



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, APRIL 13, 2017**

**Invocation:** Rev. Paul Escamilla, Saint John's Methodist Church

**The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 13, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Adler called the Council Meeting to order at 10:09 a.m. Council Member Pool was absent.**

**CONSENT AGENDA**

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

1. Approve the minutes of the Austin City Council work session of April 4, 2017 and regular meeting of April 6, 2017.

**The minutes from the City Council work session of April 4, 2017 and regular meeting of April 6, 2017 were approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**

**Item 2 was pulled for discussion.**

3. Approve the appointment of Assistant City Manager Bert Lumbreras to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc. for a full term.

**The motion approving the appointment of Assistant City Manager Bert Lumbreras to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc. was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**

4. Authorize award and execution of a construction contract with MASTEC NORTH AMERICA, INC., for the Fiscal Year 2016-2017 Traffic Signal Maintenance – Indefinite Delivery/Indefinite Quantity project, in an estimated amount of \$656,250 for 12 months, with four 12-month extension options in an estimated amount of \$600,000 for each extension option, for a total contract amount not to exceed of \$3,056,250, to be allocated among the initial 12-month term and the four extension option periods needed. (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 4.03% MBE and 2.24% WBE participation.)

**The motion authorizing award and execution of a construction contract with Mastec North America, Inc. was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**

5. Authorize negotiation and execution of a professional services agreement with the following eight staff recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP212: LIMBACHER & GODFREY, INC., MWM DESIGNGROUP, MCKINNEY ARCHITECTS, INC., STANLEY ARCHITECTS & ARTISANS, INC. dba STANLEY-SALAIZ JV, COTERA+REED ARCHITECTS, AUSTIN ARCHITECTURE PLUS, INC., THE LAWRENCE GROUP, INC., JAIME BEAMAN AIA, INC. dba CASABELLA ARCHITECTS, for architectural services for the 2017 General Architectural Services Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$4,000,000 divided among the eight firms. (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 15.80% MBE and 15.80 % WBE participation.)  
**The motion authorizing negotiation and execution of a professional services agreement with Limbacher & Godfrey, Inc., MWM DesignGroup, McKinney Architects, Inc., Stanley Architects & Artisans, Inc. doing business as Stanley-Salaiz JV, Cotera+Reed Architects, Austin Architecture Plus, Inc., The Lawrence Group, Inc., Jaime Beaman AIA, Inc. doing business as Casabella Architects was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
6. Authorize award and execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC., for the IH-35 Underpass Lighting project in the amount of \$362,724 plus a \$36,272.40 contingency, for a total contract amount not to exceed \$398,996.40. (Districts 1, 3, and 9). (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 54.82% MBE and 38.08% WBE participation.)  
**The motion authorizing award and execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
7. Authorize negotiation and execution of a professional services agreement with the following three staff recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP210: TEXAS ENERGY ENGINEERING SERVICES, INC., ENERGY ENGINEERING ASSOCIATES, INC. (DBA EEA CONSULTING ENGINEERS), and PAGE SOUTHERLAND PAGE, INC., for commissioning services for the 2017 Building Commissioning (Cx) Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the three firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). No goals were established for this solicitation.)  
**The motion authorizing negotiation and execution of a professional services agreement with Texas Energy Engineering Services, Inc., Energy Engineering Associates, Inc. doing business as EEA Consulting Engineers, and Page Southerland Page, Inc. was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
8. Approve an ordinance amending the Fiscal Year 2016-2017 Operating Budget of the Liability Reserve Fund (Ordinance No. 20160914-001) increasing total available funds by \$1,067,829 from funds received to reimburse the City for amounts paid on claims from a prior year, for a total of \$5,128,829; and increasing requirements by \$2,200,000 to a total of \$6,363,000 to cover judgments Council previously approved and to cover remaining estimated expenditures through the end of the Fiscal Year.

**Ordinance No. 20170413-008 was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Pool was absent.**

**Items 9 and 10 were pulled for discussion.**

11. Authorize negotiation and execution of a 60-month lease renewal with David B. Edelman for approximately 8,000 square feet of office and warehouse space at 4122 Todd Lane, in Austin, Texas, for Austin Energy's Meter Shop, in an amount not to exceed \$380,328.95 (District 2).  
**The motion authorizing negotiation and execution of a lease renewal with David B. Edelman was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
12. Authorize negotiation and execution of a 60-month lease renewal for approximately 3,749 square feet of office space for the Economic Development Department, Small Business Development Program, located at 4029 South Capital of Texas Highway, Suite 110, in Austin, Travis County, Texas, from LCFRE AUSTIN BRODIE OAKS, LLC, for a total amount not to exceed \$578,583.17 (District 5).  
**The motion authorizing negotiation and execution of a lease renewal from LCFRE Austin Brodie Oaks, LLC was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
13. Authorize the negotiation and execution of an amendment to the lease agreement with the LOWER COLORADO RIVER AUTHORITY to add an additional 14,530 square feet of office space for 42 months for the Austin Transportation Department located at 3701 Lake Austin Blvd., in an amount not to exceed \$1,341,119.10. (District 10).  
**The motion authorizing the negotiation and execution of an amendment to the lease agreement with the Lower Colorado River Authority was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**

**Item 14 was pulled for discussion.**

15. Authorize negotiation and execution of Amendment No. 1 to the 12-month interlocal agreement with AUSTIN COMMUNITY COLLEGE to increase funding for childcare quality improvement services in an amount not to exceed \$1,121 for the current 12-month agreement period ending September 30, 2017, and the remaining four 12-month renewal options in an amount not to exceed \$1,121 per renewal option, for a total agreement amount not to exceed \$249,405.  
**The motion authorizing negotiation and execution of amendment number one to the interlocal agreement with Austin Community College was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Pool was absent.**
16. Authorize negotiation and execution of Amendment No. 5 to the interlocal agreement with AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, dba AUSTIN TRAVIS COUNTY INTEGRAL CARE to increase funding for the Community Advancement Network Administrative agreement for community coordination, collaboration and data reporting in an amount not to exceed \$2,211 for the current 12-month agreement period ending September 30, 2017, and increase funding for the remaining three 12-month renewal options in an amount not to exceed \$2,211 per extension option, for a total agreement amount not to exceed \$580,171.

**The motion authorizing negotiation and execution of amendment number five to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center doing business as Austin Travis County Integral Care was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Pool was absent.**

17. Approve an ordinance authorizing the transfer of \$170,000 in grant funds from the Austin Public Health Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) and amending the Fiscal Year 2016-2017 Austin Public Health Capital Budget (Ordinance No. 20160914-002) to appropriate \$170,000 in grant funds for the Austin Shelter for Women and Children renovation capital improvement project.  
**Ordinance No. 20170413-017 was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
18. Authorize negotiation and execution of amendment no. 3 to the interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT to increase funding for a mentoring project in an amount not to exceed \$366 for the current 12-month period ending September 30, 2017, with four 12-month renewal options in an amount not to exceed \$366 per renewal option, for a total agreement amount not to exceed \$97,230.  
**The motion authorizing negotiation and execution of amendment number three to the interlocal agreement with Austin Independent School District was approved on consent on Council Member Houston's motion, Council Member Casar's second on an 8-1 vote. Council Member Flannigan voted nay. Council Member Troxclair abstained. Council Member Pool was absent.**

**Item 19 was pulled for discussion.**

20. Approve an ordinance suspending a rate increase proposed by Oncor Electric Delivery Company, LLC; requiring reimbursement of municipal rate case expenses by the regulated utility; and providing notice of this ordinance to Oncor Electric Delivery Company, LLC.  
**Ordinance No. 20170413-020 was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
21. Approve a resolution authorizing the negotiation and execution of a Multiple Use Agreement with the Texas Department of Transportation to permit the construction, maintenance, and operation of a Flood Early Warning System beacon in the SH130 right-of-way approaching Fallwell Lane. (District 2)  
**Resolution No. 20170413-021 was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**

**Item 22 was pulled for discussion.**

23. Approve a resolution directing the City Manager to allocate funding and pursue the acquisition of flood-damaged properties in the vicinity of Pinehurst Drive and Wild Dunes in the Onion Creek subdivision of the Upper Onion Creek watershed. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Sabino "Pio" Renteria)  
**Resolution No. 20170413-023 was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Pool was absent.**

Items 24, 25 and 26 were pulled for discussion.

