

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 10, 2015**

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 10, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Pro Tem Tovo called the Council Meeting to order at 10:04 am.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council regular meeting of November 12, 2015, work session meeting of November 17, 2015, regular meeting of November 19, 2015, Council discussion of November 30, 2015 and special called meeting of December 3, 2015.

**The minutes from the City Council Regular Council Meeting of November 12, 2015, Work Session Meeting of November 17, 2015, Regular Meeting of November 19, 2015, Council Discussion of November 30, 2015 and the Special Called Meeting of December 3, 2015 were approved on consent on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**

Item 2 was pulled for discussion.

3. Authorize negotiation and execution of a 60-month revenue concession agreement with IN-TER-SPACE SERVICES, INC. dba CLEAR CHANNEL AIRPORTS, for advertising services at Austin-Bergstrom International Airport.

**The motion authorizing the negotiation and execution of a concession agreement with In-Ter-Space Services, Inc. doing business as Clear Channel Airports was approved on consent on Council Member Gallo's motion, Council Member Renteria's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Kitchen was off the dais. Mayor Adler was absent.**

4. Authorize negotiation and execution of an agreement with Texas Gas Service Company for natural gas utility replacement and relocation at Austin-Bergstrom International Airport in the amount not to exceed \$100,000 (District 2). Recommended by the Airport Advisory Commission on a 10-0 vote.

**The motion authorizing the negotiation and execution of an agreement with Texas Gas Service Company was approved on consent on Council Member Gallo's motion, Council**

**Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**

**Items 5 through 12 were pulled for discussion.**

13. Authorize negotiation and execution of a 24-month contract with MORRIS AND MCDANIEL, INC., or one of the other qualified offerors to Request for Proposal SLW0504, to provide promotional examination services in an amount not to exceed \$98,000, with two 24-month extension options in an amount not to exceed \$98,000 per extension option, for a total contract amount not to exceed \$298,000. (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 the negotiation and execution of a contract with Morris and McDaniel, Inc. was approved on consent on Council Member Gallo's motion, Council Member Renteria's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Kitchen was off the dais. Mayor Adler was absent.**

**Item 14 through 16 were pulled for discussion.**

17. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments and waivers were approved on consent on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**

#### **Nominations**

##### **Board/Nominee**

##### **Nominated by**

**Asian American Quality of Life  
Resource Advisory Commission  
Pramod Patil**

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

**Asian American Quality of Life  
Resource Advisory Commission  
Rajani Ramachandran**

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

**Asian American Quality of Life  
Resource Advisory Commission  
Charles Lu**

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

**Asian American Quality of Life  
Resource Advisory Commission  
Kara Takasaki**

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

**Bond Oversight Commission  
Brennan Griffin**

**Council Member Casar**

**Building & Fire Code Board of Appeals  
Lionel Bess**

**Council Member Houston**

**Joint Inclusion Committee  
Sonia Kotecha**

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

**Joint Sustainability Commission  
Stacy Guidry**

**Zero Waste Advisory Comm.**

**Robert Mueller Municipal Airport  
Plan Implementation Advisory Commission  
Joseph Howell Burton**

**Council Member Zimmerman**

**Land Development Code Advisory Group  
Nuria Zaragoza**

**Mayor Pro Tem Tovo**

**Task Force on Community Engagement  
Claudia Herrington**

**Council Member Renteria**

#### **Waivers**

**Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Lionel Bess on the Building & Fire Code Board of Appeals.**

**Approve a waiver under Section 2-1-27(e) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for a person appointed to a City board between August 1, 2015 through August 31, 2015, if the person completed the training required by Section 2-1-23 on or before January 1, 2016.**

African American Resource Advisory Commission	Aaron Demerson
Board of Adjustment	Eric Goff
Building and Standards Commission	Matthew Armstrong
Community Development Commission	Angelica Noyola
Construction Advisory Committee	Calvin Williams
Electric Board	Nicole Stasek
Hispanic/Latino Quality of Life Resource Advisory Commission	Carmen Llanes
Commission on Seniors	Ray Cabrera

18. Approve a resolution initiating a neighborhood plan amendment to the Holly Neighborhood Plan to consider a change to the land use designation on the future land use map for the property located at 2406 Hidalgo Street. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Gregorio Casar CO 3: Council Member Sheri Gallo)

**Resolution No. 20151210-018 was approved on consent on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**

19. Approve an ordinance waiving or reimbursing certain fees and requirements, and authorizing payment of certain costs for the City co-sponsored 2015 Merry Memories event, hosted by the River City Youth Foundation, which was held on Saturday, December 5, 2015 at the Dove Springs Recreation Center. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Mayor Steve Adler)  
**Ordinance 20151210-019 was approved on consent on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**
20. Approve an ordinance waiving or reimbursing certain costs for the Pilgrimage for Immigrant Families sponsored by Workers Defense Project which was held on Saturday, November 21, 2015 at the Texas Governor's mansion. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Council Member Delia Garza CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Ann Kitchen)  
**Ordinance 20151210-020 was approved on consent on Council Member Gallo's motion, Council Member Renteria's second on an 8-0 vote. Council Member Troxclair abstained. Council Member Kitchen was off the dais. Mayor Adler was absent.**
21. Approve a resolution regarding the development and completion of the Town Lake Park Master Plan. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ann Kitchen CO 2: Council Member Leslie Pool CO 3: Council Member Delia Garza)  
**This item was postponed indefinitely on consent on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**
22. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-1 for the 25th Annual ThunderCloud Subs Turkey Trot sponsored by ThunderCloud Subs which was held on Thursday, November 26, 2015, beginning at the Long Center for the Performing Arts. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Gregorio Casar CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Ora Houston CO 4: Council Member Delia Garza CO 5: Council Member Sheri Gallo)  
**The motion to approve the waiver or reimbursement of certain fees for the 25<sup>th</sup> Annual ThunderCloud Subs Turkey Trot was approved on consent on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**
23. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family development to be called the Paddock at Fiskville Apartments, located at 10017 Middle Fiskville Road. (Suggested date and time: January 28, 2016 at 4:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX.) (District 4)  
**The public hearing was set on consent for January 28, 2016, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**
24. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family development to be called the Villages of Goodnight Apartments, located at Slaughter Lane and Nuckols Crossing. (Suggested date and time: January 28, 2016 4:00 pm, at Austin City Hall, 301 W. Second Street, Austin, TX.) (District 2)

