

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, FEBRUARY 9, 2017**

**Invocation:** Chaplain Doug VanPelt, Northlake Church, Lago Vista

**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, February 9, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Adler called the Council Meeting to order at 10:08 a.m.**

**CONSENT AGENDA**

**The following items were acted on by one motion.**

1. Approve the minutes of the Austin City Council work session of January 24, 2017, discussion of January 26, 2017, regular meeting of January 26, 2017, and council discussion of January 28, 2017.  
**The minutes from the City Council work session of January 24, 2017, discussion of January 26, 2017, regular meeting of January 26, 2017 and council discussion of January 28, 2017 were approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
2. Approve an ordinance amending the Fiscal Year 2016-2017 Austin Water Operating Budget (Ordinance No. 20160914-001) to increase appropriations by \$850,000 and decrease the ending balance by the same amount for a settlement related to the City's rates for services provided to the Shady Hollow MUD. (Related to Item #10)  
**Ordinance No. 20170209-002 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
3. Authorize ratification of a construction contract with NATIONAL POWER RODDING CORP, for the Waller Creek Tunnel Project for total contract amount not to exceed \$1,703,316.40. (District 9). (Notes: This contract is exempt from City Code Chapter 2-9A Minority Owned and Woman Owned Business Enterprise Procurement Program; therefore no subcontracting goals were established.)  
**The motion authorizing ratification of a construction contract with National Power Rodding Corp. was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-1 vote. Council Member Troxclair voted nay.**
4. Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC., (staff recommendation) or one of the other qualified responders for

Request for Qualifications Solicitation No. CLMP211, to provide Engineering Services for the Corridor Improvements Project in an amount not to exceed \$8,000,000. This item implements a component of the 2016 Mobility Bond Program. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 18% MBE and 16% WBE participation.)

**The motion authorizing negotiation and execution of a professional services agreement with HDR Engineering, Inc. was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**

**Item 5 was pulled for discussion.**

6. Approve an ordinance amending the Fiscal Year 2016-2017 Office of Real Estate Services Capital Budget (Ordinance No. 20160914-002) to increase appropriations by \$650,000 for facilities for City office space, parking, and related amenities. (Related to Items #7 and #24)  
**Ordinance No. 20170209-006 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
7. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of certificates of obligation to be issued for expenditures in the total amount of \$650,000 for facilities for City office space, parking, and related amenities. (Related to Items #6 and #24)  
**Resolution No. 20170209-007 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
8. Approve a resolution adopting a joint resolution related to legislative priorities for the 85th Legislature for Austin-Travis County partners, including Travis County and Central Health.  
**Resolution No. 20170209-008 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**
9. Authorize negotiation and execution of a legal services agreement with Robert Icenhauer Ramirez for legal representation in connection with Kristopher King v. Dane O'Neill et al, Cause No. 1:16-cv-1331, in the Western District of Texas, for a total agreement amount not to exceed \$163,020.  
**The motion authorizing negotiation and execution of a legal services agreement with Robert Icenhauer Ramirez was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**
10. Approve a resolution authorizing the city manager to execute a settlement agreement and other documents reasonable and necessary to comply with the settlement agreement related to the wholesale water and wastewater rate challenge raised by Shady Hollow MUD in its petition to the Public Utility Commission of Texas in Docket No. 46483. (Related to Item # 2)  
**Resolution No. 20170209-010 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
11. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Nightingale at Goodnight Ranch Apartments located southwest of the intersection of Vertex Boulevard and Nuckols Crossing Road (District 2).  
**Resolution No. 20170209-011 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**

12. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called the Travis County-Airport Boulevard Apartments, located at 5325 – 5335 Airport Boulevard (District 4).  
**Resolution No. 20170209-012 was approved on consent on Council Member Garza’s motion, Council Member Troxclair’s second on a 10-0 vote. Council Member Troxclair abstained.**
13. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Saltillo Apartments, located southeast corner of East 5th and Navasota Streets (District 3).  
**Resolution No. 20170209-013 was approved on consent on Council Member Garza’s motion, Council Member Troxclair’s second on a 10-0 vote. Council Member Troxclair abstained.**
14. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for a proposed multi-family development to be called the Saltillo Apartments located in the Plaza Saltillo Transit-Oriented District at the southeast corner of East 5th and Navasota Streets for an award of low income housing tax credits from the Texas Department of Housing and Community Affairs as the project that contributes most significantly to the concerted revitalization efforts of the City. (District 3)  
**Resolution No. 20170209-014 was approved on consent on Council Member Garza’s motion, Council Member Troxclair’s second on a 10-0 vote. Council Member Troxclair abstained.**
15. Approve a resolution supporting an application to be submitted by Foundation Communities, Inc., or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called the Mueller Apartments, located at the future corner of Philomena and Tilley Streets in the Robert Mueller Municipal Airport Redevelopment Area (District 9).  
**Resolution No. 20170209-015 was approved on consent on Council Member Garza’s motion, Council Member Troxclair’s second on a 10-0 vote. Council Member Troxclair abstained.**
16. Approve a resolution acknowledging that the proposed affordable multi-family development to be called the Mueller Apartments, located at the future corner of Philomena and Tilley Streets in the Robert Mueller Municipal Airport Redevelopment Area, is located one mile or less from a development serving the same type of household (District 9).  
**Resolution No. 20170209-016 was approved on consent on Council Member Garza’s motion, Council Member Troxclair’s second on a 10-0 vote. Council Member Troxclair abstained.**

**Item 17 was pulled for discussion.**

18. Approve a resolution supporting an application to be submitted by Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Greyshire Village Apartments, located at 3700 Payload Pass (District 3).  
**Resolution No. 20170209-018 was approved on consent on Council Member Garza’s motion, Council Member Troxclair’s second on a 10-0 vote. Council Member Troxclair abstained.**

19. Approve a resolution supporting an application to be submitted by Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed senior housing development, to be called Aria Grand Apartments, located at 1800 South Interstate Highway 35 Frontage Road (District 9).  
**Resolution No. 20170209-019 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**
20. Approve a resolution supporting an application to be submitted by Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Elysium Park, located at 3300 Oak Creek Drive (District 7).  
**Resolution No. 20170209-020 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**
21. Approve a resolution supporting an application to be submitted by Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Elysium Grand Apartments, located at 3300 Oak Creek Drive (District 7).  
**Resolution No. 20170209-021 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained..**
22. Approve a resolution appointing or reappointing directors to the Board of Directors of the Austin Housing Finance Corporation for terms expiring January 6, 2021.  
**Resolution No. 20170209-022 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**
23. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire from Buttross Group San Antonio, Ltd. a wastewater easement consisting of approximately 1,050 square feet of land (0.024-acre) and a temporary staging area and material storage site easement, consisting of approximately 14,996 square feet of land (0.344-acre), for the Gonzales Lift Station Abandonment Project, all easements being situated in the Outlot 31, Division A of the Government Outlots, City of Austin, Travis County, Texas, located at 701 Tillery St., Austin, Texas, for an amount not to exceed \$69,349.00 (District 3).  
**The motion authorizing negotiation and execution of all documents and instruments necessary or desirable to acquire from Buttross Group San Antonio, Ltd. was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
24. Authorize negotiation and execution of an exclusive negotiation agreement with RedLeaf Properties, LLC, and Ryan Companies US, Inc. for acquisition of 5.164 acres and improvements on the southwest corner of Middle Fiskville Road and Highland Mall Boulevard at the Austin Community College Highland Mall Campus, and earnest money in an amount not to exceed \$650,000. (District 4) (Related to Items #6 and #7)  
**The motion authorizing negotiation and execution of an exclusive negotiation agreement with RedLeaf Properties, LLC and Ryan Companies US, Inc. was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**

**Direction was given to staff to provide a list of tenants at the One Texas Center.**

**Item 25 was pulled for discussion.**

26. Approve execution of an amendment to the interlocal agreement for the Austin Regional Intelligence Center (ARIC) to include the following agencies as new partner agencies in the funding mechanism established to sustain the operations of ARIC: The City of Manor on behalf of its Police Department, the City of Bastrop on behalf of its Police Department, and the City of Sunset Valley on behalf of its Police Department; and authorize the City of Austin to negotiate and execute separate agreements with nongovernmental entities that employ police officers licensed by the State of Texas in order to make such entities ARIC partners. (Related to Item #27) **This item was withdrawn on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
27. Approve execution of an amendment to the interlocal agreement for the Austin Regional Intelligence Center (ARIC) to include the following agencies as new partner agencies in the funding mechanism established to sustain the operations of ARIC: The City of Manor on behalf of its Police Department, the City of Bastrop on behalf of its Police Department, and the City of Sunset Valley on behalf of its Police Department; and authorize the City of Austin to negotiate and execute separate agreements with nongovernmental entities that employ police officers licensed by the State of Texas in order to make such entities ARIC partners. (Related to Item #26) **The motion approving execution of an amendment to the interlocal agreement for the Austin Regional Intelligence Center (ARIC) was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
28. Approve an ordinance amending City Code Chapter 13-3 relating to escort vehicles and processions. **Ordinance No. 20170209-028 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**

