

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 16, 2017**

Invocation: Chaplain Michael Breaux, Killeen Church of the Nazarene

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 16, 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 February 7, 2017, budget work session of February 8, 2017 and regular meeting of February 9, 2017.
The minutes from the City Council work session of February 7, 2017, budget work session of February 8, 2017 and regular meeting of February 9, 2017 were approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
2. Authorize negotiation and execution of a 12-month interlocal agreement with the University of Texas at Austin regarding research related to wastewater treatment processes in an amount not to exceed \$70,000.
The motion authorizing negotiation and execution of an interlocal agreement with the University of Texas at Austin was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
3. Authorize award and execution of a construction contract with AUSTIN TRAFFIC SIGNAL CONSTRUCTION COMPANY, INC., for the Traffic Signal and Pedestrian Hybrid Beacon Installation Indefinite Delivery/Indefinite Quantity 2016 Rebid project in the initial amount of \$2,000,000 for an initial 18-month term, with one 12-month optional extension of \$1,750,000, for a total contract amount not to exceed \$3,750,000. (District 9) (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 8.91% MBE and 3.20% WBE participation.)
The motion authorizing award and execution of a construction contract with Austin Traffic Signal Construction Company, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

4. Authorize an amendment to the construction contract with DENUCCI CONSTRUCTORS, LLC for the Rio Grande: 24th Street to 29th Street Reconstruction and Utility Adjustments project to increase the contingency funding amount by \$162,313.70, for a total contract amount not to exceed \$7,037,489.10. (District 9) (Notes: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 5.29% MBE and 0.99% WBE subcontractor participation.)
The motion authorizing an amendment to the construction contract with Denucci Constructors, LLC was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
5. Authorize negotiation and execution of a professional services agreement with HALFF ASSOCIATES, INC., (staff recommendation) or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP209 to provide planning and design services for the Walter E. Long Metropolitan Park Master Plan Project in an amount not to exceed \$350,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 18.90% MBE and 15.80% WBE participation.)
The motion authorizing negotiation and execution of a professional services agreement with Halff Associates, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
6. Authorize negotiation and execution of a competitive sealed proposal agreement with GADBERRY CONSTRUCTION COMPANY, INC., for the construction improvements of a multi-purpose meeting space and associated tasting kitchen in the Convention Center in an amount not to exceed \$2,475,000. (District 9) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 12.17% MBE and 8.02% WBE participation.)
The motion authorizing negotiation and execution of a competitive sealed proposal agreement with Gadberry Construction Company, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
7. Approve a resolution to nominate YETI Coolers, LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Chapter 2303 of the Texas Government Code.
Resolution No. 20170216-007 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Houston abstained.
8. Authorize negotiation and execution of a Family Business Loan Program Section 108 loan to Asazu limited liability company, dba Kome Sushi Kitchen, in an amount not to exceed \$200,000.00 for project inventory, equipment, working capital, and non-construction related soft costs necessary to relocate to a lease space at 5307 Airport Blvd., Austin, Texas. (District 4)
The motion authorizing negotiation and execution of a Family Business Loan Program Section 108 loan to Asazu limited liability company doing business as Kome Sushi Kitchen was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
9. Approve a resolution authorizing the issuance and sale, by Austin Convention Enterprises, Inc., of Convention Center Hotel Revenue Refunding Bonds in an aggregate amount not to exceed \$250,000,000 in accordance with the parameters set out in the resolution, authorizing related

documents, approving related fees, and providing that the issuance and sale be accomplished by August 16, 2017.

Resolution No. 20170216-009 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

Item 10 was pulled for discussion.

11. Approve a settlement in 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 (Related to February 8, 2016 officer-involved shooting).
The motion to settle the above referenced lawsuit, by authorizing the City to pay an amount not to exceed \$3,250,000.00 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
12. Approve a settlement in Navarro v. City of Austin, Cause No. D-1-GN-15-003514 in the 201st Judicial District Court of Travis County, Texas.
The motion to settle the above referenced lawsuit, by authorizing the City to pay an amount not to exceed \$225,000.00 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
13. Authorize negotiation and execution of a legal services agreement with Denton, Navarro, Rocha, Bernal, Hyde & Zech to provide counsel and representation related to labor contract negotiations for a total agreement amount not to exceed \$350,000.
The motion authorizing negotiation and execution of a legal services agreement with Denton, Navarro, Rocha, Bernal, Hyde & Zech was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
14. Approve an ordinance amending City Code Title 2 relating to City Council committees.
Ordinance No. 20170216-014 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
15. Approve a resolution acknowledging that the proposed affordable multi-family development to be called the Travis Flats, located at 5325-5335 Airport Boulevard, is located one mile or less from a development serving the same type of household and which received an allocation of Low Income Housing Tax Credits within the last three years. (District 4).
Resolution No. 20170216-015 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Houston abstained.
16. Approve negotiation and execution of Amendment No. 3 to an agreement with CARITAS OF AUSTIN to increase funding for the provision of housing stability resources in an amount not to exceed \$162,416 for a 37-month term from September 1, 2015 through September 30, 2018, and increase funding for the three remaining 12-month renewal options in an amount not to exceed \$81,208 per renewal option, for a total agreement amount not to exceed \$10,819,699.
This item was withdrawn on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.
17. Approve negotiation and execution of a contract with each of the following seven providers to provide HIV-related services under the Ryan White Part A HIV Emergency Relief Project and MAI Grant Program for a 12-month term with two 12-month renewal options: CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC. in an amount not to exceed \$1,765,840 for