**The public hearing was set on consent for January 28, 2016, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**

25. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family development, to be called Cannon Woods Estates, located at 4506 East William Cannon Drive. (Suggested date and time: January 28, 2016 4:00 pm, at Austin City Hall, 301 W. Second Street, Austin, TX.) (District 2)

**The public hearing was set on consent for January 28, 2016, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Gallo's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.**

**Item 26 was pulled for discussion.**

Items 27 through 32 were referred from Council Committees.

Items 33 through 35 were Executive Session items.

Items 36 through 46 were Zoning Ordinances/Restrictive Covenants (Hearings Closed).

Items 47 through 73 were Zoning and Neighborhood Plan Amendments.

Items 74 through 81 were public hearing items set for 4:00 p.m.

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

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

36. NPA-2015-0015.01 – Kingsbery Community Solar Project – District 3 – Approve second and third readings of an ordinance amending Ordinance No. 021107-Z-11, the East MLK 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 5017-1/2 Alf Avenue and 5109-1/2 Wilcox Avenue (Tannehill Branch Creek Watershed) from Single Family land use and Recreation/Open Space land use to Utilities land use. First Reading approved on November 12, 2015. Vote: 11-0. Owner/Applicant: City of Austin, Austin Energy (Pamela England). Agent: PowerFin Partners (Katy Ngo). City Staff: Mark Walters, 512-974-7695.

**Ordinance 20151210-036 for Utilities land use was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

37. C14-2015-0101 – Kingsbery Community Solar Project – District 3 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5017-1/2 Alf Avenue and 5109-1/2 Wilcox Avenue (Tannehill Branch Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and public-neighborhood plan (P-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. First Reading approved on November 12, 2015. Vote: 11-0. Owner: City of Austin-Austin Energy (Pamela England). Agent: PowerFin Partners, LLC (Katie Ngo). City Staff: Heather Chaffin, 512-974-2122.

**Ordinance 20151210-037 for public-neighborhood plan (P-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

38. NPA-2015-0005.02 – 7200 East Ben White Blvd. – District 3 – Approve an ordinance on second and third readings amending Ordinance No. 20010927-05, the Montopolis 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 7200 East Ben White Boulevard (Carson Creek Watershed) from Mixed Use and Industry land uses to Higher Density Single Family land use. First Reading approved on November 12, 2015. Vote: 11-0. Owner/Applicant: KWH Properties. Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 512-974-2695.

**Ordinance 20151210-038 for Higher Density Single Family land use was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

39. C14-2015-0073 –7200 E. Ben White Blvd – District 3 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7200 East Ben White Boulevard (Carson Creek Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 1 and from community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning to townhouse and condominium residence-conditional overlay- neighborhood plan (SF-6-CO-NP) combining district zoning for Tract 2. First Reading approved November 12, 2015. Vote: 11-0. Owner/Applicant: KWH Properties. Agent: Thrower Design (Ron Thrower). City Staff: Andrew Moore, 512-974-7604.

**Ordinance 20151210-039 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 1 and townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning for Tract 2 was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

40. NPA-2015-0015.02 – Little Folks Daycare – District 1 – Approve second and third readings of an ordinance amending Ordinance No. 20021107-Z-11, the East MLK 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 two properties locally known as 5700 and 5702 Reicher Drive (Fort Branch Watershed) from Single Family land use to Office land use. First Reading approved on November 12, 2015. Vote: 11-0. Owner/Applicant: Little Folk Daycare (Nelda Frasier). Agent: Vincent Gerard and Associates, Inc. (Vince Huebinger). City Staff: Kathleen Fox, 512-974-7877.

**Ordinance 20151210-040 for Office land use was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

41. C14-2015-0108 – Little Folks Day Care – District 1 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5700 and 5702 Reicher Drive (Fort Branch Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-neighborhood plan (NO-NP) combining district zoning. First Reading approved on November 12, 2015. Vote: 11-0. Owner: Nelda Frazier. Agent: Vincent Gerard and Associates (Vince Huebinger). City Staff: Heather Chaffin, 512-974-2122.

**Ordinance 20151210-041 for neighborhood office-neighborhood plan (NO-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

42. NPA-2015-0028.01 – Cameron Skilled Nursing Facility – District 4 – Approve third reading of an ordinance amending Ordinance No. 20110113-059, the Heritage Hills/Windsor 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 8324 Cameron Road (Little Walnut Creek Watershed) from Industry land use to Office land use. First and Second Readings approved on November 12, 2015. Vote: 11-0. Owner/Applicant: Madison Valley Mortgage-Cameron Industrial Park, LLC (Larry Vineyard). Agent: Cunningham-Allen (Jana Rice). City Staff: Maureen Meredith, 512-974-2695.

**Ordinance 20151210-042 for Office land use was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

43. C14-2015-0100 – Cameron Skilled Nursing Facility – District 4 – Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8324 Cameron Road (Walnut Creek Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. First and second readings approved on November 12, 2015. Vote: 11-0. Owner: Madison Valley Mortgage-Cameron Industrial Park, LLC (Larry Vineyard). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Heather Chaffin, 512-974-2122.