27. Approve a resolution creating the City Manager Search Advisory Task Force. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Leslie Pool CO 2: Council Member Delia Garza CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Ann Kitchen)  
**Resolution No. 20170413-027 was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**
28. Set a public hearing to consider an ordinance amending City Code Title 25 to change Historic Landmark Commission voting requirements such that a simple majority is required to recommend Historic Zoning over the objection of a property owner. (Suggested date and time: May 18, 2017, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for May 18, 2017 at 301 W. Second Street, Austin, TX on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was absent.**

Items 29 through 33 were Executive Session Items.

Items 34 and 35 were Zoning Ordinances / Restrictive Covenants Items (HEARINGS CLOSED).

Items 36 through 38 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Items 39 through 41 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

2. Approve an ordinance amending City Code Chapter 2-13 related to the administrative hearing process and penalties; and amending the Fiscal Year 2016-2017 City of Austin Fee Schedule Ordinance No. 20160914-003 to add a fee for administrative hearings.  
**A motion to approve the ordinance with the following amendments was made by Council Member Casar and seconded by Mayor Pro Tem Tovo. The amendments were:**

**To add new subsections (E), (F), (G), (H) and (I) to read as follows:**

**(E) A violator who has been found liable for a violation may assert a financial inability to pay the penalty. If a violator asserts a financial inability to pay the penalty, the hearing officer must make a determination of financial inability to pay. The determination must be made based on documentary evidence provided to the hearing officer.**

**(F) A violator claiming a financial inability to pay the penalty must have an income that does not exceed 60 percent of the HUD median family income (MFI) in the Austin-Round Rock- San Marcos area and must be a resident of the property or premises subject of the administrative citation and the sole owner of the property or premises, except that a violator may be a co-owner of the property or premises if all other co-owners cannot be located or are financially unable to pay the penalty.**

**(G) If the hearing officer determines that the violator does not have the financial ability to pay the penalty, the hearing officer must make the finding in writing and must reduce the penalty to an amount that is within the violator's ability to pay.**

**(H) A violator cannot appeal the hearing officer's determination related to the violator's financial inability to pay.**

**(I) A violator who has been found liable for a violation may request to pay the penalty in equal installments during the six months from the date the hearing officer issues an order. A violator must request to pay the penalty in installments within 20 calendar days from the date the hearing officer issues the order and must waive the appeal described in Section 2-13-31 (*Appeal from a Hearing*). The Code Official is authorized to grant a request to pay the penalty as described in this subsection.**

**To add language in Subsections (A) and (D) to be consistent with Subsection (G) to read as follows:**

**(A) Except as provided in Subsections (D) and (G),**

**(D) Except as provided in Subsection (G),**

**Ordinance No. 20170413-002 was approved as amended on Council Member Casar's motion and Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Pool was absent.**

9. Approve a settlement in *Kulisek v. City of Austin et. al*, Cause No. D-1-GN-16-003549, in the 261st Judicial District Court of Travis County, Texas.  
**The settlement in the amount of \$250,000 was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.**
14. Authorize the execution of all documents necessary or desirable to provide relocation assistance and authorize the payment of relocation funds to the tenants located at 1127 and 1205 E. 52nd Street in an amount not to exceed \$600,000. (District 4)  
**The motion authorizing the execution of all documents necessary or desirable to provide relocation assistance and authorize the payments of relocation funds to the tenants located at 1127 and 1205 E. 52<sup>nd</sup> Street was approved on consent on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.**
19. Authorize negotiation and execution of a 36-month contract with JP MORGAN CHASE BANK, N.A., or one of the other qualified offerors to Request for Proposals SMB0302, to provide bank depository services, in an estimated amount of \$953,392, with two 12-month extension options in an estimated amount of \$394,159 for the first extension option and \$413,867 for the second extension option, for a total contract amount not to exceed \$1,761,418. (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 to approve negotiation and execution of a contract with JP Morgan Chase Bank, N.A. as amended below was made by Mayor Pro Tem Tovo's motion, Council Member Alter's second. The amendments were:**

**To amend the Depository Services Contract to read:**

**Authorize negotiation and execution of a 36-month contract with JP Morgan Chase Bank, N.A., or one of the other qualified offerors to Request for Proposals SMB0302, to provide bank depository services, in an estimated amount of \$953,392.**

**The motion to approve the negotiation and execution of a contract with JP Morgan Chase Bank, N.A. was approved as amended on Mayor Pro Tem Tovo's motion, Council Member Alter's second on a 10-0 vote. Council Member Pool was absent.**

24. Approve a resolution relating to procedures for implementing affordable housing goals in the Austin Strategic Housing Plan. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Mayor Steve Adler CO 2: Council Member Gregorio Casar CO 3: Council Member Leslie Pool CO 4: Council Member Sabino "Pio" Renteria)  
**A motion to approve the resolution was made by Council Member Kitchen and seconded by Council Member Casar.**

**A motion to amend the resolution was made by Council Member Kitchen to include the Equity Office in the third BE IT FURTHER RESOLVED. The amendment was approved without objection.**

**A motion to amend the resolution was made by Council Member Kitchen to remove the word "district" from "corridor district" in the fourth BE IT RESOLVED. The amendment was approved without objection.**

**A friendly amendment to the resolution in the fourth BE IT FURTHER RESOLVED was made by Council Member Casar to read:**

- (1) To prevent displacement in corridors, refine the 75% geographic goal for non-market housing (including affordable housing, subsidized housing, and income restricted housing) related to corridors and centers, for the minimum number of units in each corridor (as identified by Imagine Austin and the Austin Strategic Mobility Plan) that should be affordable, and draw on data from the University of Texas Corridor Housing Preservation Tool to assess existing housing stock, preservation opportunities, and benefits to low-income individuals;**

**No action occurred on the friendly amendment listed above, pending further discussion.**

**A friendly amendment to the resolution in the fourth BE IT FURTHER RESOLVED was made by Mayor Adler to read:**

- (1) To prevent displacement in corridors, refine geographic goals for non-market housing (including affordable housing, subsidized housing, and income restricted housing) related to corridors and centers, and draw on data from the University of Texas Corridor Housing Preservation Tool to assess existing housing stock, preservation opportunities, and benefits to low-income individuals; and**

**The above friendly amendment was approved without discussion.**

**A motion to amend the resolution in the second BE IT FURTHER RESOLVED was made by Council Member Alter to read:**

**In establishing a multi-year Implementation Plan, the City Manager is directed to develop a detailed plan for the initial two years with a higher level plan for the remaining eight years.**