each 12-month term, for a total contract amount not to exceed \$5,297,520; AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$1,462,884 for each 12-month term, for a total contract amount not to exceed \$4,388,652; COMMUNITY ACTION OF CENTRAL TEXAS, INC. in an amount not to exceed \$45,014 for each 12-month term, for a total contract amount not to exceed \$135,042; AUSTIN TRAVIS COUNTY INTEGRAL CARE in an amount not to exceed \$324,279 for each 12-month term, for a total contract amount not to exceed \$972,837; THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$287,398 for each 12-month term, for a total contract amount not to exceed \$862,194; WATERLOO COUNSELING CENTER, INC. in an amount not to exceed \$108,714 for each 12-month term, for a total contract amount not to exceed \$326,142; PROJECT TRANSITIONS, INC. in an amount not to exceed \$116,348 for each 12-month term, for a total contract amount not to exceed \$349,044.

The motion approving negotiation and execution of a contract with Central Texas Community Health Centers, Inc., AIDS Services of Austin, Inc., Community Action of Central Texas, Inc., Austin Travis County Integral Care, The Wright House Wellness Center, Waterloo Counseling Center, Inc. and Project Transitions, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.

Item 18 was pulled for discussion.

19. Authorize negotiation and execution of a contract with MARSH USA, INC., or one of the other qualified offerors to Request for Proposals TLF0301, to provide administration services for the Rolling Owner Controlled Insurance Program (ROCIP) VII, in an estimated amount of \$650,000; and to authorize the administrator to negotiate and purchase workers' compensation, general liability, and excess liability insurance coverage for contractors of all tiers participating in construction projects included in the ROCIP VII program, in an estimated amount of \$5,739,720, for a total contract amount not to exceed \$6,389,720. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Marsh USA, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

20. Authorize negotiation and execution of a contract with SAFETY SOLUTIONS, INC., or one of the other qualified offerors to Request for Proposals TLF0302, to provide construction safety management services associated with the Rolling Owner Controlled Insurance Program (ROCIP) VII, in an amount not to exceed \$256,600. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Safety Solutions, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

21. Authorize negotiation and execution of a 12-month contract through the State of Texas Department of Information Resources with CDW GOVERNMENT, INC., to provide software maintenance services through Cisco SMARTnet Total Care Services, in an estimated amount of

\$1,318,016, with four 12-month extension options in an estimated amount of \$1,318,016 per extension option, for a total contract amount not to exceed \$6,590,080. (Notes: This procurement will be awarded by a cooperative purchase agreement with the State of Texas Department of Information Resources (DIR) in accordance with Chapter 2054 of the Texas Government Code; therefore, goals were not established.)

The motion authorizing negotiation and execution of a contract through the State of Texas Department of Information Resources with CDW Government, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

22. Authorize an amendment to the contracts with ELK ELECTRIC, INC., JM ENGINEERING, LLC (WBE), and TRINI CONSTRUCTION BUILDER, LLC (MBE), to provide continued electrical, general building, and heating, ventilation, and air conditioning installation, maintenance and repair services, for an increase of \$1,300,000 to the original contract, and an increase of \$650,000 to each of the four 12-month extension options, for a total contract amount not to exceed \$19,500,000 each and combined. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there was insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing an amendment to the contracts with Elk Electric, Inc., JM Engineering, LLC and Trini Construction Builder, LLC was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

23. Authorize award and execution of a 36-month contract with ERGON ASPHALT & EMULSIONS INC., to provide asphalt emulsions, in an estimated amount of \$4,639,444, with two 12-month extension options in an estimated amount of \$1,580,278 per extension option, for a total contract amount not to exceed \$7,800,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing award and execution of a contract with Ergon Asphalt & Emulsions Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.

24. Authorize award and execution of a contract with SUPERIOR POWER SOLUTIONS, to purchase a Mitsubishi uninterruptible power supply system, in an amount not to exceed \$79,876. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing award and execution of a contract with Superior Power Solutions was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

25. Authorize an amendment to the contract with MIDWEST TAPE, LLC., to provide digital subscriptions that enable access to digital video, music and audiobook content for library patrons, for an increase of \$150,000 to the original contract, and an increase of \$150,000 to each of the three 12-month extension options, for a total contract amount not to exceed \$1,258,000. (Notes:

The contract is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

The motion authorizing an amendment to the contract with Midwest Tape, LLC. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-1 vote. Council Member Troxclair voted nay.