**Ordinance 20151210-043 for general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning was approved with the following condition on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

**The condition is to include a 12 foot vegetative buffer along the western side of the tract.**

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

**The item was postponed to December 17, 2015 on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

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

The motion to approve the ordinance on second reading with the following additional prohibitive uses for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.

Additional prohibitive uses were:

- Alternative Financial Services
- Maximum height of a building or structure is limited 35 feet or two stories
- A 10-foot-wide vegetative buffer shall be provided with maintenance provisions along the north property line
- Limit noise level to 70 decibels along the north property line

Direction was given to staff to bring the ordinance back for third reading on December 17, 2015.

47. NPA-2015-0002.02 – 901 Spence Street – District 3 – Conduct a public hearing and approve an ordinance amending Ordinance No. 19990513-70, the East Cesar Chavez 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 901 Spence Street (Lady Bird Lake Watershed) from Single Family to Mixed Use/Office land use. Staff Recommendation: To deny Mixed Use/Office land use. Planning Commission Recommendation: To be reviewed on December 8, 2015. Owner: Margot Perez-Greene, Executor Estate of Ananias B. Perez. Agent: Gayle Rosenthal, Attorney/Broker. City Staff: Maureen Meredith, (512) 974-2695.  
**The item was postponed to March 24, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
48. C14-2015-0109 – 901 Spence – District 3 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 901 Spence Street (Lady Bird Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Staff Recommendation: To deny general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 8, 2015. Owner: Estate of Ananias B. Perez (Margot-Green). Applicant: Rosenthal Properties (Gayle Rosenthal). City Staff: Heather Chaffin, 512-974-2122.  
**The item was postponed to March 24, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
49. NPA-2015-0003.01 – New Hope Baptist Church Rezoning – District 1 – Conduct a public hearing and approve an ordinance amending Ordinance No. 990715-113, the Chestnut 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 2403 (also known as 2405) East 16th Street (Boggy Creek Watershed) from Civic land use to Office land use. Staff Recommendation: To grant Office land use. Planning Commission Recommendation: To grant Office land use. Owner/Applicant: New Hope Baptist Church. Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, 512-974-2695.



**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-049 for Office land use was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

50. C14-2015-0107 – New Hope Baptist Church – District 1 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2405 East 16th Street (Boggy Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Staff Recommendation: To grant limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. Owner: New Hope Baptist Church (Roy Jones). Applicant: Husch Blackwell (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-050 for limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

51. NPA-2015-0005.03 – 2407-2409 Montopolis Drive – District 3 – Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis 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 2407-2409 Montopolis Drive (Country Club East Watershed) from Commercial land use to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Petree Rentals (Elizabeth and Larry Petree). Agent: Permit Partners (David Cancialosi). City Staff: Maureen Meredith, 512-974-2695.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-051 for Mixed Use land use was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

52. C14-2015-0099 – 2407-2409 Montopolis Drive – District 3 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2407-2409 Montopolis Drive (Country Club East Watershed; Carson Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner/Applicant: Petree Rentals (Elizabeth and Larry Petree). Agent: Permit Partners, LLC (David Cancialosi). City Staff: Andrew Moore, 512-974-7604.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-052 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 Garza's second on a 10-0 vote. Mayor Adler was absent.**

53. NPA-2015-0008.01 - 2612 Sol Wilson Avenue - District 1 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20011129-67, the Rosewood 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 2612 Sol Wilson Avenue (Boggy Creek Watershed) from Civic land use to Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To be reviewed on December 8, 2015. Owner/Applicant: Fox Investment Properties, L.L.C. Agent: Lenworth Consulting, L.L.C. (Ignacio "Nash" Gonzales, Jr.). City Staff: Maureen Meredith, 512-974-2695.

**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading for Neighborhood Mixed Use land use was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

54. C14-2015-0102 – 2612 Sol Wilson – District 1 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2612 Sol Wilson Avenue (Boggy Creek Watershed) from neighborhood commercial-mixed use-vertical mixed use building-neighborhood plan (LR-MU-V- NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 8, 2015. Owner: Fox Investment Properties, LLC (Chadwick Fox). Applicant: Lenworth Consulting, LLC. (Nash Gonzales). City Staff: Heather Chaffin, 512-974-2122.

**The item was indefinitely postponed on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

55. NPA-2015-0023.01 - Boys & Girls Club Legacy Club - District 1 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55 of the University Hills/Windsor Park Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 4717 Turner Lane (Walnut Creek Watershed; Little Walnut Creek Watershed) from Higher Density Single Family, Transportation, and Commercial land uses to Civic land use. Staff Recommendation: To grant Civic land use. Planning Commission Recommendation: To be reviewed on December 8, 2015. Owner/Applicant: Boys and Girls Club of Austin (Chuck Carroll). Agent: Drenner Group (Stephen Rye). City Staff: Maureen Meredith, 974-2695.

**The item was postponed to February 11, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

56. C14-2015-0086 - Boys and Girls - Legacy Club - District 1 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4717 Turner Lane (Walnut Creek Watershed; Little Walnut Creek Watersheds) from family residence-neighborhood plan (SF-3-NP) combining district zoning, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning, and neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on December 8, 2015. Owner: Jimmy Nassour. Agent: Drenner Group (Stephen Rye). City Staff: Heather Chaffin, 512-974-2122.

