

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 19, 2017**

Invocation: Reverend Madeline Hawley, St. Christopher's Episcopal 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, October 19, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:18 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of October 10, 2017, and regular meeting of October 12, 2017.
The minutes from the City Council work session of October 10, 2017 and regular meeting of October 12, 2017 were approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
2. Authorize the negotiation and execution of a cost participation agreement with the Austin Community College District for the City to reimburse the Austin Community College District for an amount not to exceed \$1,460,660 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3145 that will provide wastewater service to a proposed mixed-use development located at 5900 Airport Boulevard.
This item was postponed indefinitely on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
3. Authorize award and execution of a construction contract with AAR, INC. for the Flood Hazard Mitigation Buyouts Indefinite Delivery/Indefinite Quantity in the amount of \$2,000,000 for an initial two-year term, with two one-year extension options of \$500,000, for a total contract amount not to exceed \$3,000,000. (Note: This contract will be awarded in compliance with 49 CFR Part 26 (Disadvantaged Business Enterprise Program) by meeting the goals with 10.00% DBE participation.). District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10.
The motion authorizing award and execution of a construction contract with AAR, Inc. was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.

4. Authorize the use of the design-build method of contracting in accordance with Texas Government Code Chapter 2269 for design and construction services for the Austin Fire Departments Locker Room Project Phase 6: Stations 2, 9, 10, 11, 12 and 16. (Note: MBE/WBE goals will be established prior to issuance of this solicitation.) District(s) Affected: District 3, District 5, District 7, District 9, District 10.

The motion authorizing the use of the design-build method of contracting in accordance with Texas Government Code Chapter 2269 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

5. Authorize additional contingency funding for the construction contract with Spawglass Contractors Inc., for the Animal Center Kennel Addition and Campus Infrastructure Improvements Project in the amount of \$50,000 for a total amount not to exceed \$6,808,000. (Note: This change order will be awarded in compliance with City Code Chapter 2-9A (Minority and Women Owned Business Enterprise Procurement Program). Current participation to date is 4.96% MBE and 5.80% WBE.). District(s) Affected: District 3.

The motion authorizing additional contingency funding for the construction contract with Spawglass Contractors Inc. was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

6. Approve first reading of an ordinance relating to the 2015 International Property Maintenance Code and local amendments.

This item was withdrawn on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

7. Approve an ordinance relating to the use of sound equipment by certain businesses located on Red River Street. District(s) Affected: District 9.

Ordinance No. 20171019-007 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

Direction was given to staff to bring back further discussions on the program including additional extensions to Council in February 2018.

Items 8 and 9 were pulled for discussion.

10. Approve a resolution confirming the appointment of Jolsna Thomas to the Firefighters', Police Officers', and Emergency Medical Services Personnel's Civil Service Commission.

Resolution No. 20171019-010 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

11. Approve a resolution authorizing negotiation and execution of contracts for state agency and legislative representation services for a total combined amount not to exceed \$570,000.

Resolution No. 20171019-011 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.

12. Approve a resolution authorizing negotiation and execution of contracts for federal agency and legislative representation services for a total combined amount not to exceed \$174,000.

Resolution No. 20171019-012 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.

13. Authorize negotiation and execution of an amendment to the legal services agreement with Max Renea Hicks for legal services related to Reagan National Advertising, Inc. v. City of Austin, Cause No. 03-15-00370-CV in the Third Court of Appeals, Austin in an amount of \$44,000 for a total contract amount not to exceed \$96,875.
The motion authorizing negotiation and execution of an amendment to the legal services agreement with Max Renea Hicks was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.
14. Approve a resolution to be submitted to the Texas Department of Housing and Community Affairs by the Austin Geriatric Center, Inc., or an affiliated entity, supporting an allocation of low income housing tax credits for the rehabilitation and new construction of senior housing units at the Rebekah Baines Johnson Center, and acknowledging that the City has more than twice the state average of units per capita supported by low income housing tax credits or private activity bonds at the time of application. District(s) Affected: District 3.
Resolution No. 20171019-014 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
15. Authorize negotiation and execution of an encroachment agreement with 405 Colorado Holdings, L.P., a Delaware limited partnership for the aerial encroachment of right-of-way by a proposed canopy and building structure at the intersection of West 4th Street and Colorado Street, located at 405 Colorado Street. District(s) Affected: District 9.
The motion authorizing negotiation and execution of an encroachment agreement with 405 Colorado Holdings, L.P. was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
16. Authorize negotiation and execution of a contract with GateKeeper Systems, Inc., to provide a ground transportation management system, for a term of three years in an amount not to exceed \$310,000. (Sole source contracts are exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).
The motion authorizing negotiation and execution of a contract with GateKeeper Systems, Inc. was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair abstained.
17. Authorize negotiation and execution of a contract with The Trustees of the University of Pennsylvania, to provide deoxyribonucleic acid (DNA) consulting services, for a term of one year in an amount not to exceed \$400,000. (This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C, Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established.).
The motion authorizing negotiation and execution of a contract with The Trustees of the University of Pennsylvania was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