**On an annual basis, the City Manager must update the Implementation Plan with a specific, detailed plan to develop for each subsequent two year period, including mechanisms for monitoring and evaluation success, necessary funding and resources. The update of the Implementation Plan will align with the annual end of year reporting as laid out in the Austin Strategic Housing Plan.**

**The above amendment was approved without objection.**

**A motion to revise the fifth BE IT FURTHER RESOLVED was made by Mayor Pro Tem Tovo to read:**

**In developing the Implementation Plan, the City Manager is directed to consider developing an atlas of existing and historical conditions on key issues to provide a context for assessing Housing Plan policy proposals, the atlas to include but not be limited to:**

- (1) Housing conditions;**
- (2) Infrastructure (with specific attention to impervious cover and flooding conditions)**
- (3) Transportation services**
- (4) School quality**

**The above amendment was approved without objection.**

**Resolution No. 20170413-024 was approved as amended above on Council Member Kitchen's motion, Council Member Casar's second on an 8-1 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Garza, Kitchen and Troxclair. Council Member Houston voted nay. Council Member Renteria was off the dais but later requested the record show his support for the item. Council Member Pool was absent.**

26. Approve a resolution supporting the ongoing efforts of the City Manager to address the urgent public health situation caused by K2/Spice and asking the City Manager to identify additional resources necessary to bolster public safety and public health efforts. (Notes: SPONSOR: Mayor Steve Adler CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ora Houston CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Leslie Pool)

**A motion to approve the resolution was made by Council Member Casar, seconded by Mayor Pro Tem.**

**A motion to amend the resolution was made by Council Member Casar to revise the resolution by adding two new WHEREAS clauses to read:**

**WHEREAS, homelessness, poverty, drug addiction, and drug dependency have significant public health impact for members of the Austin community, and public safety challenges related to these issues cannot be addressed through enforcement alone and must include public health interventions; and**

**WHEREAS, policies related to harm reduction, clinical intervention and treatment, and permanent supportive housing have been shown to alleviate homelessness, poverty, drug addiction, and drug dependency, and these methods are a priority for the City in consideration of public safety and public health issues; and**

**To revise the resolution by amending the last BE IT FURTHER RESOLVED clause to read:**

The City Council asks the City Manager to identify the following and to provide this information to Council as soon as feasible:

- (1) Best Practices from experts in relevant fields related to harm reduction and treatment for dependency and addiction to K2/Spice and other substances that impact the populations described herein; and
- (2) What additional resources may be necessary, public and/or private, to increase the effectiveness of public safety and public health agencies in responding to K2/Spice use.

The above amendments were approved without objection.

Resolution No. 20170413-026 was approved as amended above on Council Member Casar's motion, Mayor Pro Tem's second on a 10-0 vote. Council Member Pool was absent.

### CITIZENS COMMUNICATIONS: GENERAL

Sylvia Mendoza - Illegal immigration.

Toni Teel - SXSU. – **Not present**

Carlos León - 1) God, Jesus Christ, & the Holy Ghost are undefeated - The Greatest of All Time.; 2) Chemtrails are alien to Austin's airspace - they don't belong here; 3) Losing your marbles. Vol. 3 Part. 2

Matt Schickel - Public Safety. – **Not Present**

Mayor Adler recessed the Council Meeting at 12:11 pm.

Mayor Adler reconvened the meeting at 1:54 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.

29. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn without objection.**
30. Discuss competitive matters related to Austin Energy generation resource planning (Certain Public Power Utilities: Competitive Matters – Section 551.086 of the Government Code).  
**This item was withdrawn without objection.**
31. Discuss legal issues related to Barbara Leffingwell's personal injury claim against the City of Austin (Private consultation with legal counsel—Section 551.071 of the Government Code).  
**This item was withdrawn without objection.**

32. Discuss legal issues related to Hernandez v. City of Austin et. al, Cause No. 1:14-CV-00492LY, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel—Section 551.071 of the Government Code).  
**This item was withdrawn without objection.**
33. Discuss legal issues related to O'Brien v. City of Austin et. al, Cause No. D-1-GN-14-004675, in the 345th 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.**

### **DISCUSSION ITEMS CONTINUED**

25. Approve a resolution relating to preserving and creating affordable housing along certain priority corridors. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Alison Alter CO 4: Council Member Sabino "Pio" Renteria)  
**A motion to approve the resolution with the following amendments was made by Mayor Pro Tem Tovo, seconded by Council Member Kitchen.**

**To add a WHEREAS clause to read:**

**WHEREAS, Resolution 20160818-074 authorizing the special election for \$700 million in mobility bonds directed the City Manager to include recommendations that preserve existing affordable housing and local businesses and exploring opportunities for new affordable housing along the corridors in the "Corridor Construction Program"; and**

**The above amendment was accepted without objection.**

**To revise the fourteenth WHEREAS clause to read:**

**The Corridor Housing Prevention Tool currently provides data on how eight Austin corridor areas (Burnet, Crestview, Manor, North Campus, Riverside, South Congress, South Lamar, and West Austin) compare in terms of the job access they provide to low-wage workers via transit, the existing stock of affordable housing vulnerable to loss through redevelopment or expiring subsidies, and the intensity of current market pressure; and**

**To revise the first BE IT RESOLVED clause to read:**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**The City Manager is directed to consider using the Corridor Housing Preservation Tool to help assess current conditions and set corridor-specific numeric goals for the creation and preservation of affordable housing for corridors throughout Austin, beginning with those corridors that will receive funding through the 2016 Mobility Bond.**

**The above amendments were approved without objection.**

**Resolution No. 20170413-025 was approved as amended above on Mayor Pro Tem Tovo's motion, Council Member Kitchen's second on an 8-1 vote. Council Member Troxclair voted nay. Council Member Casar was off the dais. Council Member Pool was absent.**

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

34. C14-2016-0106 - 4411 SOCO - District 3 - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 4411 South Congress Avenue and 4510

Lucksinger Lane (Williamson Creek Watershed) from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. First Reading approved on January 26, 2017. Vote: 8-2, Mayor Pro Tem Tovo and Council Member Alter voted nay; Council Member Casar was off the dais. Second Reading approved on March 23, 2017. Vote: 10-0, Council Member Casar was off the dais. Owner: Olivia and Harry Wilke. Applicant: LEMCO Holdings, LLC (David Cox). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

**Ordinance No. 20170413-034 for general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Garza's second on a 9-1 vote. Council Member Houston voted nay. Council Member Pool was absent.**

35. C14-2016-0137 – Grady .46 - District 4 - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 600 East Grady Drive (Little Walnut Creek Watershed) from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning, with conditions. First Reading approved on March 23, 2017. Vote: 11-0. Owner/Applicant: Saleem Memon. Agent: Bennett Consultants (Rodney Bennett). City Staff: Sherri Sirwaitis, 512-974-3057.

**Ordinance No. 20170413-035 for family residence-neighborhood plan (SF-3-NP) combining district zoning, with conditions was approved on Council Member Renteria's motion, Council Member Garza's second on a 9-1 vote. Council Member Houston voted nay. Council Member Pool was absent.**

**Item 36 was pulled for Zoning discussion.**

37. C14-2017-0012 - South Austin Regional Wastewater Treatment Plant and Electrical Substation No. 1 Replacement - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25-2 by zoning property locally known as 1017, 1101 and 1103 Fallwell Lane (Colorado River Watershed; Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: Austin Water (Brent Bassett); Austin Energy (Pamela England). Agent: Austin Water (Eric Sermeno). City Staff: Wendy Rhoades, 512-974-7719.