**The item was postponed to February 11, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

57. C14-2014-0198 - One Two East - District 1 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1109, 1105, and 1107 N. IH 35 Service Road, Northbound (Waller Creek Watershed) from general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district to general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning for Tract 1, and from commercial liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning to commercial liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning for Tract 2. Staff Recommendation: To grant general commercial services-neighborhood conservation combining district-neighborhood plan (CS-NCCD-NP) combining district zoning, to change a condition of zoning for Tract 1, and commercial liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, to change a condition of zoning for Tract 2. Planning Commission Recommendation: To be reviewed December 8, 2015. Owner: JH West 12th Street Partners, Ltd. (Haythem Dawlett). Agent: Drenner Group (Stephen Rye). City Staff: Heather Chaffin, 512-974-2122.  
**The item was postponed to February 11, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
58. C14-2015-0047 - 2303 & 2309 Thornton Road - District 5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2303 & 2309 Thornton Road (West Bouldin Creek Watershed) from commercial services (CS) district zoning to commercial services-vertical mixed use-(CS-MU-V) combining district zoning. Staff Recommendation: To grant commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To be reviewed on December 8, 2015, Owner/Applicant: UT Land Company, Ltd/Jimmy Nassour. Agent: Alice Glasco Consultant/Alice Glasco. City Staff: Andrew Moore, 512-974-7604.  
**The item was postponed to February 11, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
59. C14-2015-0061 – Townbridge Homes Rezoning – District 2 – Conduct a public hearing and approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7513 and 7603 Cooper Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to townhouse to condominium residence-conditional overlay (SF-6-CO) combining district zoning. First Reading approved on November 19, 2015. Vote: 11-0. Owner/Applicant: Townbridge Homes, LLC (Aaron Levy). Agent: Thrower Design (Ron Thrower). Agent: City Staff: Wendy Rhoades, 512-974-7719.  
**The item was postponed to December 17, 2015 at the request of the applicant on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
60. C14-2015-0091 - 1900 Burton Drive - District 3 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1900 Burton Drive and 1901 Mariposa Drive (Lady Bird Lake Watershed) from multifamily residence-low density (MF-2) district zoning and multifamily residence- medium density (MF-3) district zoning to multifamily residence-moderate-high density (MF-4-CO) combining district zoning. Staff Recommendation: To grant multifamily-moderate-high density-conditional overlay (MF-4-CO)

combining district zoning. Planning Commission Recommendation: To grant multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Owner/Applicant: Richard J. Bruggeman. Agent: Metcalfe, Wolff, Stuart & Williams, LLP (Michele R. Lynch). City Staff: Andy Moore, 512-974-7604.

**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

61. C14-2015-0093 - 1507 Nueces Street - District 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1507 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Owner/Applicant: Philip Raney, Nueces Street Partners, LLC (Philip Raney). Agent: Bury, Inc. (Derek Villemez) and Husch Blackwell LLP (Nikelle Meade). City Staff: Victoria Haase, 512-974-7691.

**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading with the following additional conditions for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

**The additional prohibitive uses are:**

- **Group Residential**
- **Alternative Financial Services**
- **Bail Bond Services**
- **Outdoor Entertainment**
- **Pawn Shop Services**
- **Service Station**
- **Transitional Housing**
- **Residential Treatment**
- **Drive-Thru**
- **Liquor Sales**
- **Consumer Convenience**

62. C14-2015-0094 - 507 West 16th Street - District 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 507 West 16th Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Owner/Applicant: Philip Raney, Nueces Street Partners, LLC (Philip Raney). Agent: Bury, Inc. (Derek Villemez) and Husch Blackwell (Nikelle Meade). City Staff: Victoria Haase, 512-974-7691.

**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading with the following additional conditions for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Council**

Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.

The additional prohibitive uses are:

- Group Residential
- Alternative Financial Services
- Bail Bond Services
- Outdoor Entertainment
- Pawn Shop Services
- Service Station
- Transitional Housing
- Residential Treatment
- Drive-Thru
- Liquor Sales
- Consumer Convenience

63. C14-2015-0111 – 603 W 8th Street – District 9 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 603 West 8th Street (Shoal Creek Watershed) from general office-historic landmark (GO-H) combining district zoning to downtown mixed use-historic landmark (DMU-H) combining district zoning. Staff Recommendation: To grant downtown mixed use-historic landmark-conditional overlay (DMU-H-CO) combining district zoning. Historic Landmark Commission Recommendation: To grant an indefinite postponement. Planning Commission Recommendation: To grant an indefinite postponement. Owner/Applicant: 2015 Austin Gilfillan LP (Rene O. Campos). Agent: Drenner Group (John Donisi). City Staff: Victoria Haase, 512-974-7691.

**The item was postponed indefinitely on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

64. C14-2015-0112 – 4517 Triangle Avenue – District 9 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4517 Triangle Avenue (Waller Creek Watershed) from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to multi-family residence-highest density (MF-6) district zoning. Staff Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Owner/Applicant: SV Triangle LP (R. Warren Walters). Agent: McLean & Howard, LLP (Jeff Howard). City Staff: Victoria Haase, 512-974-7691.

**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading for multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

65. C14-2015-0114 – 5010 and 5012 Heflin Lane – District 1 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5010 and 5012 Heflin Lane (Fort Branch Creek Watershed) from single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To grant an indefinite postponement. Owner:

Heflin Phase 1, LLC (Lynn Yuan). Applicant: Metcalfe, Wolff, Stuart & Williams, LLP. (Michele R. Lynch). City Staff: Heather Chaffin, 512-974-2122.

**The item was postponed indefinitely on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

66. C14-2015-0121 -1023 Springdale - District 3 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1023 Springdale Road (Tannehill Branch Creek Watershed; Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Owner: 1023 Holdings, LLC (Daryl Kunik). Applicant: South Llano Strategies (Glen Coleman). City Staff: Heather Chaffin, 512-974-2122.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-066 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

67. C14-2015-0122 – 10819 FM 2222 – District 6 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 10819 FM 2222 Road (Bull Creek Watershed; Panther Hollow Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To be reviewed on December 15, 2015. Owner/Applicant: C. Lee Family Corporation (Simon Lee). Agent: Land Answers Inc. (Jim Wittliff). City Staff: Victoria Haase, 512-974-7691.