**Item 29 was pulled for discussion.**

30. Approve an ordinance amending City Code Section 12-4-64 (D) to modify existing speed limits on Lamar Boulevard between Parmer Lane and Morrow Street. (Districts 4 and 7) **This item was postponed to March 2, 2017 on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
31. Approve an ordinance amending City Code Section 12-4-64 (D) to modify existing speed limits on Parmer Lane between Lamar Boulevard and east of Dessau Road. (Districts 1 and 7) **This item was postponed to March 2, 2017 on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**
32. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws. **The following appointments and certain related waivers were approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**

**Removal of Board Member****Board/Nominee****Nominated by****Historic Landmark Commission**

David Whitworth Council Member Alter

Bond Election Advisory Task Force  
Sharon Blythe Council Member Flannigan

Nominations

Board/Nominee Nominated by

Arts Commission  
Richard “Bears” Fonte Council Member Flannigan

Arts Commission  
Krissi Reeves Council Member Pool

Commission for Women  
Rebecca Austen Council Member Alter

Community Technology & Telecommunications Commission  
Sumit DasGupta\* Council Member Alter

Early Childhood Council  
Raul Alvarez Council Member Renteria

Economic Prosperity Commission  
Afton Cavanaugh Council Member Flannigan

Historic Landmark Commission  
Emily Hibbs Council Member Alter

Small Area Planning Joint Committee  
Jim Duncan Zoning & Platting Commission

Austin Integrated Water Resource  
Planning Community Task Force  
Robert Mace Council Member Pool

Bond Election Advisory Task Force  
Jeremiah Bentley Council Member Flannigan

(\* Indicates reappointment of a current member.)

Waivers

**Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Afton Cavanaugh on the Economic Prosperity Commission.**

**Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Sumit DasGupta. The waiver allows his simultaneous service on the Community Technology & Telecommunications Commission and Bond Oversight Commission.**

33. Approve a resolution directing the City Manager to provide information and options to fund and complete work on various landmarks and projects in the eastern area of downtown Austin. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Ora Houston CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Ellen Troxclair)  
**Resolution No. 20170209-033 was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**

**Items 34 and 35 were pulled for discussion.**

Items 36 through 40 were Executive Session Items.

Items 41 through 48 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Item 49 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Item 50 was a public hearing item set for 4:00 p.m.

Item 51 was an Addendum Item.

51. Approve execution of an amendment to the interlocal agreement for the Austin Regional Intelligence Center (ARIC) to include the following agencies as new partners: The City of Manor on behalf of its Police Department, the City of Bastrop on behalf of its Police Department, and the City of Sunset Valley on behalf of its Police Department; and authorize the City of Austin to negotiate and execute separate agreements with nongovernmental entities that employ police officers licensed by the State of Texas in order to make such entities ARIC partners. (Related to Item #27).  
**The motion approving execution of an amendment to the interlocal agreement for the Austin Regional Intelligence Center (ARIC) was approved on consent on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.**

### **DISCUSSION ITEMS**

5. Approve an ordinance amending City Code Chapters 2-3 and 2-7 relating to the duties and functions of the City Auditor and the Ethics Review Commission, the code of ethics, and financial disclosure; and creating an offense.  
**A motion to approve the ordinance as amended was made by Council Member Alter and seconded by Council Member Pool.**

**The following amendments were included:**

**Amendment 1: Revised Powers and Duties**

To revise Section 2-3-5 POWERS AND DUTIES to read:

**(K) This subsection applies to an allegation of a violation of City Code Chapter 2-7, Article 4 (*Code of Ethics*) by a member of the city council, a member of a council member's direct staff, or the city manager.**