**The public hearing was conducted and a motion to close the public hearing and approve on first reading only for public (P) district zoning was approved on Council Member Renteria's motion, Council Member Garza's second on a 9-1 vote. Council Member Houston voted nay. Council Member Pool was absent.**

38. C14-2016-0134 - Pioneer at Walnut Creek - District 1 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 11126 Sprinkle Cutoff Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to multifamily residence-low density (MF-2) district zoning. Staff Recommendation: To grant townhouse-condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse-condominium residence (SF-6) district zoning. Owner/Applicant: Nirav Amin. Agent: Vincent Gerard & Associates (Vincent G. Huebinger). City Staff: Sherri Sirwaitis, 512-974-3057.

**This item was postponed to May 4, 2017 at the request of the applicant on Council Member Renteria's motion, Council Member Garza's second on a 9-1 vote. Council Member Houston voted nay. Council Member Pool was absent.**

**DISCUSSION ITEMS CONTINUED**

22. 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 Council Member Garza's motion, Council Member Troxclair's second on a 10-0 vote. Council Member Pool was absent.**

**Board and Commission Nominations and Waivers****April 13, 2017****Nominations**

| <b><u>Board/Nominee</u></b>  | <b><u>Nominated by</u></b>      |
|--|---------------------------------|
| <b><u>African American Resource Advisory Commission</u><br/>Latisha Anderson *</b>           | <b>Council Member Casar</b>     |
| <b><u>African American Resource Advisory Commission</u><br/>Miriam Conner</b>                | <b>Council Member Flannigan</b> |
| <b><u>Arts Commission</u><br/>Brett Barnes *</b>   | <b>Council Member Casar</b>     |
| <b><u>Asian American Quality of Life Advisory Commission</u><br/>Debasree DasGupta *</b>     | <b>Council Member Casar</b>     |
| <b><u>Bond Oversight Commission</u><br/>Brennan Griffin *</b>                                | <b>Council Member Casar</b>     |
| <b><u>Building &amp; Fire Code Board of Appeals</u><br/>Alicia Jones *</b>                   | <b>Council Member Casar</b>     |
| <b><u>Building &amp; Standards Commission</u><br/>Michael King</b>                           | <b>Council Member Flannigan</b> |
| <b><u>Commission for Women</u><br/>Amanda Lewis *</b>  | <b>Council Member Casar</b>     |
| <b><u>Commission on Immigrant Affairs</u><br/>Aditya Rastogi</b>                             | <b>Council Member Troxclair</b> |
| <b><u>Commission on Veterans Affairs</u><br/>Molly Mae Potter *</b>                          | <b>Council Member Casar</b>     |
| <b><u>Comprehensive Plan Joint Committee</u><br/>Jeffrey Thompson</b>                        | <b>Planning Commission</b>      |
| <b><u>Community Technology &amp; Telecommunications Commission</u><br/>David Alexander *</b> | <b>Council Member Casar</b>     |

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| <u>Design Commission</u><br>Conor Kenny *  | Council Member Casar     |
| <u>Downtown Austin Community Court Advisory Commission</u><br>Brittain Ayres *                                   | Council Member Casar     |
| <u>Downtown Commission</u><br>David Gomez *  | Council Member Casar     |
| <u>Economic Prosperity Commission</u><br>Hannah Frankel *  | Council Member Casar     |
| <u>Economic Prosperity Commission</u><br>Holt Lackey *   | Council Member Alter     |
| <u>Electric Board</u><br>Bob Schmidt *   | Council Member Casar     |
| <u>Hispanic/Latino Quality of Life Advisory Commission</u><br>Teofilo Tijerina *                                 | Council Member Casar     |
| <u>Lesbian, Gay, Bisexual, Transgender, and Queer Quality of Life Advisory Commission</u><br>Sandra Chavez       | Council Member Garza     |
| <u>Lesbian, Gay, Bisexual, Transgender, and Queer Quality of Life Advisory Commission</u><br>Dr. Victor Martinez | Council Member Renteria  |
| <u>Lesbian, Gay, Bisexual, Transgender, and Queer Quality of Life Advisory Commission</u><br>Ruben Baeza         | Council Member Kitchen   |
| <u>Library Commission</u><br>Emily Hersh *   | Council Member Casar     |
| <u>Mechanical, Plumbing &amp; Solar Board</u><br>Basheer Mohamed   | Council Member Flannigan |
| <u>Mexican American Cultural Center Advisory Board</u><br>Aida Cerda-Prazak *                                    | Council Member Casar     |
| <u>Mexican American Cultural Center Advisory Board</u><br>Hector Herrera   | Council Member Flannigan |
| <u>Mexican American Cultural Center Advisory Board</u><br>Hipolito Sarabia                                       | Council Member Alter     |
| <u>Music Commission</u><br>Gavin Garcia *  | Council Member Casar     |
| <u>Public Safety Commission</u><br>Daniela Nunez *   | Council Member Casar     |

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| <u>Resource Management Commission</u><br>Scott Kohan   | Council Member Renteria  |
| <u>Robert Mueller Municipal Airport Plan Implementation Advisory Commission</u><br>Martin Luecke *         | Council Member Casar     |
| <u>South Central Waterfront Advisory Board</u><br>Linda Guerrero   | Environmental Commission |
| <u>Water &amp; Wastewater Commission</u><br>Chien Lee *  | Council Member Casar     |
| <u>Zero Waste Advisory Commission</u><br>Kendra Bones *  | Council Member Casar     |
| <u>Bond Election Advisory Task Force</u><br>Robert Walker  | Council Member Alter     |
| <u>City Manager Search Advisory Task Force</u><br>Laura Huffman  | Mayor Adler              |
| <u>City Manager Search Advisory Task Force</u><br>Saundra Kirk   | Mayor Pro Tem Tovo       |
| <u>City Manager Search Advisory Task Force</u><br>Claudia Conner   | Council Member Houston   |
| <u>City Manager Search Advisory Task Force</u><br>Susan Hambright  | Council Member Garza     |
| <u>City Manager Search Advisory Task Force</u><br>Perla Cavazos  | Council Member Renteria  |
| <u>City Manager Search Advisory Task Force</u><br>Walter Muse  | Council Member Pool      |
| <u>City Manager Search Advisory Task Force</u><br>Channy Soeur   | Council Member Flannigan |
| <u>City Manager Search Advisory Task Force</u><br>Jan Lehman   | Council Member Alter     |
| <u>Intergovernmental/Nominee</u><br><u>City of Austin Employee Retirement System</u><br><br>Frank Merriman | <br><br>Mayor Adler      |

(\* Indicates reappointment of a current member.)

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Wendy Todd. The waiver allows her simultaneous service on the Library Commission and South Central Waterfront Advisory Commission.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Aditya Rastogi on the Commission on Immigrant Affairs.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Bob Schmidt on the Electric Board.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Basheer Mohamed on the Mechanical Plumbing and Solar Board.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Aida Cerda-Prazak on the Mexican American Cultural Center Advisory Board. The waiver includes absences through today’s date.