26. Authorize award and execution of three contracts with TECHLINE INC., KBS ELECTRICAL DISTRIBUTORS, INC., and POWER SUPPLY, INC., to provide streetlight poles, with an initial 36-month term in an estimated amount of \$2,664,660, with three 12-month extension options in an estimated amount of \$888,220 per extension option, for a total contract amount not to exceed \$5,329,320; each and combined. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing award and execution of three contracts with Techline Inc., KBS Electrical Distributors, Inc. and Power Supply, Inc. was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

27. Authorize negotiation and execution of a contract with SIGNATURE SCIENCE LLC, for forensic serological and DNA analysis of biological evidence, in an amount not to exceed \$2,000,000. (Notes: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Signature Science LLC was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

Items 28 and 29 were pulled for discussion.

30. Authorize negotiation and execution of a 12-month contract through the LOCAL GOVERNMENT PURCHASING COOPERATIVE, administered by TEXAS ASSOCIATION OF SCHOOL BOARDS (BUYBOARD) with TASER INTERNATIONAL, to provide body worn cameras with software, storage, and support, in an estimated amount of \$925,000, with four 12-month extension options for cloud storage, licenses, and equipment maintenance and support in an estimated amount of \$665,500 for the first extension option, \$800,000 for the second extension option, \$800,000 for the third extension option, and \$815,000 for the final extension option, for a total contract amount not to exceed \$4,005,500. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were insufficient subcontracting opportunities and an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)

This item was postponed indefinitely on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

Item 31 and 32 were pulled for discussion.

33. Approve a resolution directing the City Manager to develop recommendations for reforming the City's economic development incentives policies. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Jimmy Flannigan CO 2: Council Member Ora Houston CO 3: Council Member Ellen Troxclair)

This item was postponed on consent to March 2, 2017 on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

Item 34 was pulled for discussion.

35. Approve an ordinance waiving or reimbursing certain fees for the Ds Danza Studio event, sponsored by the International Good Neighbor Council of Austin, Texas, which was held on February 10, 2017, at the South Austin Recreation Center. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Ora Houston CO 3: Council Member Jimmy Flannigan)
Ordinance No. 20170216-035 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.
36. Approve an ordinance waiving or reimbursing certain fees for the Mother Earth Day event held on September 16, 2016 at Zilker Park and the Lady Bird Lake Fest held on September 27, 2016 at Fiesta Gardens, both sponsored by Bill Oliver. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ora Houston CO 3: Council Member Delia Garza CO 4: Council Member Ann Kitchen)
Ordinance No. 20170216-036 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.
37. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Texas Advocates for Justice: TAJ kNOw More 2017 event sponsored by Texas Advocates for Justice held on February 1, 2017 at the Texas State Capitol. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Jimmy Flannigan CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Leslie Pool CO 4: Council Member Ann Kitchen)
The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Texas Advocates for Justice: TAJ kNOw More 2017 event was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.
38. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the We Are All Texas: Day of Action for Immigrant and Refugee Rights sponsored by Reform Immigration for Texas Alliance, will be held February 28, 2017 at the Texas State Capitol. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Jimmy Flannigan CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Leslie Pool CO 4: Council Member Ann Kitchen)
The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the We Are All Texas: Day of Action for Immigrant and Refugee Rights was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained. Council Member Alter contributed an additional \$150 to the fee waiver.
39. Approve an ordinance waiving or reimbursing certain fees for the Dialogue Institute's Annual Friendship and Dialogue Dinner, sponsored by the Dialogue Institute, which is to be held March 3, 2017, at the Asian American Resource Center. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Ora Houston)
Ordinance No. 20170216-039 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.

40. Approve a resolution directing the City Manager to bring forward a specific proposal or proposals for creating an entity or entities capable of structuring public-private partnerships to assist in accomplishing the priority projects and goals of the City. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Ellen Troxclair CO 4: Council Member Ann Kitchen)
Resolution No. 20170216-040 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.
68. Approve a resolution adopting the City's Federal Legislative Program for the 115th Congress.
Resolution No. 20170216-068 was approved on consent on Council Member Pool's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair abstained.

Items 41 through 44 were Executive Session Items.

Items 45 through 47 were Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED).

Items 48 through 63 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Item 64 was a Briefing Item.

Item 65 was the Austin Housing and Finance Corporation Meeting set for 3:00 p.m.

Items 66 and 67 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

18. Approve negotiation and execution of Amendment No. 1 to a contract with CATHOLIC CHARITIES OF CENTRAL TEXAS to increase funding for legal and counseling services to immigrants in an amount not to exceed \$200,000 for the period April 1, 2016 through March 31, 2017, for a total contract amount not to exceed \$800,000.
A motion to approve the negotiation and execution was made by Council Member Casar and seconded by Council Member Garza.

There was an amendment made by Council Member Troxclair to reduce the amount of funding not to exceed \$50,000. The amendment failed for lack of a second.

The motion approving negotiation and execution of amendment number one to a contract with Catholic Charities of Central Texas was approved on Council Member Casar's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.