**Amendment 2: Revise Functions**

To revise Section 2-7-26 FUNCTIONS to read:

**The Ethics Review Commission has jurisdiction over this chapter, Section 2-1-24 (*Conflict of Interest and Recusal*), Chapter 2-2 (*Campaign Finance*), Chapter 4-8 (*Regulation of Lobbyists*), and Article III, Section 8, of the City Charter (*Limits on Campaign Contributions and Expenditures*). The commission shall hear and rule on sworn complaints alleging violations of the provisions within the commission's jurisdiction. The city manager shall provide funding for all necessary and reasonable functions of the commission in fulfilling the commission's duties.**

**Ordinance No. 20170209-005 was approved as amended on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.**

17. Approve a resolution supporting an application to be submitted by Pathways at Goodrich, LP, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Pathways at Goodrich Apartments, located at 2126 Goodrich Avenue (District 5).  
**Resolution No. 20170209-017 was approved on Council Member Kitchen's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Troxclair abstained.**
25. Approve an ordinance on first reading adopting the Fourth Amendment to the Agreement Concerning Creation and Operation of Moore's Crossing Municipal Utility District (District 2).  
**The motion to approve the ordinance on first reading only was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Houston was off the dais.**
29. Authorize negotiation and execution of a contract with RALPH ANDERSEN & ASSOCIATES, GovHR and TRANSEARCH, or RUSSELL REYNOLDS to provide recruiting services for the selection of a new City Manager, in a possible amount not to exceed \$122,800, depending on final firm selection. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)  
**A motion to authorize the negotiation and execution of a contract with Russell Reynolds was made by Council Member Casar and seconded by Council Member Renteria**

**A substitute motion to authorize the negotiation and execution of a contract with GovHR and Transearch was made by Council Member Garza and seconded by Council Member Pool. Council Member Pool later withdrew the substitute motion.**

**The motion authorizing negotiation and execution of a contract with Russell Reynolds was approved on Council Member Casar's motion, Council Member Renteria's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Alter, Casar, Flannigan,**

**Houston, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, and Council Members Garza, Kitchen, and Pool.**

**CITIZENS COMMUNICATIONS: GENERAL**

Gavino Fernandez Jr. - Vote No on Tamale House 2AM Conditional Use Permit and the Pershing House Conditional Use Permit for a Private/Club lodge next to single family homes.

Joe Quintero - Cesar Chavez Neighborhood Plan and Greater East Austin Neighborhood Association.

Leon Hernandez - Vote "No" on the Pershing House Conditional Permit for a Private Club/Lodge who wants to host concerts and The Tamale House 2AM conditional request to sell beer and alcohol. – **Not present.**

Gloria Moreno - Deny Conditional Use Permit to Tamale House to sell alcohol and liquor til 2AM Mondays thru Saturdays next to single family homes and apartments. Deny permit to Pershing House, who wants to hold concerts with no parking.

Rosalinda Soto - Vote "No" on Pershing House Conditional Use Permit.

Tracy Ekstrand - Vote "No" on Pershing House Conditional Use Permit.

Sara Black - Sanctuary City. – **Not present.**

**Mayor Adler recessed the Council Meeting at 12:30 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.**

36. 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.**
37. Discuss the lease or acquisition of an interest in real property and improvements located at (1) 425 Riverside Drive, (2) the northeast corner of Philomena Street and Mueller Street, and (3) the southwest corner of Middle Fiskville Road and Highland Mall Boulevard (Real property - Section 551.072 of the Government Code).  
**This item was withdrawn without objection.**
38. Discuss legal issues related to the lease or acquisition of an interest in real property and improvements located at (1) 425 Riverside Drive, (2) the northeast corner of Philomena Street and Mueller Street, and (3) the southwest corner of Middle Fiskville Road and Highland Mall Boulevard (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn without objection.**
39. Discuss legal issues related to Ketty Sully v. City of Austin et al, Cause No. 1:16-CV-00818, in the United States District Court for the Western Division of Texas (Private consultation with legal

counsel-Section 551.071 of the Government Code) (Related to February 8, 2016 officer-involved shooting).

**This item was withdrawn without objection.**

40. Discuss legal issues related to Navarro v. City of Austin, Cause No. D-1-GN-15-003514 in the 201st Judicial District Court of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).