Approve a waiver of the filing deadline for the statement of financial information as prescribed in Sections 2-1-25 and 2-7-72 of the City Code and establishing a new deadline of Monday, May 1, 2017 for the following members:

|                 |                              |
|-----------------|------------------------------|
| Veronica Rivera | Board of Adjustment          |
| Terri Myers     | Historic Landmark Commission |
| Eric Goff       | Board of Adjustment          |

**PUBLIC HEARINGS**

- 39. Conduct a public hearing and approve an ordinance granting a site-specific amendment to City Code Section 25-8-514 and granting variances to City Code Section 25-8-261 to allow development of the Barton Creek Trailhead Restroom in Zilker Park. This action requires a site-specific amendment to the Save Our Springs Initiative and concerns property in the Barton Springs Zone (District 8).  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170413-039 was approved on Council Member Alter’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Pool was absent.**
  
- 40. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Del Valle 969 Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at approximately 14011 FM 969, in the extraterritorial jurisdiction of the City of Austin.  
**This item was postponed to May 4, 2017 at the request of the applicant on Council Member Garza’s motion, Council Member Renteria’s second on a 10-0 vote. Council Member Pool was absent.**
  
- 41. Conduct a public hearing and consider an ordinance creating an economic development program and authorizing the negotiation and execution of an economic development agreement with Merck Sharp & Dohme Corporation.  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170413-041 and authorize the negotiation and execution of an economic development agreement with Merck Sharp & Dohme Corporation was approved on**

**Council Member Houston's motion, Mayor Pro Tem Tovo's second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Flannigan, Houston, Kitchen and Renteria. Those voting nay were: Council Members Casar, Garza and Troxclair. Council Member Pool was absent.**

**Mayor Adler recessed the meeting 5:37 p.m.**

### **LIVE MUSIC**

The Belle Sounds

### **PROCLAMATIONS**

Proclamation – Small Business Festival Day – To be presented by Mayor Steve Adler and to be accepted by Sylnovia Holt-Rabb, Assistant Director, Economic Development Department

Proclamation – Sexual Assault Awareness Month – To be presented by Council Member Greg Casar and to be accepted by Emily LeBlanc, Chair of the Sexual Assault Response and Resource Team of Austin-Travis County

Proclamation – A Glimmer of Hope Austin Day – To be presented by Mayor Steve Adler and to be accepted by Philip and Donna Berber

Proclamation – Autism Awareness Month – To be presented by Council Member Delia Garza and to be accepted by Jacqui Benestante, Administrative Coordinator, Autism Society of Texas

Proclamation – Move Month and National Walking Day – To be presented by Mayor Steve Adler and to be accepted by Christina Holch, Campaign Director, Voices for Healthy Kids, Texas

Distinguished Service Award – Gordon Derr, Assistant Director, Transportation Department – To be presented by Mayor Steve Adler and to be accepted by the honoree

**Mayor Adler reconvened the meeting at 6:45 p.m.**

### **DISCUSSION ITEMS CONTINUED**

10. Approve an ordinance adopting the Austin Strategic Housing Plan as an element of the Imagine Austin Comprehensive Plan.

**A motion to approve the ordinance with staff recommendations with the following amendments and the following amendments to the Austin Strategic Housing Blueprint was made by Council Member Kitchen, seconded by Council Member Garza.**

**A motion to postpone the item to May 18, 2017 failed on Council Member Houston's motion, Council Member Alter's second on a 2-8 vote. Those voting aye were: Council Members Alter and Houston. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Casar, Flannigan, Garza, Kitchen, Renteria, Troxclair. Council Member Pool was absent.**

**A motion to amend the Austin Strategic Housing Plan as listed below was approved on Council Member Houston's motion, Council Member Flannigan's second on a 9-0 vote. Council Member Alter abstained. Council Member Pool was absent. The amendment was**

to strike the word “Plan” in the title and replace it with “Blueprint” accordingly throughout the document to read “Austin Strategic Housing Blueprint.”

A motion to amend the ordinance as listed below was approved on Council Member Troxclair’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Pool was absent. The amendment was to revise Part 2 to read:

**PART 2.** The City Manager shall report to Council annually regarding implementation of the goals set out in the Austin Strategic Housing Blueprint over the previous year, and specific steps for achieving the goals in the year ahead.

A motion to amend the Austin Strategic Housing Blueprint as listed below was made on Council Member Alter’s motion, Mayor Pro Tem Tovo’s second. The amendments were accepted without objection. The amendments were:

To revise the first paragraph of the Austin Strategic Housing Blueprint, under the “Key Actions to Support Community Values” section on page 19 to read:

Achieving the aggressive community goals outlined in the Plan will require the continuation of existing funding, as well as significant new funding, new regulations, new programs, new and deeper partnerships and collaborations with non-profit organizations, legislative changes, land development code changes, and participation from the private sector at a level not previously experienced in Austin.

To revise the Austin Strategic Housing Blueprint, under the “Maximize Public Property to Build or Include Affordable Housing,” section on page 26 to read:

...while decreasing congestion and pollution. The City should consider developing a strategy to purchase state-owned lands as they come up for sale in order to achieve the citywide goal of the creation of desirable and affordable locations that include income-restricted housing and parkland. The City should also consider...

To revise the Austin Strategic Housing Blueprint, under the “Better Utilize Land for Affordable Housing,” on page 32 to read:

The City should continue to offer density bonuses as well as reduced parking and lot width and setback requirement for developments that include a significant number or percentage of units that are required to be affordable to very low-, low- or moderate-income households for at minimum 40 years.

A motion to amend the Austin Strategic Housing Blueprint as listed below was made on Mayor Pro Tem Tovo’s motion. The amendment was accepted. Council Member Troxclair abstained.

To add new staff-recommended subsection on Page 22-24 to read as follows: “Support the community goal for at least 25% of new income-restricted affordable housing to be in high opportunity areas. The city should also research and develop goals for housing development and preservation in high moderate areas.”

A motion to amend the Austin Strategic Housing Blueprint as listed below was approved on Council Member Kitchen’s motion, Council Member Casar’s second without objection.

To amend page 16 to add a community goal that at least 30% of new housing should be a range of housing types from small-lot single-family to 8-plexes to help address Austin's need for multi-generational housing.

A motion to amend page 8 of the Austin Strategic Housing Blueprint as listed below was approved on Council Member Casar's motion, Council Member Flannigan's second on a 7-2 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Member Alter. Council Member Houston abstained. Council Member Pool was absent.

The City of Austin's population is currently projected to increase at an annual rate of approximately 2%; however, the region is expected to grow at an even faster annual rate of 3.4%. Since more than 50% of the people who work in Austin live outside the city limits and many of them would like to live in Austin but cannot afford to do so, it is estimated that there is a need for the construction of a minimum of 135,000 additional housing units in the City of Austin over the next decade. (see Figure 6 for more detail about methodology). More than 135,000 housing units – both market-rate and below market-rate – may well be needed to reduce Austin's overall share of housing cost-burdened households.

A motion to amend the Austin Strategic Housing Blueprint as listed below was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Pool was absent.

The amendment was to add text to the staff-recommended "Increase the Supply of Multi-Bedroom Housing for Families with Children" new section on page 20 to read as follows:

- Explore ways and develop a goal for the percentage of multi-bedroom housing in neighborhoods which can create age-diverse neighborhoods;
- Explore options to increase multi-bedroom housing in a variety of areas, including on publicly-owned land and on corridors and centers near schools. Such options could include establishing minimum bedroom requirements and policies that encourage dwellings for multi-generational households.

A motion to amend the name Austin Strategic Housing Plan to Strategic Housing Report was made on Council Member Houston's motion, Mayor Pro Tem Tovo's second. The amendment was withdrawn without objection.

A motion to amend the Austin Strategic Housing Blueprint as listed below was approved on Mayor Pro Tem Tovo's motion and accepted without objection.