Item 18 was pulled for discussion.

Action was taken on Item 19 but reconsidered later in the meeting.

20. Approve the third reading of an ordinance granting a franchise agreement to Oncor Electric Delivery Company LLC for use of the City's rights of way for placing facilities or equipment to provide electric utility services within Oncor's certificated area.
This item was withdrawn on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
21. Approve issuance of a street closure permit and waiver of the signature requirements under Code Sections 14-8-3 and 14-8-15(B) for the Austin Marathon, to be held on Sunday, February 18, 2018, from 7:00 am to 2:00 pm. District(s) Affected: District 1, District 3, District 9, District 10.
The motion approving issuance of a street closure permit and waiver of the signature requirements under Code Section 14-8-3 and 14-8-15(B) for the Austin Marathon was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
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 consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

Board/Nominee**Nominated by**

Anti-Displacement Task Force
Jonathan Davis

Council Member Garza

Anti-Displacement Task Force
Juliana Gonzalez

Council Member Kitchen

Community Technology and Telecommunications Commission
Amber Allen

Mayor Adler

Urban Renewal Board
Jana Ortega

Mayor Adler

Intergovernmental Bodies

Housing Authority of the City of Austin
Charles Bailey

Mayor Adler

Housing Authority of the City of Austin
Carl Richie, Jr.

Mayor Adler

Waivers

There are no waivers at this time.

Council Subcommittee's

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

Judicial Committee: Council Member Casar, Council Member Flannigan, Council Member Garza, Council Member Pool

The appointments for the Audit and Finance Committee and the Judicial Committee were withdrawn.

Item 23 was pulled for discussion.

24. Approve an ordinance amending City Code Chapter 2-1 relating to the Joint Inclusion Committee. Council Sponsors: Council Member Jimmy Flannigan, Council Member Sabino 'Pio' Renteria, Council Member Ellen Troxclair, Council Member Ann Kitchen.
Ordinance No. 20171019-024 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

25. Approve a resolution relating to the compensation and benefits for the City Manager. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, Council Member Ora Houston.
Resolution No. 20171019-025 was approved as amended below on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

An amendment to revise the resolution to include the effective date of November 26, 2017 and the annual acting salary of \$306,233 was made by Mayor Adler. The amendments were accepted without objection.

26. Approve a resolution relating to the compensation and benefits for the City Auditor. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, Council Member Ora Houston.
Resolution No. 20171019-026 was approved as amended below on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

An amendment to revise the resolution to include the effective date of November 26, 2017 and the annual acting salary of \$163,030 was made by Mayor Adler. The amendments were accepted without objection.

27. Approve a resolution relating to the compensation and benefits for the City Clerk. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, Council Member Ora Houston.
Resolution No. 20171019-027 was approved as amended below on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

An amendment to revise the resolution to include the effective date of November 26, 2017 and the annual acting salary of \$136,510 was made by Mayor Adler. The amendments were accepted without objection.

28. Approve an ordinance relating to the compensation and benefits for the Municipal Court Clerk. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, Council Member Ora Houston.
Ordinance No. 20171019-028 was approved as amended below on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

An amendment to revise the resolution to include the effective date of November 26, 2017 and the annual acting salary of \$133,286 was made by Mayor Adler. The amendments were accepted without objection.