CITIZENS COMMUNICATIONS: GENERAL

Janice Pickens - Crime. – **Not present.**

Mark Jackson - Loss of property due to planned developments.

Carlos León - 1) God, Jesus Christ, and the Holy Spirit triumph over all; 2) Chemtrail poison has no place in Austin airspace; 3) Losing your marbles Vol. III, part 1.

Frank Harren - CodeNEXT.

Mayor Adler recessed the Council Meeting at 12:37 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.

41. 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.
42. Discuss the purchase, exchange, lease, or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Exposition Boulevard (Real property - Section 551.072 of the Government Code).
This item was withdrawn without objection.
43. Discuss legal issues regarding the purchase, exchange, lease, or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Exposition Boulevard (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
44. Discuss legal issues related to federal, state and local laws regarding undocumented immigrants (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.

Mayor Adler reconvened the meeting at 1:58 p.m.

DISCUSSION ITEMS CONTINUED

10. Authorize negotiation and execution of an interlocal agreement in the form of a Service Agreement with Travis County Emergency Service District #4 (ESD 4) compensating the City for providing fire services within ESD 4, providing for the transition of current ESD 4 firefighters into the Austin Fire Department workforce, and providing for the disposition of ESD 4 property and equipment.
The motion authorizing the negotiation only of an interlocal agreement in the form of a Service Agreement with Travis County Emergency Service District number four was approved on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.

Direction was given to staff to provide Council with a legal analysis of recommendations received from the Austin Fire Chief; information on the process followed when the Park Police were merged with the Austin Police Department; and to solicit feedback on the

contract from the neighborhood associations in the area before bringing the contract back to Council.

31. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
A motion was made by Council Member Kitchen and seconded by Mayor Pro Tem Tovo to separate the vote on the Board and Commission appointments from the Council Committee appointments. The motion was accepted without objection.

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

Nominations

<u>Board/Nominee</u>	<u>Nominated by</u>
Board of Adjustment Michael Von Ohlen*	Council Member Alter
Bond Oversight Commission Jay Sands*	Council Member Alter
Commission on Immigrant Affairs Samuel Adair	Council Member Alter
Commission on Seniors Jacqueline Angel	Council Member Alter
Construction Advisory Committee Lyn Nance-Hendricks	Council Member Casar
Library Commission Lynne Wiggins*	Council Member Alter
Mayor's Committee for People with Disabilities Chris Masey*	Council Member Garza
Mayor's Committee for People with Disabilities Jonathan Franks	Council Member Renteria
Music Commission Oren Rosenthal	Council Member Alter
Zoning and Platting Commission David King**	Council Member Kitchen
Visitor Impact Task Force	

Richard Mendoza (ex-officio)

Public Works Department

(* Indicates reappointment of a current member.)

(** David King – appointment to fill vacancy (for unexpired term) created by resignation of Thomas Weber, who resigned effective February 22, 2017.)

Waivers

There are no waivers at this time.

Council Subcommittees and other Intergovernmental Bodies

The following appointments and committee chair assignments were made by Mayor Adler to the Council committees.

Audit and Finance: Council Member Troxclair (Chair), Mayor Pro Tem Tovo (Vice-Chair), Council Member Pool and Mayor Adler.

Health and Human Services: Council Member Houston (Chair), Council Member Garza (Vice-Chair), Mayor Pro Tem Tovo and Council Member Kitchen.

Housing and Planning: Council Member Casar (Chair), Council Member Alter (Vice-Chair), and Council Members Renteria and Flannigan.

Mobility: Council Member Kitchen (Chair), Council Member Flannigan (Vice-Chair) and Council Members Alter and Garza.

Austin Energy: Council Member Pool (Chair) and Mayor Adler (Vice-Chair).

A friendly amendment was made by Mayor Pro Tem Tovo to remove the Housing and Planning committee from the approval language. The friendly amendment was not accepted.

An amendment was made by Mayor Pro Tem Tovo not to approve appointments to the Housing and Planning committee. The amendment failed for lack of a second.

A friendly amendment was made by Council Member Kitchen to appoint everyone interested in serving on the Housing and Planning Committee. The friendly amendment was not accepted and later withdrawn.

The motion was approved on Council Member Pool's motion, Council Member Flannigan's second on a 7-1 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Houston, Pool, Renteria, and Troxclair. Council Member Garza voted nay. Mayor Pro Tem Tovo, Council Member Alter and Kitchen abstained.

28. Authorize negotiation and execution of three contracts with CHAMPION NATIONAL SECURITY, INC., SECURITAS SECURITY SERVICES USA INC., and WHELAN SECURITY CO., or one of the other qualified offerors to Request For Proposals RWS0501, to provide security guard services, with an initial 24-month term in an estimated amount of \$8,348,063, with three 12-month extension options in an estimated amount of \$4,183,979 per extension option, for a total contract amount not to exceed \$20,900,000; each and combined. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City

Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

This item was postponed to March 2, 2017 on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Renteria was off the dais.