To revise the "Comprehensive Parking Reform," on page 37 to read:

High parking standards increase impervious cover due to parking lots or parking garages, increasing the area on a site that cannot absorb rainfall. By right-sizing parking requirements based on a project's location, walkability, and transit service, the City of Austin can address several important City goals such as lower construction costs, reduced dependence on automobiles, mitigation of flood and erosion, and water quality protection. Requirements that new development include significant off-street parking add to the cost of constructing a unit and limit the number of units possible on a site, indirectly limiting the density of housing and potentially precluding opportunities to develop more affordable

housing. The City should consider whether changes to its parking polices would support housing affordability and access by:

- (1) Clarifying the definition of frequent transit service to reduce parking requirement in transit areas;
- (2) Reducing parking requirements for multifamily housing that are within ¼ mile of frequent transit service; and
- (3) Reviewing parking requirement for accessory dwelling units and other small-scale housing types in single family areas. Parking reductions for multifamily or mixed-use developments could be tied to the creation of income-restricted affordable housing units.

A motion to amend the Austin Strategic Housing Blueprint as listed below was made on Mayor Pro Tem Tovo's motion and approved without objection.

To amend the "S.M.A.R.T. Housing Program" section on page 32 to read: The City should revise the S.M.A.R.T. Housing Program to lengthen the affordability period and to better balance developer benefits with unit construction. This program is producing positive results; however, after almost two decades it needs modification in order to help the City of Austin achieve affordability goals.

A motion to amend the Austin Strategic Housing Blueprint as listed below was made on Mayor Pro tem Tovo's motion, Council Member Alter's second.

To revise the "Add Flexibility to Occupancy Limits" section on page 24 to read: On March 20, 2014, the City of Austin amended its city code regarding dwelling unit occupancy to reduce the maximum occupancy limits for single family homes in certain zoning districts and for duplexes from six unrelated adults to four. The ordinance has a provision excluding rooming or boarding house-type settings from the limit and only applies to structures built after March 31, 2014.

The above amendment was approved without objection.

To revise the "Add Flexibility to Occupancy Limits" section, on page 24 to read: This occupancy change could raise the cost of housing for unrelated roommates since housing costs will be split among fewer occupants; on the other hand, it could also discourage the demolition and replacement of existing housing with newer, costlier alternatives. The City should continue to monitor whether and how occupancy limits have impacted new construction.

The above amendment was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Alter, Flannigan, Houston, and Kitchen. Those voting nay were: Council Members Casar, Garza, and Renteria. Council Member Troxclair was off the dais. Council Member Pool was absent.

To revise the "Add Flexibility to Occupancy Limits" section on page 24 to read:

The City should continue to adhere to fair housing laws in order to avoid certain communities experience disparate impact.

The above amendment was accepted without objection.

A motion to amend the Austin Strategic Housing Blueprint as follows was made on Mayor Pro Tem Tovo's motion, Council Member Alter's second.

To revise the "Implement Density Bonus Program for Middle Housing" section on page 32 to read:

A second type of density bonus program might be more appropriate at the edges of centers and corridors or on collector streets where residents are more sensitive to building height and building size. In this type of bonus program, the "density" could take the form of units (rather than height or bulk), allowing more units within the same size building. This program could effectively provide missing middle affordable units. Relaxation of parking requirements could reduce the costs or rental rates of units; such decisions should be made with consideration for neighborhood context and the amount of current and projected multimodal transportation options. Economic modeling has confirmed that density programs would be financially feasible while also producing affordable housing benefits.

The above amendment to the Austin Strategic Housing Blueprint was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on a 9-1 vote. Council Member Casar voted nay. Council Member Pool was absent.

A motion to amend the Austin Strategic Housing Blueprint as follows was made on Mayor Pro Tem Tovo's motion, Council Member Kitchen's second.

A substitute amendment to the Austin Strategic Housing Blueprint listed below was made by Council Member Casar, Council Member Kitchen seconded. The question was divided in four parts:

1. To strike the word "vacant" from Council Member Tovo's proposed amendment of "Development of Smaller Houses on Smaller Lots" section on page 32.

The above motion was approved on Council Member Casar's Motion, Council Member Kitchen's second on a 7-3 vote. Those voting aye: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Houston. Council Member Pool was absent.

2. To revise the "Development of Smaller Houses on Smaller Lots" section on page 32 to read:

...This would help produce more housing choices that are generally more likely to be affordable than houses built on larger lots...

The above motion was approved on Council Member Casar's motion, Council Member Kitchen's second on a 7-3 vote. Those voting aye: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Houston. Council Member Pool was absent.

3. To revise the "Development of Smaller Houses on Smaller Lots" section on page 32 to read:

To enable more people to be able to afford to live in location-efficient areas, make it easier to build smaller houses on smaller lots through land development code changes considered

during the CodeNEXT process. This would help produce more housing choices that are generally more affordable than houses built on larger lots.

The above motion was approved on Council Member Casar's motion, Council Member Kitchen's second on a 7-3 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Houston. Council Member Pool was absent.

4. To revise the "Development of Smaller Houses on Smaller Lots" section on page 32 to read:

Land values are increasing in Austin, particularly in neighborhoods near Austin's core. This is due to a number of factors, but most notably to more households valuing reduced distances between their work, home, and other destinations, which minimizes time spent in traffic. With increased demand for housing in central locations, land prices are likely to continue to rise. One potential way to enable more people to be able to afford to live in these location-efficient areas is to make it easier to build smaller houses on smaller lots through land development code changes considered during the CodeNEXT process. This would help produce more housing choices that are generally more likely to be affordable than houses built on larger lots. Small lot regulations could be revised utilizing a context sensitive approach to require a higher level of design and improved compatibility with neighboring properties. Such regulations should take care to incentivize more affordable housing choices rather than fewer and preserving neighborhood character.

The above motion was approved on Council Member Casar's motion, Council Member Kitchen's second on a 7-3 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter and Houston. Council Member Pool was absent.

Ordinance No. 20170413-010 was approved as amended above on Council Member Kitchen's motion, Council Member Garza's second on a 10-0 vote. Council Member Pool was absent.

The motion to adopt Pages 1 – 18 of the Austin Strategic Housing Blueprint was approved on Council Member Kitchen's motion, Council Member Garza's second on a 10-0 vote. Council Member Pool was absent.

The motion to adopt Pages 19 and thereafter of the Austin Strategic Housing Blueprint was approved on Council Member Kitchen's motion, Council Member Garza's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Pool was absent.

### ZONING DISCUSSION

36. C814-2014-0120 – Austin Oaks PUD – District 10 – Conduct a public hearing and approve 3rd reading of an ordinance amending City Code Title 25-2 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. Zoning and Platting Commission Recommendation: To approve PUD zoning with conditions. City Council: Approved First reading PUD zoning with conditions, December 15, 2016, vote 6-3 Council Members Casar, Gallo and Zimmerman voting

may. Approved 2nd reading PUD zoning with conditions, March 23, 2017 vote 7-4 Council Members Alter, Houston, Pool and Tovo against]. 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 zoning case.