**The item was postponed to February 11, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

**Item 68 was pulled for discussion.**

69. C14-2015-0132 – Calvin's Liquor – District 7 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8820 Burnet Road, Suite 505 (Shoal Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Owner/Applicant: MWM Fund VII, Ltd. c/o Durhman & Bassett Realty Group, Inc. (Jay Kaplan). Agent: Lenworth Consulting, LLC (Nash Gonzales, Jr.). City Staff: Sherri Sirwaitis, 512-974-3057.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-069 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on Council Member Zimmerman's motion,**

**Council Member Garza's second on a 9-1 vote. Council Member Houston voted nay. Mayor Adler was absent.**

70. C14-2015-0136 – 6914 McNeil Dr. – District 6 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 6914 McNeil Drive (Rattan Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on December 15, 2015. Owner/Applicant: Douglas L. Reynolds. Agent: Bury, Inc. (Kate Kniejski). City Staff: Sherri Sirwaitis, 512-974-3057.  
**The item was postponed to February 11, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
71. C14-2015-0140 – Latta Rezoning – District 5 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7505 Wynne Lane (South Boggy Creek Watershed) from mobile home residence (MH) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Owner/Applicant: La Picharow, LLC (Glenn Latta). City Staff: Wendy Rhoades, 512-974-7719.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-071 for single family residence-standard lot (SF-2) district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
72. C14-2015-0143 – Rezoning of Lots 1, 2 and 7 of Parmer Place – District 7 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12320 and 12400 Dessau Road and 1600 East Parmer Lane (Walnut Creek Watershed; Harris Branch Watershed) from community commercial (GR) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Owner/Applicant: Dessau Partners, Ltd. (John C. Lewis). Agent: Longaro & Clarke, L.P. (Joseph Longaro). City Staff: Sherri Sirwaitis, 512-974-3057.  
**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**
73. C14H-2015-0007 - Clyde and Henrietta Littlefield House - District 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 903 Shoal Cliff Court from multifamily residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning to multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multifamily

residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454.

**The item was postponed to February 11, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Garza's second on a 10-0 vote. Mayor Adler was absent.**

### **DISCUSSION ITEMS**

27. Approve a resolution directing the City Manager to report back to the City Council with a proposed schedule, plan, and budget for implementing the recommendations of the Low Income Consumer Advisory Task Force with which the electric utility and the drafters of the Minority Report concur per the November 10, 2015, memo titled "Response to Low Income Advisory Task Force Recommendations.

**Resolution No. 20151210-027 was approved on Council Member Kitchen's motion, Council Member Renteria's second on a 10-0 vote. Mayor Adler was absent.**

28. Approve a resolution directing the City Manager to report back to the City Council with a timeline and information about specific actions taken toward achieving recommendations identified as "underway or current practice" in the most recent staff response to the Low Income Consumer Advisory Task Force recommendations, as well as those planned for fiscal year 16 and fiscal year 17.

**Resolution No. 20151210-028 was approved on Council Member Garza's motion, Council Member Pool's second on a 10-0 vote. Mayor Adler was absent.**

29. Approve a resolution directing the City Manager to ensure that the Electric Utility Commission and the Resource Management Commission are provided an opportunity to review the recommendations of the Low Income Consumer Advisory Task Force and the Minority Report, with particular emphasis on those recommendations the electric utility does not support and/or about which there was not consensus among the Task Force members, and to forward any additional comments to the Council.

**There was a motion to approve Resolution 20151210-029 made by Council Member Houston and seconded by Council Member Pool.**

**A motion to amend the resolution to request members of the Resource Management Commission and the Electric Utility Commission who served on the task force recuse themselves from the process failed on Council Member Gallo's motion, Council Member Troxclair's second on a 3-7 vote. Those voting aye were: Council Members Gallo, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen, Pool and Zimmerman. Mayor Adler was absent.**

**Resolution No. 20151210-029 was approved on Council Member Houston's motion, Council Member Pool's second on an 8-2 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Mayor Adler was absent.**

32. Approve a resolution directing the City Manager to clarify the physical boundaries of the Town Lake Community Event Center Venue project.

**This item was postponed indefinitely on Council Member Kitchen's motion, Council Member Zimmerman's second on a 10-0 vote. Mayor Adler was absent.**



15. Approve an ordinance amending City Code Section 12-4-64 (D) to modify the speed limits on portions of R.M. 2222.

**A motion to refer the item to the Mobility Committee was made by Council Member Zimmerman. The motion failed for lack of a second.**

**Ordinance 20151210-015 was approved on Council Member Gallo's motion, Council Member Pool's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Adler was absent.**

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

Carolyn Abernathy - In support of current coyote management policy.

Kyle Hoskins - TBD.

CarolAnneRose Kennedy - THANKS4GIVING2015.

Karen Rodriquez - October 30th 2015 flood buyout.

Isidro Rodriguez - October 30th flood update.

Julio Rodriquez - The flood buyout. – **Not present when called.**

**Mayor Pro Tem Tovo recessed the Council Meeting to go into Executive Session at 12:22 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.**

33. Discuss legal issues related to open government matters (private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn without objection.**
34. Discuss legal issues related to sovereign immunity, City liability for claims against the City under the Texas Tort Claim Act, and how liability is determined under the Tort Claims Act. (Private consultation with legal counsel—Section 551.071).  
**This item was withdrawn without objection.**
35. Discuss legal issues related to the 2015 proposed amendments to the Meet and Confer Agreement between the City of Austin and the Austin Police Association (Private consultation with legal counsel Section 551.071 of the Government Code).

**Executive Session ended and Mayor Pro Tem Tovo called the Council Meeting back to order at 1:30 p.m.**

31. Approve an ordinance authorizing the expansion of the existing Parking Benefit District in the University Neighborhood Overlay District.