Direction was given to staff to add an additional agenda item on March 2, 2017 that would allow for options for approving an interim extension contract for three to six months.

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

A motion was made by Council Member Troxclair and seconded by Council Member Pool to deny the proposed contract and direct staff to:

- 1. Limit the spending authorization to previous contract level and duration (\$6m over 6 years)**
- 2. Include organics collection at City facilities**
- 3. Limit the contract scope to only include City facilities (removing special events, services for commercial businesses and emergencies)**
- 4. Prohibit delivery of waste to northeast Austin landfills including Austin Community Landfill and Sunset Farms Landfill.**
- 5. Remove the Austin Energy maintenance and disposal portion, rebid as separate item, setting metrics for diversion rate, location, and other community benefits**
- 6. Explore possibility of bidding contracts as an Invitation for Bids (IFB)**
- 7. Present new negotiated contracts to ZWAC and EUC for review and comment prior to City Council approval.**
- 8. Amend the Budget (FY16/17) to move the annual difference between originally proposed contract (total \$17m) and new spending authorization in Part 1 (\$6m) to the Budget Stabilization Fund**

Council Member Troxclair amended her motion to remove the direction to staff. The amendment was accepted without objection.

Direction was given to staff to work on policy issues.

The motion to deny the negotiation and execution of a contract with Republic Services was approved on Council Member Troxclair's amended motion, Council Member Pool's second on an 11-0 vote.

32. Approve a resolution directing the City Manager to develop recommendations to extend Capitol View Corridor protections to areas of east Austin. (Notes: SPONSOR: Council Member Ora Houston CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Alison Alter CO 4: Council Member Leslie Pool)

A motion to approve the resolution was made by Council Member Houston and seconded by Mayor Pro Tem Tovo.

There was an amendment made by Council Member Flannigan and seconded by Council Member Houston. The amendment was later withdrawn.

Council Member Houston provided clarification to staff that the original intent of the resolution also included providing Council with an economic analysis on the five corridors.

There was an amendment made by Council Member Renteria and seconded by Council Member Casar to exclude the Rosewood Park View Corridor.

Council Member Renteria amended his motion to approve the resolution excluding the Rosewood Park View Corridor with direction to staff to bring back a new item addressing the Rosewood Park View Corridor to Council on the March 2, 2017 Council Meeting. The amendment was approved on Council Member Renteria's motion, Council Member Casar's second on an 8-3 vote. Those voting aye were: Mayor Adler, Council Members Alter, Casar, Flannigan, Garza, Kitchen, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Houston and Pool.

Resolution No. 20170216-032 was approved as amended above on Council Member Houston's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

45. C14-2016-0023.SH – Elysium Park – District 7 – Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 3300 Oak Creek Drive (Walnut Creek Watershed) from industrial park-conditional overlay (IP-CO) combining district zoning and rural residence (RR) district zoning to multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. First Reading approved on February 2, 2017. Vote: 11-0. Owner/Applicant: Two-Way Land, L.P. (John K. Condon). Agent: Waeltz & Prete, Inc. (Antonio A. Prete). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request.

Ordinance No. 20170216-045 for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved with the following additional conditions on an 11-0 vote.

Part 2. The Property within the boundaries of the conditional overlay combining district established by the ordinance is subject to the following conditions:

- A. Development of the Property shall not exceed 90 residential units.**
- B. Development of the Property is limited to 30% impervious cover.**
- C. A building may not be constructed within the 75-foot wide setback along the north, south, and west property lines; vegetative buffers shall be placed and maintained along these property lines.**
- D. Interior driveways and parking may not be constructed within a 50-foot wide setback along the north and west property lines.**
- E. No building or structure may be constructed within a 400-foot wide setback from the railroad easement as illustrated on Exhibit B.**
- F. The maximum height of a building or structure may not exceed 42 feet if within the 42 foot height building footprint as described on Exhibit C.**