**A motion to approve staff's recommendations on third reading with the following amendments was made by Council Member Casar, Council Member Garza seconded. The amendments were:**

**To revise Part 5, A and H to read:**

**The following conditions apply:**

**A. A mixed-use development is required on Parcels 8 and 9 with at least 2500 square feet of commercial use on the ground floor and multifamily residential above the ground floor.**

**H. The following uses and maximum building heights shall be include on Exhibit B:**

**3. Parking garage 2 on Parcel 3 serving buildings 3 and 4 is limited to 88 feet and 8.5 levels;**

**4. Building 5 on Parcel 4 is limited to 53 feet;**

**5. Building 6 on Parcel 5 is limited to 53 feet:**

**To revise Part 9 D to read:**

**D. A site plan or building permit for the property may not be approved, released, or issued if the completed development or uses of the property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 15,562 net new adjusted trips per day. A request to change the 15,562 net new adjusted trips per day limit requires approval by the City Council.**

**To revise Part 10. Code Modifications to read: In accordance with Chapter 25-2, Subchapter B, Article 2, Division 5 (Planned Unit Development) of the Code, the following site development regulations apply to the Austin Oaks PUD instead of otherwise applicable City regulations:**

**To revise Part 10, C 1 to read:**

**1. Section 25-6-472(A) (*Parking Facility Standards*) and 25-6-478 (*Motor Vehicle Reductions General*) are modified to allow the following minimum parking requirements within the Austin Oaks PUD:**

**a. 3.5 parking spaces per 1,000 square feet of office;**

**b. 5 Parking spaces per 1,000 square feet of retail uses;**

**c. 8 parking spaces per 1,000 square feet of restaurant uses; and**

**d. 1 parking space per each multifamily dwelling unit.**

**The motion to amend the base motion to include the additional three feet for all of the parking garages was made by Council Member Garza, Council Member Casar seconded on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Council Members Alter and Houston. Council Member Pool was absent.**

**The motion to amend the ordinance to allow up to 0.8% of the required affordable housing to be met with a fee in lieu as follows was made by Council Member Casar, Council Member Garza seconded. The amendments were:**

**To revise PART 8. Affordable Housing Program.**

**A. Multifamily Rental Housing**

Except as otherwise provided in Section C, at least 10.8% of the total number of multifamily rental housing units located within the Austin Oaks PUD will be set aside for occupancy by households with incomes at 60% of or below the MFI for a rental affordability period of forty years from the date the unit is leased to an eligible household so long as the unit remains in compliance with the terms of the affordable program. The 10.8% set aside under this section constitutes the “Affordable Rental Units.” In addition the Landowner agrees to comply with the following...:

**B. Owner-occupied Housing**

Except as otherwise provided in Section C, at least 10.8% of the total number of units sold as owner-occupied residential housing units located within the Austin Oaks PUD will be set aside for occupancy by households with incomes at 80% of or below MFI for an affordability period of (1) ninety-nine years for fee-simple ownership units governed by a condominium declaration and community land trust units or (2) forty years for fee-simple units not governed by a condominium declaration. The 10.8% set aside under this section constitutes the Affordable Ownership Units. In addition the Landowner agrees to comply with the following...:

To add a new subsection C to Part 8 and renumber remaining sections accordingly to read:

**C. Up to .8% of the Affordable Rental Units and Affordable Ownership Units described in Section A and B may be satisfied by payment into the Housing Trust Fund of an amount of \$215,000 per one bedroom unit and \$355,000 per two bedroom unit; provided that:**

1. The on-site Affordable Rental Units and Affordable Ownership Units may not be less than 10.0% of the total number of units rented or sold;
2. Acceptance of this payment in lieu of on-site affordable units is within the sole discretion of the Director of NHCD; and
3. The funds are used in a high opportunity area, as determined by NHCD, in the vicinity of Austin Oaks PUD.

To revise Exhibit N (Blanket Restrictive Covenant)

**1. RECITALS****B. Definitions****Affordable Housing Requirements...**

- a. Except as provided in section 2, at least 10.8%...
- b. Except as provided in section 2 at least 10.8%...

To add a new paragraph to the Specific Agreements and Restrictions, Section 2 in Exhibit N to read:

**2.Compliance with Affordable Housing Requirements...**

...Prior to requesting a release for the first parcel containing housing units, the Owner shall provide 90 days’ notice to the City. During the 90 days, the City, in its sole discretion, shall have the option to elect to modify the Affordable Housing Requirements to reduce the percentage of ownership units to 10% and the rental units to 10% in exchange for the Owner making a payment into the Housing Trust Fund. The amount of the payment shall be \$215,000 for a one bedroom unit and \$355,000 for a two bedroom unit. In the event that the City does not provide notice of its election to reduce the percentage of affordable units within the 90 days, the Owner shall record restrictive covenants on housing units at the percentages required under the Affordable Housing Requirements...

To revise Exhibit O (Affordable Housing Agreement) as follows:

## II. FINDINGS

- A. The affordable units required in this Agreement shall be secured by the execution of a blanket restrictive covenant on the Property, attached as Exhibit B, which provides that a unit is considered affordable only if the owner or tenant is required to spend no more than 30% of gross monthly income on mortgage and condo association fees or rental and utility payments, and requires provision on the Property of Affordable Units meeting the following levels of affordability, except as modified under Section II, Paragraph C and Section III, Paragraph B of this Agreement:

## III. REQUIRED DOCUMENTATION

- B. Notice to City Regarding Release Request. Prior to requesting a release for the first parcel containing housing units, the Owner shall provide 90 days' notice to the City. During the 90 days, the city, in its sole discretion, shall have the option to elect to modify the Affordable Housing Requirements as detailed in Section II, Paragraph C of this Agreement. In the event that the City does not provide notice of its election to reduce the percentage of affordable units within the 90 days, the Owner shall record restrictive covenants on housing units at the percentages required under the Affordable Housing Requirements.

To add a new section C to the Affordable Housing Agreement, II, Findings to read:

C. Up to 0.8% of the Affordable Rental Units and Affordable Ownership Units described in Section A and B may be satisfied by payment into the Housing Trust Fund of an amount of \$215,000 per one bedroom unit and \$355,000 per two bedroom unit; provided that:

1. The on-site Affordable Rental Units and Affordable Ownership units may not be less than 10.0% of the total number of units rented or sold;
2. Acceptance of this payment in lieu of on-site affordable units is within the sole discretion of the Director of NHCD; and
3. The funds are used in a high opportunity area, as determined by NHCD, in the vicinity of Austin Oaks PUD.

The above amendments were approved without objection.

The motion to amend Part 5 to reduce the number of floors in the building on Parcel 9 from five floors to 4 floors and to reduce the parking garage on Parcel 6 from 7 levels to 6 levels was made by Mayor Adler and seconded by Council Member Alter. The motion was later pulled from discussion.

The motion to amend Part 10 of the ordinance was made by Council Member Alter, and seconded by Council Member Kitchen. The amendments were to add a new Section F to read:

To amend Part 10. Code Modifications.

F. Affordable Housing Requirements

Section 25-1-704 (*Fee Waivers*) is modified to require Council approval of an applicant's eligibility for fee waivers before the director may waive all or a portion of the fees described in 25-1-704(A).

The above motion was approved without objection.

The motion to amend Part 5 and Part 10 of the ordinance was made by Council Member Alter. Council Member Alter clarified that the parking garage heights would increase by an additional three feet to incorporate amendments approved for inclusion in the base motion. The amendments were:

To revise Part 5 H, numbers 4 and 5 to read: H. The following uses and maximum building height shall be included on Exhibit B:

4. A restaurant use is required in Building 5 on Parcel 4 with the restaurant use on the ground floor and Parking garage 3 above the ground floor. The maximum height of a building or structure on Parcel 4 is limited to 53 feet;
5. A restaurant use is required in A building 6 on Parcel 5 with the restaurant use on the ground floor and Parking garage 3 above the ground floor. The maximum height of a building or structure on Parcel 5 is limited to 53 feet;

To revise Part 10. A subsection 8 to read:

- A. Zoning 8. Chapter 25-2, Subchapter B, Article 2, Division 5 (*Planned Unit Development*) is modified to treat an amendment to Exhibits B-K that would not qualify as a substantial amendment as if it were a substantial amendment, solely for the purpose of notification, under Subsection 3.1.2 (*Substantial Amendments*).