**This item was withdrawn without objection.**

**Mayor Adler called the Council Meeting back to order at 1:48 p.m.**

### **DISCUSSION ITEMS CONTINUED**

35. Approve a resolution initiating amendments to the City Code relating to council meeting and agenda procedures and directing the City Manager to draft an ordinance incorporating the amendments. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Alison Alter CO 2: Council Member Jimmy Flannigan CO 3: Council Member Gregorio Casar CO 4: Council Member Ann Kitchen.

**A motion to approve the resolution and revising Exhibit A to only include the following bullet was made by Council Member Casar and seconded by Council Member Pool:**

- **Consider options for non-ceremonial meetings and options for meetings focused on large public hearings**
- **Consider closing speaker sign up for items once the item is taken up by council.**
- **Consider reducing number of people allowed to donate time per speaker.**
- **Consider instituting standard hard breaks for lunch and dinner.**

**A friendly amendment was made by Mayor Adler and accepted without objection to have the resolution read as follows and to delete Exhibit A:**

**The Council directs the City Manager to identify and present recommendations to the City Council regarding best practices for Austin to improve council meeting efficiencies and deliberation.**

**Resolution No. 20170209-035 was approved as amended above on Council Member Casar's motion, Council Member Pool's second on an 11-0 vote.**

34. Approve a resolution initiating amendments to the City Code relating to council committees and task forces and directing the City Manager to draft an ordinance incorporating the amendments. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Delia Garza CO 3: Council Member Ann Kitchen)

**A motion to approve the resolution with the following revised Exhibit A was made by Council Member Alter and seconded by Council Member Flannigan:**

### **2-5-103 – COUNCIL COMMITTEES CREATED; SUBJECT MATTER OF EACH COMMITTEE**

**(B) Council creates the following standing committees:**

- **The Audit and Finance Committee may review audit reports, matters related to the city auditor, the city clerk, internal services, bond oversight, purchasing and contract audits, taxation, financial policy, government performance, bonds and City**

debt, bond-funded programs, retirement systems, employee benefits, banking and investment policies, performance metrics and reporting, budget matters, affordability, and related matters. The Audit and Finance Committee shall also have oversight of the City's boards and commission.

- The Mobility Committee may review land use as it concerns mobility, all transportation modes including, roads, aviation, public transit, pedestrian programs, bicycle programs, ground transportation, taxicab regulation, Lone Star Rail, core transit corridors, and related matters.
- The Austin Energy Utility Oversight Committee may review issues related to the City's electric utility. The Austin Energy Utility Oversight Committee is a committee of the whole council. Six members of the committee are a quorum, and the favorable votes of a majority of the quorum present at the meeting are required for the committee to take action. The committee may create subcommittees, including a subcommittee to address Austin Energy's business model.
- The Health & Human Services Committee may review social services, education, public health, health care services, animal welfare, sustainable food, social equity, veterans' affairs, populations at risk, and related matters.
- The Housing and Planning and Neighborhoods Committee may review housing and related land use and mobility issues, community development block grants, the City's comprehensive plan, the land development code, development processes, neighborhood planning, noise, annexations, and related matters.

The revised Exhibit A would eliminate:

- The Public Utilities Committee, Public Safety Committee, Open Space, Environment, and Sustainability Committee, Housing and Community Development Committee, and Economic Opportunity Committee.
- Rename the Planning and Neighborhoods Committee to the Housing and Planning Committee.

A friendly amendment was made by Council Member Kitchen to ensure description of the Planning and Neighborhoods Committee into the Housing and Planning Committee are combined.

Resolution No. 20170208-034 was approved as amended above on Council Member Alter's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

A motion to direct staff to bring back recommendations as soon as possible on the remaining items listed in the original Exhibit A was approved on Council Member Kitchen's motion, Mayor Adler's second on an 11-0 vote.

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

41. NPA-2016-0013.01 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 908, 1000, & 1002 South 2nd Street (East Bouldin Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission

Recommendation: To grant Higher Density Single Family land use. Owner/Applicant: PSW Homes, LLC (Jarrod Corbell). City Staff: Maureen Meredith, (512) 974-2695.

**This item was postponed to February 16, 2017 at the request of the applicant on Council Member Garza's motion, Council Member Alter's second on a 10-0 vote. Mayor Pro Tem Tovo recused herself.**

42. C14-2016-0077 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 900, 904, 908, 1000 & 1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Agent: PSW Homes (Jarrod Corbell). Owner: 1st Street Highlands LP (PSW Homes). City Staff: Andrew Moore, 512-974-7604.