- G. The maximum height of a building or structure may not exceed 52 feet if within the 52 foot height building footprint as described on Exhibit D.
 - H. The maximum height of a building or structure on the Property outside the building footprints described on Exhibit C and D may not exceed 35 feet.
 - I. Development of the Property shall comply with Chapter 25-2, Subchapter E, subsection 2.5.2B 1-7 (*Fully Shielded or Full Cut-off Light Fixtures Required*) requiring that the following outdoor lighting applications be illuminated by fixtures that are either fully shielded or full cut-off:
 - 1. Public street and pedestrian lighting;
 - 2. Parking lots;
 - 3. Pathways;
 - 4. Recreational areas;
 - 5. Billboards;
 - 6. Product display area lighting; and
 - 7. Building overhangs and open canopies.
46. C14-2016-0116 – 1616 E. Oltorf Street – District 9 – Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1616 E. Oltorf Street (Harper’s Branch Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial-mixed use-conditional overlay (CS-MU-CO) combining district zoning. First Reading approved on January 26, 2017. Vote: 11-0. Owner/Applicant: 1616 West Sixth St. Ltd/Will Marsh. Agent: Armbrust & Brown PLLC (Richard Suttle). City Staff: Andrew Moore, 512-974-7604.
Ordinance No. 20170216-046 for general commercial-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on an 11-0 vote.
47. C14-2016-0117 – Neill-Cochran House Museum – District 9 – Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2310 San Gabriel Street (Waller Creek Watershed) from family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning to neighborhood commercial-historic landmark-conditional overlay-neighborhood plan (LR-H-CO-NP) combining district zoning, to change a condition of zoning. First Reading approved on January 26, 2017. Vote: 12-0. Owner: National Society of the Colonial Dames in Texas. Applicant: Neill-Cochran House Museum (Rowena Dasch). City Staff: Heather Chaffin, 512- 974-2122.
Ordinance No. 20170216-047 for neighborhood commercial-historic landmark-conditional overlay-neighborhood plan (LR-H-CO-NP) combining district zoning was approved on an 11-0 vote.
48. NPA-2016-0005.01 - Thrasher Lane Lots - 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 2500, 2508, & 2514 Thrasher Lane (Carson Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation: To grant Mixed Use and Commercial land use. Planning Commission Recommendation: To grant Mixed Use and Commercial land use. Owner/Applicant: Dalor, LTD (David Suissa). Agent: Permit Partners (David Cancialosi). City Staff: Maureen Meredith, (512) 974-2695.
This item was approved on first reading only to change the future land use map (FLUM) to mixed use and commercial land use on an 11-0 vote.

49. C14-2016-0070 - Thrasher Lane Lots - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as Thrasher Lane (West Country Club Creek and Carson Creek Watersheds) from general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed used-conditional overlay-neighborhood plan (CS-MU-CO-NP) for Tract 1 and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 2. Planning Commission Recommendation: To grant general commercial services-mixed used-conditional overlay-neighborhood plan (CS-MU-CO-NP) for Tract 1 and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 2. Agent: Permit Partners/David Cancialosi. Owner: Dalor Ltd. (David Suissa). City Staff: Andrew Moore, 512-974-7604.
This item was approved on first reading only for general commercial services-mixed used-conditional overlay-neighborhood plan (CS-MU-CO-NP) for Tract 1 and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 2 on an 11-0 vote.
50. 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 March 2, 2017 at the request of the applicant on a 10-0 vote. Mayor Pro Tem Tovo recused herself.
51. 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 (Jarred Corbell). Owner: 1st Street Highlands LP (PSW Homes). City Staff: Andrew Moore, 512-974-7604.
This item was postponed to March 2, 2017 at the request of the applicant on a 10-0 vote. Mayor Pro Tem Tovo recused herself.
54. NPA-2016-0022.01 – 3920 South IH-35 – District 3 – Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City 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 3920 South IH-35 SVRD SB (Blunn Creek Watershed) from Office to Mixed Use land use. Staff Recommendation: To grant Commercial land use. Planning Commission Recommendation: To be reviewed on February 14, 2017. Owner/Applicant: 3920 IH-35 Holdings, Ltd. (Jimmy Nassour). Agent: A. Glasco Consulting (Alice K. Glasco). City Staff: Maureen Meredith, (512) 974-2695.

This item was postponed to March 2, 2017 at the request of the applicant on an 11-0 vote.

55. C14-2016-0105 – 3920 S. IH-35 – District 3 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3920 S. IH-35 (Blunn Creek Watershed) from general office-neighborhood plan (GO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To be reviewed February 14, 2017. Agent: Alice Glasco Consulting (Alice Glasco). Owner: 3920 IH-35 Holdings, LTD (Jimmy Nassour). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to March 2, 2017 at the request of the applicant on an 11-0 vote.

61. C14-2016-0115 – 2222 Town Lake Circle – District 3 – Conduct a public hearing and approve an ordinance amending City Code Title 25-2 by rezoning property locally known as 2222 and 2400 Town Lake Circle & 2217 and 2225 Elmont Drive (Lady Bird Lake Watershed) from neighborhood mixed use (NMU) district zoning to corridor mixed use (CMU) district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed February 28, 2017. Agent: Graves Dougherty Hearon & Moody (Michael Whellan). Owner: Town Lake Holdings, LLC (David Cox). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to March 23, 2017 at the request of staff on an 11-0 vote.

62. C14-2016-0132 – Property adjacent to 1311 S. Lamar – District 5 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1311 S. Lamar Blvd (West Bouldin Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant commercial services-vertical mixed use building-conditional overlay (CS-V-CO) combining district zoning. Planning Commission Recommendation: To be reviewed February 14, 2017. Owner/Applicant: Seamless GCW, LTD (Bernard Barrett). Agent: Drenner Group (Leah Bojo). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to March 2, 2017 at the request of staff on an 11-0 vote.