No action occurred on the amendment listed above, pending further discussion.

The motion to amend Exhibit C to the ordinance was made by Council Member Alter. The amendments were to revise sections B and D to read:

- B. Within one (1) year of the Effective Date of this Ordinance, the amount of \$561,324.38 shall be deposited with the City which must first be used for the installation of a traffic signal at the intersection of Hart Lane and Spicewood Springs Road, and thereafter for other traffic improvements within the geographic boundaries of the TIA to the extent the funds allow.
- D. As a condition to the issuance of a permanent Certificate of Occupancy for Building 4 on Parcel 3, the Landowner shall deposit \$685,000 to be used by the City for additional traffic improvements identified in the TIA, including but not limited to the following projects;
  - 1) Widen Hart Lane at Spicewood Springs Road & Hart Lane,
  - 2) Create channelized turn from MoPac to Spicewood Springs at Spicewood Springs Road & Loop 1 SBFR,
  - 3) Provide a right-turn overlap signal operation at Far West Blvd & Wood Hollow Drive,
  - 4) Widen Executive Center Drive to a four-lane cross-section at Executive Center Drive & Wood Hollow Drive,
  - 5) Restripe westbound approach of Executive Center Drive and Hart Lane at Executive Center Drive & Hart Lane,
  - 6) Restripe Hart Lane at Executive Center Drive & Hart Lane,
  - 7) Install a fully actuated traffic signal at Executive Center Drive & Wood Hollow drive, and
  - 8) Restripe Northbound approach at Greystone Drive & Wood Hollow Drive.

The funds provided under this section may be used for traffic improvements identified in the geographic scope of the TIA but not specifically listed above if city staff determines that the proposed improvement would be superior to a listed improvement and that the listed improvement is unwarranted, unfeasible, or no longer recommended.

The amendment listed above was accepted without objection.

The motion to amend the ordinance to add a minimum number of affordable residential units and a minimum number of market residential units was made by Council Member Alter. The amendments were to revise Part 8, Exhibit N and the Specific Agreements and Restrictions:

To revise Part 8 A. Affordable Housing Program to read:

- A. The total number of Affordable Residential Units required within the Austin Oaks PUD shall be 10.8% of the total residential units, or 41 units, whichever is greater.

To revise Exhibit N to read:

#### 1. RECITALS

- B. **Definitions: Affordable Housing Requirements.** The Term “Affordable Housing Requirements” means restricting the Property as follows:

- a. No less than 10.8% or 41 of the total number of housing units, whichever is greater, constructed on the portions of the Property on which residential is a permitted use as designated on the Land Use Plan for the Austin Oaks PUD must be occupied by a qualified household, defined as follows:
  1. A rental unit is primarily occupied by a rental household (the “rental units”) whose adjusted gross income for the year immediately preceding the date of occupancy of the dwelling ...
  2. An ownership unit is primarily occupied by a homeowner household (the “ownership units”) whose adjusted gross income for the year immediately preceding the date of occupancy of the dwelling housing unit which is at or below 80% of the then current MFI and is verified in writing as acceptable by the City;
- b. A unit is affordable ...
- c. At least 50% of the affordable...

**Affordable Units.** The Term “Affordable Units” refers to ownership units and rental units as defined by the Affordable housing Requirements.

**Austin Oaks PUD.** The Term “Austin Oaks PUD” refers to the rezoning of the Property that occurred on or about April 13, 2017 in Case Number C814-2014-0102, Ordinance No. 20170413-036.

**Required Housing Units.** The term “Required Housing Units” refers to a total of 10.8% of the total units or 41 Affordable Units, whichever is greater, and market rate housing units.

To revise the Specific Agreement and Restrictions, Section 2 to read:

**2. Compliance with Affordable Housing Requirements.**

- **Affordable Units**
- **The Declarant reads: “Declarant may request release of a parcel or multiple parcels, with all released property containing no more than a total of 500,000 leasable square feet of commercial space, which the City shall promptly execute. No additional releases shall be provided for property containing commercial or office space until such time as the certificates of occupancy have been issued for all Required Housing Units.**
- **At such time as the Affordable Housing Requirements for the Property as designated on the Land Use Plan for the Austin Oaks PUD have been met, certificates of occupancy have been issued for all required Housing Units and replacement restrictive covenants recorded encumbering all Affordable Units, the City shall execute a release (“Release”) of this restrictive Covenant for property other than the Designated Units.**

Revise Exhibit O to read:

**Findings II**

- A. The affordable units required in this Agreement shall be secured by the execution of a blanket restrictive covenant on the Property, attached as Exhibit B, which provides that a unit is considered affordable only if the owner or tenant is required to spend no more than 30% of gross monthly income on mortgage and condo association fees or rental and utility payments, and requires provision on the Property of Affordable Units meeting the following levels of affordability:**
- 1. Not less than 10.8% of the total multifamily rental units must be set aside for occupancy by and must be rented to households earning 60% or below of MFI for a 40 year affordability period;**
  - 2. Not less than 10.8% of the total multifamily rental units must be available long-term at a price affordable to households earning 80% of or below MFI, and must be sold to an income eligible household; and**
  - 3. The total number of multifamily rental units and owner-occupied residential units together shall be no less than 41 or 10.8% of the total units, whichever is greater.**

No action occurred on the amendment listed above, pending further discussion.

The motion to amend Part 7 of the ordinance was made by Mayor Pro Tem Tovo. The amendment was to add a new subsection H to read:

To amend Part 7. Environmental.

H. Per City Code, the developer must comply with Section 25-8-281 (D) of the Land Development Code.

The above amendment was accepted without objection; however, after advice from the Law Department and Watershed Protection Department, the maker of the motion withdrew the motion.

The motion to amend Part 5.H. of the ordinance was made by Council Member Alter. The amendment was to revise Part 5, H 3, Land Use. to read:

- 3. Parking garage 2 on Parcel 3 serving buildings 3 and 4 is limited to 75 feet and 7.5 levels;**

The above amendment was not approved for inclusion in the base motion.

The motion to adopt the following amendments was made by Council Member Alter and seconded by Council Member Casar. The amendments were:

To amend Part 5.H.:

H. The following uses and maximum building heights shall be included on Exhibit B:

3. Parking garage 2 on Parcel 3 serving buildings 3 and 4 is limited to 83 feet and 8 levels;
8. A residential use is required on Parcel 9 and is limited to 55 feet and 4 stories;
9. Parking garage 6 on Parcel 9 is limited to 63 feet and 6 levels.

To allow 3 additional permitted uses for the restaurant land use classification and amend the Permitted Uses table in Exhibit D:

- Financial Services
- General Retail Sales (Convenience)
- Personal Services

To limit the heights of both restaurant buildings to a maximum of 53 feet.

To prohibit the use of drive-through banks.

The above amendments were approved on a 9-1 vote. Council Member Flannigan voted nay. Council Member Pool was absent.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170413-036 as amended above for planned unit development (PUD) district zoning, with conditions was approved on Council Member Casar's motion, Council Member Garza's second on an 8-2 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Member Alter. Council Member Pool was absent.

Mayor Adler adjourned the meeting at 9:10 p.m. without objection.

The minutes were approved on this the 4<sup>th</sup> day of May 2017 on Council Member Troxclair's motion, Council Member Alter's second on a 10-0 vote. Council Member Garza was absent.