

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 11, 2017**

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, May 11, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 2:08 p.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council budget work session of April 26, 2017, work session of May 2, 2017, budget work session of May 3, 2017 and regular meeting of May 4, 2017.
The minutes from the City Council budget work session of April 26, 2017, work session of May 2, 2017, budget work session of May 3, 2017 and regular meeting of May 4, 2017 were approved on consent on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.
2. Approve an ordinance authorizing execution of the first amendment to a settlement agreement relating to the development of property located at 5330 Bluffstone Lane.
Ordinance No. 20170511-002 was approved on consent on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

Item 3 was pulled for discussion.

4. Approve an ordinance authorizing acceptance of \$400,000 in grant funds from the Texas Commission on Environmental Quality; amending the Fiscal Year 2016-2017 Fleet Services Department Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to appropriate these funds; and amending the Fiscal Year 2016-2017 Fleet Services Department Capital Budget (Ordinance No. 20160914-002) to transfer in and appropriate \$400,000 from the Fleet Services Department Operating Budget Special Revenue Fund for the upgrade and expansion to the existing Compressed Natural Gas fueling station.
Ordinance No. 20170511-004 was approved on consent on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

5. Approve a resolution consenting to Travis County Water Control & Improvement District No. 18's annexation of 60 out-of-district water customer properties currently in Austin's extraterritorial jurisdiction, adjacent to Council District 10.
Resolution No. 20170511-005 was approved on consent on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.
6. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
The following appointments and certain related waivers were approved on consent on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

Airport Advisory Commission

Billy Owens

Council Member Houston

Commission on Seniors

Josue Guillen

Council Member Houston

Construction Advisory Committee

R. Carson Fisk

Council Member Alter

Human Rights Commission

Joe Miguez

Council Member Alter

South Central Waterfront Advisory Board

Susana Almanza

Community Development Commission

Municipal Civil Service Commission Chair

Pamela Lancaster

Municipal Civil Service Commission

7. Approve a resolution directing the City Manager to draft code amendments to add electronic smoking devices to City Code Chapter 10-6 (Smoking in Public Places) and to clarify related definitions. (Notes: SPONSOR: Council Member Ora Houston CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Alison Alter CO 3: Council Member Ann Kitchen CO 4: Council Member Delia Garza)
Resolution No. 20170511-007 was approved on consent on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.
8. Approve a resolution directing the City Manager to explore and report on options related to the drainage charge to individually bill customers in certain multifamily properties and on the feasibility of implementing a discount or billing cap for certain elderly and fixed-income customers. (Notes: SPONSOR: Council Member Jimmy Flannigan CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Ora Houston CO 3: Council Member Alison Alter)
This item was withdrawn on consent on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

Item 9 was pulled for discussion.

10. Set a public hearing regarding Texas Gas Service's proposal to increase customer gas rates. (Suggested date and time June 8, 2017; 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 8, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.
11. Set a public hearing regarding CenterPoint's proposal to increase customer gas rates. (Suggested date and time June 15, 2017 at 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX)
The public hearing was set on consent for June 15, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.
12. Set a public hearing to consider an ordinance amending City Code Chapter 25-12, Article 12 (Energy Code), relating to regulations for solar ready provisions in the construction of new residential and commercial buildings (Suggested date and time: June 15, 2017, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 15, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.
13. Set a public hearing regarding Oncor Electric's proposal to increase customer electric utility rates. (Suggested date and time August 10, 2017; 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 10, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

Items 14 through 21 were Executive Session Items.

Item 22 was a Zoning Ordinance / Restrictive Covenant Item (HEARINGS CLOSED).

Items 23 and 24 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Item 25 was a public hearing item set for 2:00 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

23. C14-2017-0026 – Bouldin Creek Neighborhood Plan Area-Wide Neighborhood Plan Amendment to Add Garage Placement Design Tool -- Conduct a public hearing to approve an ordinance amending Ordinance No. 20020523-33, the Bouldin Creek Neighborhood Plan zoning ordinance, an element of the Imagine Austin Comprehensive Plan, to adopt the Garage Placement design tool for Single-Family, Duplex, and Two-Family Residential uses (Sec. 25-2-1604) area wide in this planning area. Staff Recommendation: To recommend adoption of the Garage Placement Design tool. Applicant: Bouldin Creek Neighborhood Plan Contact Team (Sean Kelly, Chair/Stuart Hampton, Previous Chair). City Staff: Andrew Moore, (512) 974-7604.

This item was postponed to June 8, 2017 at the request of staff on Council Member Houston's motion, Council Member Alter's second on an 11-0 vote.

