats Rose (Pamela Madere). City Staff: Maureen Meredith, 512-974-2695.

There was a motion made by Council Member Pool and seconded by Council Member Houston to deny the change to the land use designation. The motion failed on a vote of 2-9. Those voting aye were: Council Members Houston and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Kitchen, Renteria, Troxclair and Zimmerman.

Direction was given to staff to:

- **Bring statistics on vehicle accidents at the residential street intersections that feed onto the access road of 290 to Council.**
- **Provide Council with the history of the zoning on the property.**
- **Contact Manor ISD to determine if the property were to be developed whether or not Manor ISD would be busing.**

The public hearing was conducted and the motion to leave the public hearing open and adopt the first reading of the ordinance to change the land use designation on the future land use map (FLUM) to Mixed Use/Office land use was approved with the directions listed above on Council Member Casar's motion, Council Member Zimmerman's second on an 11-0 vote.

35. C14-2014-0135 - Little Walnut Creek - (District 1) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7400, 7424, and 7450 East U.S. Highway 290 and 2509 East Anderson Lane (Little Walnut Creek Watershed) from general office-neighborhood plan (GO-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To deny general office-mixed-use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Owners: Cozy Living, LLC; AAA Fire & Safety, Inc.; and Seyed Miri. Applicant: Mike Dallas Properties (Mike Dallas). City Staff: Heather Chaffin, 512-974-2122.

There was a motion made by Council Member Pool and seconded by Council Member Houston to deny the rezoning request. The motion failed on a vote of 2-9. Those voting aye were: Council Members Houston and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Kitchen, Renteria, Troxclair and Zimmerman.

Direction was given to staff to:

- **Bring statistics on vehicle accidents at the residential street intersections that feed onto the access road of 290 to Council.**
- **Provide Council with the history of the zoning on the property.**
- **Contact Manor ISD to determine if the property were to be developed whether or not Manor ISD would be busing.**

The public hearing was conducted and the motion to leave the public hearing open and adopt the first reading of the ordinance for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, with conditions was approved with a vehicle trip limit

of 2,000 trips per day and directions listed above on Council Member Casar's motion, Council Member Zimmerman's second on an 11-0 vote.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 9:17 p.m. See separate minutes.

Mayor Adler called the Council Meeting back to order at 9:26 p.m.

BRIEFINGS

28. Briefing regarding development review, inspections and permitting processes.
The presentation was made by Marc Ott, City Manager and Rodney Gonzalez, Acting Director, Development Services Department.

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

DISCUSSION ITEMS CONTINUED

14. Approve a resolution directing the City Manager to outline plans addressing reform of the City's development review, inspections and permitting processes, including but not limited to, recommendations from the Zucker Systems Analysis Report. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Sheri Gallo CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Sabino "Pio" Renteria)

There was a motion made by Mayor Adler and seconded by Council Member Gallo to approve the resolution.

There was an amendment made by Council Member Casar and seconded by Mayor Adler to add a new "Whereas" and "Be it Further Resolved" to read as follows. The amendment was accepted without objection.

"Whereas, the City of Austin currently provides an expedited permitting process through the S.M.A.R.T. Housing program, and as the permitting process is being reviewed, the City Council would like to explore expanding and improving permitting programs that provide community benefits;"

"Be it Further Resolved: The Austin City Council and the Neighborhoods and Planning Committee will explore options for expanding and modifying our expedited permitting process to achieve more affordability and other community benefits."

There was an amendment made by Mayor Adler and seconded by Council Member Zimmerman to amend the previous amendment by making the new "Be it Further Resolved" clause a new number 5 and placing it under the first "Be it Further Resolved" clause to read as follows. The amendment was accepted without objection.

"5. Explore options for expanding modifying our expedited permitted process to achieve more affordability and other community benefits."

There was an amendment made by Council Member Kitchen and seconded by Mayor Adler to add a new number 6 under the first "Be it Further Resolved" clause to read as follows. The amendment was accepted without objection.

“6. Alignment with the Code Next process, timelines, and consulting team efforts.”

There was an amendment made by Council Member Kitchen and seconded by Council Member Gallo to add a new number 7 under the first “Be it Further Resolved” clause to read as follows. The amendment was accepted without objection.

“7. Timelines”

Resolution No. 20150402-014 was approved with the previous amendments on Mayor Adler’s motion, Council Member Gallo’s second on a 9-0 vote. Council Members Pool and Troxclair were off the dais.

Mayor Adler adjourned the meeting at 10:15 p.m. without objection.

The minutes were approved on this the 16th day of April, 2015 on Council Member Zimmerman’s motion, Council Member Casar’s second on an 11-0 vote.