**This item was postponed to February 16, 2017 at the request of the applicant on Council Member Garza's motion, Council Member Alter's second on a 10-0 vote. Mayor Pro Tem Tovo recused herself.**

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

**This item was postponed to March 2, 2017 at the request of the applicant on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

48. C14-2016-0071 - 1301 West Koenig Rezoning - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1301 West Koenig Lane (Shoal Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Staff Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Planning Commission Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Owner: Hardeman Family Joint Venture, Ltd.

(Bryan Hardeman). Applicant: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719.

**This item was postponed to March 2, 2017 at the request of the applicant on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

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

**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for transit oriented development-central urban redevelopment neighborhood plan (TOD-CURE-NP) combining district zoning with the following additional condition was approved on Council Member Renteria's motion on an 8-3 vote. Those voting aye were: Mayor Adler, Council Members Casar, Garza, Houston, Kitchen, Pool, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Flannigan.**

**The additional condition was:**

- **Exception of increasing the height of the office building portion of Tract 1, 2, 3 from 60 feet (after the density bonus) to 125 feet – and instead limiting that increase to 70 feet.**

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

**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for transit oriented development-central urban redevelopment neighborhood plan (TOD-CURE-NP) combining district zoning with the following additional conditions was approved on Council Member Renteria's motion on an 8-3 vote. Those voting aye were: Mayor Adler, Council Members Casar, Garza, Houston, Kitchen, Pool, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Flannigan.**

**The additional condition was:**

- **Exception of increasing the height of the office building portion of Tract 1, 2, 3 from 60 feet (after the density bonus) to 125 feet – and instead limiting that increase to 70 feet.**

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

**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for transit oriented development-central urban redevelopment neighborhood plan (TOD-CURE-NP) combining district zoning with the following additional condition was approved on Council Member Renteria's motion on an 8-3 vote. Those voting aye were: Mayor Adler, Council Members Casar, Garza, Houston, Kitchen, Pool, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Flannigan.**

**The additional condition was:**

- **Exception of increasing the height of the office building portion of Tract 1, 2, 3 from 60 feet (after the density bonus) to 125 feet – and instead limiting that increase to 70 feet.**

### LIVE MUSIC

Ray Prim

### PROCLAMATIONS

Proclamation – Austin Energy Regional Science Festival Days – To be presented by Mayor Steve Adler and to be accepted by Jackie Sargent, General Manager for Austin Energy

Recognition – Luis Jauregui, 2016 Custom Home Builder of the Year – To be presented by Mayor Steve Adler and to be accepted by the honoree

**Mayor Adler called the Council Meeting back to order at 6:37 p.m.**

### PUBLIC HEARINGS

50. Conduct a public hearing and consider a resolution regarding an application to be submitted to the Texas Department of Housing and Community Affairs by Govalle Affordable Housing, L.P., or an affiliated entity, for low income housing tax credits in connection with the new construction of an affordable multi-family development to be located on Shady Lane within the thinkEAST Planned Unit Development. (District 3)

**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Houston's motion, Council Member Flannigan's second on an 8-0 vote. Council Members Casar, Garza and Kitchen were off the dais.**

**Resolution No. 20170209-050 was approved on Council Member Houston's motion, Council Member Alter's second on a 9-0 vote. Council Members Casar and Kitchen were off the dais.**

**DISCUSSION ITEMS**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 6:40 p.m. See separate minutes.**

49. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene.

**Mayor Adler called the Council Meeting back to order at 6:41 p.m.**

**ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

46. C14-2016-0063.SH - Villas at Vinson Oak Rezone - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4507 and 4511 Vinson Drive (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. This case involves a S.M.A.R.T. Housing project. Owner/Applicant: Notigius LLC - Series Vinson (Antonio Giustino). Agent: Perales Engineering, LLC (Jerry Perales, P.E.). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to February 16, 2017 on Council Member Renteria's motion, Council Member Garza's second on a 10-1 vote. Council Member Flannigan voted nay.**

**Mayor Adler adjourned the meeting at 8:27 p.m. without objection.**

**The minutes were approved on this the 16<sup>th</sup> day of February 2017 on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.**