**The motion to adopt the staff recommendation and approve Ordinance No. 20151210-031 was approved on Council Member Kitchen's motion, Council Member Zimmerman's second on a 10-0 vote. Mayor Adler was absent.**

2. Approve an ordinance amending the Fiscal Year 2015-16 Operating Budget of Austin Resource Recovery (Ordinance No. 20150908-001) to increase transfers out by \$2,792,001 and amending the Fiscal Year 2015-2016 Austin Resource Recovery Capital Budget (Ordinance No. 20150908-002) to transfer in and appropriate \$2,792,001 from the Austin Resource Recovery Operating Budget for facility development and construction. Related to Item #11.

**A motion was made to postpone the item to January 28, 2016 was made by Council Member Zimmerman and seconded by Council Member Houston.**

**A substitute motion to divide the vote and consider items two and eleven separately was made by Council Member Zimmerman and seconded by Council Member Gallo.**

**A substitute motion was made to postpone the item to January 28, 2016 and refer the item to the Public Utilities Committee was made by Council Member Renteria and seconded by Council Member Zimmerman. The motion was later withdrawn.**

**The substitute motion to postpone the item to January 28, 2016 and refer the item to the Audit & Finance Committee was approved on Mayor Pro Tem Tovo's motion and Council Member Pool's second on a 9-0 vote. Council Member Casar was off the dais. Mayor Adler was absent.**

11. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell approximately 9.405 acres of land, located at Lot 1, Block "E", Missouri-Pacific Industrial Park, Section One, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 52, Page 21 of the Plat Records of Travis County, Texas, and locally known as 4711 Winnebago Lane, to Jimmy Nassour in the amount of \$1,450,001 for the land (District 2). Related to Item #2.

**A motion was made to postpone the item to January 28, 2016 was made by Council Member Zimmerman and seconded by Council Member Houston.**

**A substitute motion was made to postpone the item to January 28, 2016 and refer the item to the Public Utilities Committee was made by Council Member Renteria and seconded by Council Member Zimmerman. The motion was later withdrawn.**

**A substitute motion to divide the vote and consider items two and eleven separately was made by Council Member Zimmerman and seconded by Council Member Gallo.**

**A substitute motion to approve the item was made by Council Member Zimmerman and seconded by Council Member Gallo.**

**A substitute motion to postpone the item to January 28, 2016 and refer the item to the Audit & Finance Committee was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 6-4 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen and Pool. Those voting nay were: Council Members Gallo, Renteria, Troxclair and Zimmerman. Mayor Adler was absent.**

16. Authorize issuance of a street closure permit under City Code Chapter 14-8 for the 2015 3M Half Marathon to be held on Sunday, January 24, 2016 from 7:00 a.m. to 11:00 a.m. and waiving City Code Section 14-8-3(B)(3) regarding objections to the closure.  
**The motion approving the issuance of a street closure permit for the 2015 3M Half Marathon was approved on Council Member Pool's motion, Council Member Garza's second on an 8-2 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Mayor Adler was absent.**
5. Approve a resolution amending Resolution No. 20121213-095 to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Major Events Reimbursement Program, or, in the alternative, the Texas Events Trust Fund, for the purpose of conducting economic studies, submitting applications, and submitting any required funding to the Texas Office of the Governor for future Moto GP events to be held at the Circuit of the Americas facility.  
**Resolution No. 20151210-005 was approved on Council Member Gallo's motion, Council Member Renteria's second on a 6-4 vote. Those voting aye were: Council Members Casar, Gallo, Garza, Houston, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Members Kitchen, Pool and Zimmerman. Mayor Adler was absent.**
6. Approve a resolution amending Resolution No. 20150402-004 to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Major Events Reimbursement Program, or, in the alternative, the Texas Events Trust Fund, for the purpose of conducting economic studies, submitting applications, and submitting any required funding to the Texas Office of the Governor for the 2016 and 2017 Austin X Games events to be held at the Circuit of the Americas facility.  
**Resolution No. 20151210-006 was approved on Council Member Garza's motion, Council Member Houston's second on a 6-4 vote. Those voting aye were: Council Members Casar, Gallo, Garza, Houston, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Members Kitchen, Pool and Zimmerman. Mayor Adler was absent.**
10. Authorize negotiation and execution of an interlocal agreement with TEXAS DEPARTMENT OF STATE HEALTH SERVICES to provide telephone surveys for studying tobacco use as part of the Texas Behavioral Risk Factor Surveillance System, in an amount not to exceed \$100,000 for the term of November 1, 2015 through September 1, 2017.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Texas Department of State Health Services was approved on Council Member Pool's motion, Council Member Renteria's second on an 8-2 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Mayor Adler was absent.**
12. Approve a resolution ratifying amendments to the Meet and Confer Agreement with the Austin Police Association that was ratified by the Austin City Council on July 27, 2013 and became effective on October 1, 2013.  
**Resolution No. 20151210-012 was approved on Council Member Casar's motion, Council Member Pool's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Adler was absent.**

30. Approve a resolution related to CodeNEXT, affordable housing options, and fair housing choice. November 18, 2015 – recommended by the Housing and Community Development Committee on a 3-0 vote with Council Member Gallo absent.