63. C814-2014-0120 - Austin Oaks PUD - District 10 - Conduct a public hearing and approve second reading of an ordinance amending Title 25 by rezoning property locally known as 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724, and 3737 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive (Shoal Creek Watershed) from community commercial (GR) district zoning, neighborhood commercial (LR) district zoning, limited office (LO) district zoning and family residence (SF-3) district zoning to planned unit development (PUD) district zoning. The ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. City Council: Approved First Reading PUD zoning with conditions, December 15, 2016. Applicant: Graves Dougherty Hearon & Moody (Michael Whellan). Owner: Twelve Lakes LLC, Jon Ruff. City Staff: Andrew Moore, 512-974-7604. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to March 2, 2017 on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Flannigan and Troxclair.

DISCUSSION ITEMS

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 5:14 p.m. See separate minutes.

65. 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 5:15 p.m.

PUBLIC HEARINGS

66. Conduct a public hearing and consider an ordinance adopting local standards of care for the City of Austin Parks and Recreation Department's Youth Programs.
The public hearing was conducted and a motion to close the public hearing was approved on Council Member Houston's motion, Council Member Renteria's second on an 8-0 vote. Council Members Casar, Kitchen, and Pool were off the dais.

Ordinance No. 20170216-066 was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 9-0 vote. Council Members Casar and Pool were off the dais. Council Member Pool was off the dais but later requested the record show her support of the item.

67. Conduct a public hearing and consider an appeal regarding the Planning Commission's approval of two compatibility waivers for development at 2510 South Congress Avenue. (Site Plan No. SP-2015-0300C) (District 3)
This item was postponed to April 20, 2017 on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was off the dais but later requested the record show her support of the item.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

34. Approve an ordinance amending City Code Chapter 2-1 to establish the South Central Waterfront Advisory Board. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Alison Alter CO 3: Council Member Ann Kitchen)
A motion to approve the ordinance with the following amendments was made by Mayor Pro Tem Tovo and seconded by Council Member Pool.

To amend subsection (B) to read:

(B) The board shall have 9 members appointed by the city council. Membership shall include:

- (1) a member of the Design Commission, nominated by the Design Commission;**
- (2) a member of the Environmental Commission; nominated by the Environmental Commission;**
- (3) a member of the Parks and Recreation Board, nominated by the Parks and Recreation Board;**
- (4) a member of the Planning Commission, nominated by the Planning Commission;**
- (5) a representative with expertise in affordable housing, nominated by the Community Development Commission;**
- (6) a member nominated by the South River City Citizens Neighborhood Association representing the neighborhoods adjacent to the South Central Waterfront;**

- (7) a member nominated by the Bouldin Creek Neighborhood Association representing the neighborhoods adjacent to the South Central Waterfront; and
- (8) one member who served on the Waterfront Planning Advisory Board to be nominated jointly by the Mayor and the council member whose district includes the South Central Waterfront.
- (9) a representative of the Trails Foundation.

To add a new subsection (E) and renumber remaining sections as necessary:

(E) The chair of the Downtown Austin Alliance or designee shall serve as an ex-officio member of the board.

Ordinance No. 20170216-034 was approved as amended above on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote.

BRIEFING

64. Briefing on the Project Assessment Report for the Holdsworth Center Planned Unit Development, located at 4907 RM 2222 Road, within the Lake Austin Watershed (CD-2016-0013) (District 10). **Presentation was made by Jerry Rusthoven, Assistant Director, Planning and Zoning Department.**

Mayor Adler recessed the meeting at 5:34 p.m.

LIVE MUSIC

HONK!TX

PROCLAMATIONS

Proclamation – Discover Engineering – To be presented by Mayor Steve Adler and to be accepted by Rick McMaster

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

Proclamation – Ten Years of Climate Leadership Celebration – To be presented by Mayor Steve Adler and Council Member Leslie Pool and to be accepted by former Austin Mayor Will Wynn

Mayor Adler reconvened the meeting at 6:54 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

56. C14-2016-0039 - Thornton II - District 5 - Conduct a public hearing and approve second reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2413 Thornton Road (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to multifamily moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Council approved multifamily residence low density (MF-2) district zoning on First Reading, November 10, 2016; Vote: 11-0. Applicant: South Llano Strategies (Glen Coleman). Owner: John & Susan Hoberman. City Staff: Andrew Moore, 512-974-7604.

This item was postponed to March 2, 2017 at the request of the applicant on Council Member Alter's motion, Council Member Garza's second on an 8-0 vote. Council Members Casar, Kitchen, and Troxclair were off the dais.

Items 52 and 53 were acted on in a combined motion.

52. NPA-2016-0021.01 - Ben White Zoning - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf 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 5016 ½ E. Ben White Blvd. (Country Club West/Carson Creek Watershed) from Commercial land use to Mixed Use land use. Staff Recommendation: To grant Commercial land use and Mixed Use land use. Planning Commission Recommendation: To grant Commercial land use and Mixed Use land use. Owner/Applicant: Ashley Gibson). Agent: Brown and Gay Engineers (Steven Buffum, P.E.). City Staff: Maureen Meredith, 512-974-2695.

This item was approved on first reading only to change the future land use map (FLUM) to Commercial land use and Mixed Use Land use on a 10-0 vote. Council Member Casar was off the dais.