24. NPA-2017-0013.01 – Bouldin Creek Neighborhood Plan Area-Wide Neighborhood Plan Amendment to Add Garage Placement Design Tool - Conduct a public hearing to approve an ordinance amending Ordinance No. 20020523-32, the Bouldin Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to adopt the Garage Placement design tool for Single-Family, Duplex, and Two-Family Residential uses (Sec. 25-2-1604) area wide in this planning area. If adopted, text will be added to the plan document with general information on Section 24-2-1604. Staff Recommendation: To recommend adoption of the Garage Placement Design tool. Applicant: Bouldin Creek Neighborhood Plan Contact Team (Sean Kelly, Chair/Stuart Hampton, Previous Chair). City Staff: Maureen Meredith, (512) 974-2695.
- This item was postponed to June 8, 2017 at the request of staff on Council Member Houston's motion, Council Member Alter's second on an 11-0 vote.**

DISCUSSION ITEMS

3. Approve an ordinance amending the Fiscal Year 2016-2017 Budget Stabilization Reserve Fund Operating Budget (Ordinance No. 20160914-001) to transfer out \$3,500,000 to the General Fund; and amending the General Fund Operating Budget (Ordinance No. 20160914-001) to increase the transfer in by \$3,500,000 from the Budget Stabilization Reserve Fund; and appropriating \$3,500,000 to increase expenditures in the Austin Fire Department Operating Budget (Ordinance No. 20160914-001) to provide additional overtime funds that are needed due to the high number of sworn fire vacancies and the requirement to maintain four-person staffing requirements.
- This item was postponed to May 18, 2017 on Council Member Alter's motion, Council Member Flannigan's second on a 10-1 vote. Council Member Garza voted nay.**

Direction was given to staff to provide the following information: the total number of hours of overtime being funded by this transfer; how many hours and what is the average hourly rate; how many hours and the dollar amount that this translates per person on the force; has this been a trend and for how long has this overtime been a trend; what are the opportunity costs and budget implications with approving this request.

9. Approve a resolution directing the City Manager to create a Student Commission, which will make recommendations to Council on topics that affect or have particular relevance to the higher-education student population. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Leslie Pool)
- A motion to approve the resolution was made by Mayor Pro Tem Tovo and seconded by Council Member Houston.**

The following amendment was made by Council Member Flannigan and seconded by Council Member Casar. The amendment was to revise the Be it Resolved clause to read: "The City Manager is directed to process amendments to City Code Chapter 2-1 brought by the City Council, relating to formation of an advisory board to be designated the Student Advisory Commission, and relating to the composition, functions, duties, and conduct of such commission." The amendment was later withdrawn without objection:

An amendment striking the following language in the Be It Further Resolved clause "The City Manager is directed to request" and replace it with "The City Manager is directed to consider approaches to composition of the commission, including requesting that

administrators...” was made by Council Member Kitchen, seconded by Council Member Casar. The amendment was accepted without objection.

An amendment to revise the Be It Further Resolved clause by replacing the language “each identify two student representatives” and replace it with “each identify two student representatives and the student government organizations on each campus identify one” was made by Mayor Pro Tem Tovo. The amendment was accepted without objection.

Resolution No. 20170511-009 was approved as amended above on Mayor Pro Tem Tovo’s motion, Council Member Houston’s second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

22. C14-2016-0071 - 1301 West Koenig Rezoning - District 7 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1301 West Koenig Lane (Shoal Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning, with conditions. First Reading approved on April 20, 2017. Vote: 11-0. Owner: Hardeman Family Joint Venture, Ltd. (Bryan Hardeman). Applicant: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719.

Ordinance No. 20170511-022 was approved for multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning, with conditions on Council Member Pool’s motion, Council Member Kitchen’s second on an 11-0 vote.

Council Member Alter requested that staff follow-up with her office to provide additional information on the traffic issue related to Sunshine Drive and Koenig.

Mayor Adler recessed the Council Meeting to go into Executive Session at 3:23 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.

14. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
15. Evaluate the performance of, and consider compensation and benefits for, the City Clerk (Personnel matters, Section 551.074 of the Government Code).
16. Evaluate the performance of, and consider compensation and benefits for, the City Auditor (Personnel matters, Section 551.074 of the Government Code).

17. Evaluate the performance of, and consider compensation and benefits for, the Clerk of the Austin Municipal Court (Personnel matters, Section 551.074 of the Government Code).
18. Evaluate the performance of, and consider compensation and benefits for, the Interim City Manager (Personnel matters, Section 551.074 of the Government Code).
This item was withdrawn without objection.
19. Discuss legal issues related to Montez v. City of Austin, Cause No. D-1-GN-15-005354 in the 201st Judicial District for Travis County, Texas (Private consultation with legal counsel—Section 551.071).
This item was withdrawn without objection.
20. 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.
21. 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.

Executive session ended and Mayor Adler reconvened the meeting at 5:06 p.m.

PUBLIC HEARINGS

25. Conduct a public hearing and consider an appeal of the decision of the Historic Landmark Commission to grant a demolition permit for property located at 1207 W. 22½ Street and 1209 W. 22½ Street. (HDP-2016-0468 and HDP-2016-0469) (District 9)
The public hearing was conducted and a motion to postpone the item to May 18, 2017 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.

Mayor Adler adjourned the meeting at 5:22p.m. without objection.

The minutes were approved on this the 18th day of May 2017 on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.