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

**A motion to amend the Be It Resolved clause was approved by Council Member Pool's motion, Council Member Casar's second on a 9-0 vote. Council Member Zimmerman was off the dais. Mayor Adler was absent. The amendment was to add the following:**

- 6. Analyze how the number of bedrooms in dwelling units and other related matters impact fair housing choices for families of various sizes;**  
**7. Analyze the impact of property taxes, gentrification, zoning, location and amenities, and other similar factors on the code's ability to maximize fair housing choice.**

**A motion to amend the Be It Resolved clause to include "Analyze options for neighborhood planning processes that assist neighborhoods with planning for affordable and fair housing choices" was approved on Council Member Kitchen's motion, Council Member Casar's second on a 9-1 vote. Council Member Zimmerman voted nay. Mayor Adler was absent.**

**A motion to amend the Be It Resolved clause to include "Analyze the impacts including fiscal, public health, public safety impacts that are made to the city and surrounding jurisdictions regarding the city's ability to provide affordable and fair housing options for low and moderate income residents to include the following categories: a. access to transportation and transit; b. proximity to other community services such as grocery stores, health care facilities, educational opportunities and other support services; and c. land use regulations and requirements including but not limited to environmental regulations." was made by Council Member Houston and seconded by Council Member Pool.**

**There was a friendly amendment by Mayor Pro Tem Tovo to add "environmental" immediately after public safety to have the language read "Analyze the impacts including fiscal, public health, public safety and environmental impacts ..." The amendment was accepted by Council Member Houston and Council Member Pool who seconded the motion.**

**There was a friendly amendment by Council Member Troxclair to delete the language "Analyze the impacts including fiscal, public health, public safety impacts that are made to the city and surrounding jurisdictions regarding the city's ability to provide affordable and fair housing options for low and moderate income residents to include the following categories:" and amend item four to include "Analyze how access to transportation and transit; proximity to other community services such as grocery stores, health care facilities, educational opportunities and other support services; and land use regulations and requirements including but not limited to environmental regulations effect fair housing.". The amendment was accepted by Council Member Houston and Council Member Pool who seconded the motion.**

The motion as amended was approved on Council Member Houston's motion, Council Member Pool's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Renteria was off the dais. Mayor Adler was absent.

A motion to define "attainable housing as, housing that meets the income reality of working people whose income is less than \$50,000/year regardless of number of dependents" was made by Council Member Houston and seconded by Council Member Troxclair. The motion was later withdrawn.

A motion was made to amend the Be It Resolved clause, number 3 to read: "provide options and analysis of ways to maximize the construction of below-market housing and market-rate housing that is affordable to people of all incomes including incomes of less than \$50,000 a year throughout the City, as specified in Priority Program 6 of Imagine Austin;" was approved on Council Member Casar's motion, Council Member Houston's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Garza abstained. Mayor Adler was absent.

Resolution No. 20151210-030 was approved with the amendments listed above on Council Member Casar's motion, Council Member Renteria's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained. Mayor Adler was absent.

26. Set a public hearing to consider an ordinance creating a homestead preservation reinvestment zone within the boundaries of the existing Homestead Preservation District A. (Suggested date and time: December 17, 2015, 4:00 pm at Austin City Hall, 301 W. 2nd Street, Austin, TX).  
The public hearing was set on consent for December 17, 2015, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Renteria's motion, Council Member Casar's second on a 9-0 vote. Council Member Kitchen was off the dais. Mayor Adler was absent.

## **PUBLIC HEARINGS**

Items 79 and 80 were acted upon in a combined motion.

79. Conduct a public hearing and consider an ordinance granting a site specific amendment to City Code Section 25-8-514 and granting a variance to City Code Section 25-8-261 to allow redevelopment of St. Catherine of Siena Church (SP-2014-0476C). This action requires a site specific amendment to the Save Our Springs Initiative and concerns property in the Barton Springs Zone. (District 8). Related to Item #80.  
The item was postponed to December 17, 2015 on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Mayor Adler was absent.
80. Conduct a public hearing and consider an ordinance regarding floodplain variances for the redevelopment of St. Catherine of Siena Church located at 4800 Convict Hill Road as requested by the owner of the property (District 8). The property is partially in the 25-year and 100-year floodplains of the Kincheon Branch, a tributary of Williamson Creek. Related to Item #79.  
The item was postponed to December 17, 2015 on Council Member Garza's motion, Council Member Gallo's second on a 10-0 vote. Mayor Adler was absent.

**DISCUSSION ITEMS CONTINUED**

14. Authorize execution of a 12-month extension of the contract with REPUBLIC SERVICES INC. for the management and disposal of industrial Class 2 non-hazardous waste in an amount not to exceed \$264,820, for a total contract amount not to exceed \$794,460. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion to deny authorizing the execution of a contract with Republic Services Inc. was approved on Council Member Zimmerman's motion, Council Member Pool's second on a 10-0 vote. Mayor Adler was absent.**

**Direction was given to staff to include in the rebidding of contract requirements that include that future landfills be analyzed for environmental compliance, diversion rate and quality of life for people who live in the area of the facility.**

74. Conduct a public hearing and consider an ordinance amending City Code Title 25 to limit the redevelopment of existing small (substandard) lots that are developed as a single building site.  
**The item was postponed to January 28, 2016 on Council Member Houston's motion, Council Member Pool's second on a 9-0 vote. Council Member Garza was off the dais. Mayor Adler was absent.**

**Items 7 and 75 were acted on in a combined motion.**

7. Approve an ordinance amending the Fiscal Year 2015-2016 Financial Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the Estancia Hill Country Public Improvement District. Related to item #75.  
**This item was withdrawn without objection.**
75. Conduct a public hearing and consider an ordinance regarding the Estancia Hill Country Public Improvement District 2016 assessment roll and authorizing the levying of the 2016 assessments. Related to Item #7.  
**This item was withdrawn without objection.**

**Items 8 and 76 were acted on in a combined motion.**

8. Approve an ordinance amending the Fiscal Year 2015-2016 Financial Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the Indian Hills Public Improvement District. Related to Item #76.  
**The item was postponed to December 17, 2015 on Council Member Gallo's motion, Council Member Renteria's second on a 9-1 vote. Council Member Houston voted nay. Mayor Adler was off the dais.**
76. Conduct a public hearing and consider an ordinance regarding the Indian Hills Public Improvement District 2016 assessment roll and authorizing the levying of the 2016 assessments. Related to Item #8.  
**The item was postponed to December 17, 2015 on Council Member Gallo's motion, Council Member Renteria's second on a 9-1 vote. Council Member Houston voted nay. Mayor Adler was off the dais.**