53. C14-2016-0069 - Ben White Zoning - District 3 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5016 ½ East Ben White Boulevard (West Country Club and Carson Creek Watersheds) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 1 and from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay -neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 2. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU- CO-NP) combining district zoning for Tract 2. Planning Commission Recommendation: To grant general commercial services -mixed use-conditional overlay- neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 1; and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 2. Applicant: Brown & Gay Engineers (Steven Buffum). Owner: Azur Property Investment. City Staff: Andrew Moore, 512-974-7604.

This item was approved on first reading only for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 2 with the following additional conditions was approved on a 10-0 vote. Council Member Casar was off the dais.

The additional conditions for Tract 1 and 2 were:

- **Agricultural Sales and Services**
- **Alternative Financial Services**
- **Bail Bond Services**
- **Campground**
- **Commercial Blood Plasma Center**
- **Kennels**
- **Outdoor Entertainment**
- **Outdoor Sports and Recreation**
- **Pawn Shop Services**

- **Pedicab Storage and Dispatch**
- **Residential Treatment**
- **Transitional Housing**
- **Transportation Terminal**
- **Vehicle Storage**

The additional conditions for Tract 2 were:

- **Development shall be prohibited except as may be required for repair of existing utility infrastructure in the 40' easement adjacent to the northern property line; and**
- **Within the 35' wide area, a vegetative buffer shall be provided and maintained. Improvements permitted within the buffer are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin.**

Staff indicated that when the ordinance is brought back for second reading it will include language addressing the issue of the extension of Sunridge Road.

Items 57, 58, and 59 were acted on in a combined motion.

57. C14-2016-0050 – Plaza Saltillo Tract 1/2/3 – District 3 – Conduct a public hearing and approve second reading of 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. First Reading approved on February 9, 2017 on an 8-3 vote. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122. First Reading approved on February 9, 2017 on an 8-3 vote.

A motion to approve the ordinance on second reading only with the following additional condition was made by Council Member Renteria and seconded by Council Member Pool.

The additional condition was:

- **To limit the height to 68 feet on the residential and 70 feet on the office tower.**

There was an amendment made by Council Member Pool and seconded by Council Member Houston. The amendment was to amend Part 2(A) to delete “and shall provide fee-in-lieu of affordable housing under section 4.3.3. D of the plan.” The amendment was later withdrawn.

Direction was given to staff to return with information as to whether reinvestment of the profit from the development could be used to reach 25% of the city’s participation with both the 70 feet and 125 feet options.

The public hearing was conducted and a motion keep the public hearing open and approve the ordinance on second 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, Council Member Pool’s second on an 8-3 vote. Those voting aye were: Mayor Adler,

Council Members Casar, Flannigan, Garza, Houston, Kitchen and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Pool.

58. C14-2016-0049 – Plaza Saltillo Tract 4/5 – District 3 – Conduct a public hearing and approve second reading of 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. First Reading approved on February 9, 2017 on an 8-3 vote. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.
- A motion to approve the ordinance on second reading only with the following additional condition was made by Council Member Renteria and seconded by Council Member Pool.**

The additional condition was:

- **To limit the height to 68 feet on the residential and 70 feet on the office tower.**

There was an amendment made by Council Member Pool and seconded by Council Member Houston. The amendment was to amend Part 2(A) to delete “and shall provide fee-in-lieu of affordable housing under section 4.3.3. D of the plan.” The amendment was later withdrawn.

Direction was given to staff to return with information as to whether reinvestment of the profit from the development could be used to reach 25% of the city’s participation with both the 70 feet and 125 feet options.

The public hearing was conducted and a motion keep the public hearing open and approve the ordinance on second 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, Council Member Pool’s second on an 8-3 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Pool.

59. C14-2016-0051 – Plaza Saltillo Tract 6 – District 3 – Conduct a public hearing and approve second reading of 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. First Reading approved on February 9, 2017 on an 8-3 vote. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.
- A motion to approve the ordinance on second reading only with the following additional condition was made by Council Member Renteria and seconded by Council Member Pool.**

The additional condition was:

- **To limit the height to 68 feet on the residential and 70 feet on the office tower.**

Direction was given to staff to return with information as to whether reinvestment of the profit from the development could be used to reach 25% of the city's participation with both the 70 feet and 125 feet options.

The public hearing was conducted and a motion keep the public hearing open and approve the ordinance on second 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, Council Member Pool's second on an 8-3 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Pool.

AFTER 10:00 P.M.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Garza's motion, Council Member Casar's second on a 10-1 vote. Council Member Alter voted nay.

60. 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.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for townhouse and condominium residence (SF-6) was approved on Council Member Casar's motion, Council Member Troxclair's second on an 8-0 vote. Council Members Houston, Pool and Renteria abstained.

Direction was given to staff to provide a cost estimate on purchasing the Bergstrom rail spur.

Mayor Adler adjourned the meeting at 10:32 p.m. without objection.

The minutes were approved on this the 2nd day of March 2017 on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.