

**AUSTIN CITY COUNCIL
MINUTES****SPECIAL CALLED MEETING
TUESDAY, SEPTEMBER 22, 2015**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. The City Council of Austin, Texas, convened in a special called meeting on Tuesday, September 22, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Special Called Meeting to order at 9:26 a.m.

DISCUSSION ITEMS

1. Approve an ordinance adopting and levying a property (ad valorem) tax rate for the City of Austin for Fiscal Year 2015-2016.

Ordinance No. 20150922-001 adopting and levying a property (ad valorem) tax rate of \$ 45.89 cents per hundred dollar valuation was approved on a roll call vote on Council Member Casar's motion, Council Member Renteria's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Member's Casar, Gallo, Garza, Houston, Pool, and Renteria. Those voting nay were: Council Member's Troxclair and Zimmerman.

2. Approve an ordinance amending the Fiscal Year 2014-2015 Council Operating Budget (Ordinance No. 20140908-001) as requested to direct funds from council offices to other city departments for municipal purposes.

Ordinance No. 20150922-002 was approved as amended on consent on Council Member Garza's motion, Council Member Renteria's second on an 11-0 vote.

The motion was to amend the ordinance to read "the Council authorizes interdepartmental transfers in this budget to an amount not to exceed unexpended balances in Council budgets to be allocated to other departments as directed by the Council Member". The amendment was approved on Council Member Zimmerman's motion, Council Member Pool's second on an 11-0 vote.

3. Approve a recommendation regarding short-term rentals.

The following recommendations for amendments to the City Code were approved as follows:

The motion that short-term rentals must comply with each provision: no more than six unrelated people; no more than 10 people (related or unrelated); no more than two people per bedroom plus two (related or unrelated) and presumption is that a house has two bedrooms until such time as an inspection is done; no gatherings of more than six people outside (and no gatherings of any number of people after 10 pm) was approved with the following friendly amendment on Council Member Gallo's motion, Council Member Kitchen's second on a 9-0 vote. Council Member Troxclair and Zimmerman abstained.

There was a friendly amendment by Mayor Pro Tem Tovo to replace the word "gathering" with "assembly". The friendly amendment was accepted by Council Member Gallo who made the motion and Council Member Kitchen who seconded the motion.

The motion to provide Austin Code with the authority to issue citations for noise complaints was made by Council Member Gallo. Council Member Gallo later withdrew her motion.

The motion to include on the occupancy license the number of bedrooms available at the property and the maximum number of people allowed a consistent with the numbers approved above and to make this information available to Code Enforcement staff in real-time and available to the public on the website was approved on Council Member Kitchen's motion, Council Member Gallo's second on a 10-0 vote. Council Member Zimmerman was off the dais.

The motion to direct staff that evidence supplied by citizens such as eyewitness accounts, photos and videos be submitted as part of the administrative hearing process was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.

The motion to ensure in every instance in drafting the ordinance, that Code Enforcement has the authority to enforce the ordinance administratively was approved on Council Member Gallo's motion, Council Member Renteria's second on a 10-0 vote. Council Zimmerman abstained.

The motion to direct staff to decouple the recommendation to suspend the issuance of new short-term rental licenses for a one-year period from the other Code recommendations was approved on Mayor Pro Tem Tovo's, Council Member Pool's second on a 8-1 vote. Council Member Troxclair voted nay. Council Member Zimmerman abstained. Council Member Casar was off the dais.

The motion to authorize staff to waive the Code and Ordinances Subcommittee review if necessary, to allow or to enable the issue to come back to Council as early as October 15, 2015, and no later than November 12, 2015 failed on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 5-5 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Garza, Houston, Kitchen and Pool. Those voting nay were: Mayor Adler and Council Members Gallo, Renteria, Troxclair and Zimmerman. Council Member Casar was off the dais.

The motion to direct staff to determine options for the collection and remittance of hotel-motel taxes to the City of Austin, including potentially requiring short-term rental advertising and listing services to manage the process was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Members Casar and Zimmerman were off the dais.

The motion to repeal the provision that allows 25% of multifamily units on a commercially zoned property to be removed from the rental market as Type 3 STRs and cap all Type 3 STRs to no more than 3% by property and to allow a minimum of one in any unit so that a ten unit can have one unit was made by Mayor Pro Tem Tovo. Mayor Pro Tem later withdrew her motion.

The motion to postpone the remaining amendments to the October 8, 2015 Council meeting was approved on Mayor Pro Tem Tovo's motion, Council member Houston's second on a 9-0 vote. Council Members Casar and Zimmerman were off the dais.

Mayor Adler adjourned the meeting at 11:41 a.m. without objection.

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