**Items 9 and 77 were acted on in a combined motion.**

9. Approve an ordinance amending the Fiscal Year 2015-2016 Financial Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the Whisper Valley Public Improvement District. Related to Item #77.  
**The item was postponed to December 17, 2015 on Council Member Renteria's motion, Council Member Troxclair's second on a 9-1 vote. Council Member Houston voted nay. Mayor Adler was off the dais.**
77. Conduct a public hearing and consider an ordinance regarding the Whisper Valley Public Improvement District 2016 assessment roll and authorizing the levying of the 2016 assessments. Related to Item #9.  
**The item was postponed to December 17, 2015 on Council Member Renteria's motion, Council Member Troxclair's second on a 9-1 vote. Council Member Houston voted nay. Mayor Adler was off the dais.**

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

44. C14-2014-0186 – Hopper-Finley Tract – District 7 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2500 South Heatherwilde Boulevard (Harris Branch Watershed) from development reserve (DR) district zoning to single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 1, multifamily residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3. First Reading approved on November 12, 2015. Vote: 10-0, Council Member Houston was off the dais. Owner/Applicant: Finley Company (Tim Finley). Agent: Graves Dougherty Hearon & Moody (Michael J. Whellan). City Staff: Sherri Sirwaitis, 512-974-3057.  
**Staff noted that on first reading included a public restrictive covenant to allow one vehicle connection to be determined to a designated roadway to the north, thereby prohibiting vehicular access and permitting only pedestrian access to the other streets to the north. The draft ordinance speaks to Spring Hill but staff would suggest that be Delahunty Lane.**

**The motion to approve the ordinance on second reading with the following amendments for single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 1, multifamily residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3 was made by Council Member Pool's motion and seconded by Council Member Zimmerman. The amendment was to amend the Part 2, Section A to read "A. Vehicular access from Tract 1 to Horborne Lane, Delahunty Lane, Spring Hill Lane and Hebbe Lane is prohibited, except for pedestrian, bicycle and emergency ingress and egress. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property." The motion failed on Council Member Pool's motion, Council Member Zimmerman's second on a 3-7 vote. Those voting aye were: Council Members Kitchen, Pool and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Renteria and Troxclair. Mayor Adler was absent.**

**A motion was made to approve the ordinance on second reading for single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 1, multifamily residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3, with conditions and include the original staff recommendation to keep all four streets (Horborne Lane, Delahunty Lane, Spring Hill Lane**

and Hebbe Lane) open was made by Council Member Renteria and second by Council Member Garza.

A substitute motion was made to approve the second reading of the ordinance for single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning for Tract 1, multifamily residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3, with conditions with changing Spring Hill Lane with Delahunty Lane was made by Council Member Kitchen and seconded by Council Member Zimmerman. The motion failed on Council Member Kitchen's motion, Council Member Zimmerman's second on a 5-5 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Kitchen, Pool, Troxclair and Zimmerman. Those voting nay were: Council Members Casar, Gallo, Garza, Houston and Renteria.

The motion to approve the ordinance on second reading for single family residence-small lot-conditional overlay (SF-4A) combining district zoning for Tract 1, multifamily residence-moderate-high density (MF-4) district zoning for Tract 2 and community commercial (GR) district zoning for Tract 3, with TIA conditions and include the original staff recommendation to keep all four streets (Horborne Lane, Delahunty Lane, Spring Hill Lane and Hebbe Lane) open was approved on Council Member Renteria and second by Council Member Garza on an 8-2 vote. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Renteria, Troxclair and Zimmerman. Those voting nay were: Council Members Kitchen and Pool.

#### **PUBLIC HEARINGS CONTINUED**

78. Conduct a public hearing and consider an ordinance regarding the Austin Downtown Public Improvement District 2016 assessment roll and authorize the levying of 2016 assessments. **The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-078 was approved on Council Member Garza's motion, Council Member Houston's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Pool was off the dais. Mayor Adler was absent.**

**Mayor Pro Tem recessed the meeting at 5:36 p.m.**

**Mayor Pro Tem Tovo called the meeting back to order at 6:19 p.m.**

81. Conduct a public hearing and consider an ordinance amending City Code Title 25 related to short-term rental use. December 8, 2015- Approved with changes by the Planning Commission on an 11-0 vote with Commissioner Thompson absent. **A motion to postpone the item to January 28, 2016 failed on Council Member Troxclair's motion, Council Member Garza's second on a 5-5 vote. Those voting aye were: Council Members Casar, Gallo, Garza, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo, Council Members Houston, Kitchen, Pool and Renteria. Mayor Adler was absent.**

**A motion to postpone the item to December 17, 2015 was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Mayor Adler was absent.**



68. C14-2015-0127 - Lexington Parke II - District 2 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the northwest quadrant of Ross Road and Pearce Lane (Dry Creek East Watershed, Onion Creek Watershed) from single family residence-small lot (SF-4A) district zoning and multifamily residence-medium density (MF-3) district zoning to mobile home residence (MH) district zoning. Staff Recommendation: To grant mobile home residence (MH) district zoning. Zoning and Platting Commission Recommendation: To grant mobile home residence (MH) district zoning. Owner: Lexington 281, L.P. (Mehrdad Moayed). Applicant: Roberts Communities (Scott Roberts). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Wendy Rhoades, 512-974-7719.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20151210-068 for mobile home residence (MH) district zoning use was approved on Council Member Garza's motion, Council Member Casar's second on a 10-0 vote.**

**Mayor Pro Tem Tovo adjourned the meeting at 7:17 p.m. without objection.**

**The minutes were approved on this the 17th day of December 2015 on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.**