29. Approve a resolution relating to Austin Energy's credit security policy. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Ora Houston, Council Member Delia Garza, Council Member Leslie Pool.
Resolution No. 20171019-029 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
30. Approve an ordinance waiving or reimbursing certain fees for the Archer's Downtown Austin Challenge, sponsored by Archer's Challenge, which will be held on Friday October 20, 2017 at Republic Square. Council Sponsors: Council Member Ellen Troxclair, Mayor Steve Adler, Council Member Alison Alter, Council Member Jimmy Flannigan.
Ordinance No. 20171019-030 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
31. Set a public hearing to consider an ordinance adopting the tenth modification to the East 11th and 12th Streets Urban Renewal Plan, to amend site development standards for properties located on the south side of East 12th Street between Comal Street and Poquito Street and the property located at 1425 East 12th Street. (Suggested date and time: November 2, 2017, 2:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for November 2, 2017, 2:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
32. Set a public hearing regarding an application to be submitted to the Texas Department of Housing and Community Affairs by Pathways at Chalmers Courts South, LP, or an affiliated entity, for the new construction of an affordable multi-family development to be known as the Pathways at Chalmers Courts South, located at the Southwest Corner of East 3rd Street and Chalmers Avenue. (Suggested date and time: November 9, 2017 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.). District(s) Affected: District 3.
The public hearing was set on consent for November 9, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
33. Set a public hearing to consider for approval the proposed amendments to the Citizen Participation Plan for public input required for reports to the US Department of Housing and Urban Development (Suggested date and time: November 9, 2017, 4:00 pm, at Austin City Hall, 301 W. Second Street, Austin, Texas).
The public hearing was set on consent for November 9, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.
34. Set a public hearing regarding an application to be submitted to the Texas Department of Housing and Community Affairs by Elysium Grand, LP, or an affiliated entity, for the new construction of an affordable multi-family development to be known as the Elysium Grand, located at 3300 Oak Creek Drive. (Suggested date and time: November 9, 2017 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.). District(s) Affected: District 7.

The public hearing was set on consent for November 9, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

Item 58 was pulled for discussion.

59. Authorize execution of an amendment to a legal services contract with Elana Einhorn for legal representation in connection with National Media Corporation et al. v. City of Austin, Cause No. D-1-GN-10-003997, in an amount not to exceed \$60,000, for a total contract amount not to exceed \$156,600.

The motion authorizing execution of an amendment to a legal services contract with Elana Einhorn was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.

60. Approve negotiation and execution of an agreement with Foundation Communities, Inc. for the provision of health insurance-related services for a twelve-month term through September 30, 2018 in an amount not to exceed \$125,000, with two 12-month renewal options in an amount not to exceed \$125,000 per renewal option, for a total agreement amount not to exceed \$375,000.

The motion approving negotiation and execution of an agreement with Foundation Communities, Inc. was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.

61. Approve a resolution to be submitted to the Texas Department of Housing and Community Affairs by Austin DMA Housing III, LLC, or an affiliated entity, supporting an allocation of low income housing tax credits for new construction of senior housing to be known as The Nightingale and located at 5900 Charles Merle Drive in the Goodnight Ranch Planned Unit Development, and acknowledging that the City of Austin has more than twice the state average of units per capita supported by low income housing tax credits or private activity bonds at the time of application.

Resolution No. 20171019-061 was approved on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

Item 35 was the Austin Housing and Finance Corporation Meeting set for 10:30 a.m.

Items 36 through 43 were Executive Session Items.

Items 44 and 49 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Items 50 through 57 were public hearing items set for 4:00 p.m.

Items 58 through 62 were Addendum Consent items.

Item 62 was a Council Committee item.

DISCUSSION ITEMS

Items 8 and 9 were acted on in a combined motion.

8. Authorize negotiation and execution of an amendment to a parking agreement with UP Schneider, L.P., related to parking privileges for retail patrons and employees of 401 West 2nd Street

parking in the City Hall garage. District(s) Affected: District 9.

This item was postponed to November 9, 2017 on Mayor Pro Tem Tovo's motion, Council Member Casar's second on a 10-1 vote. Council Member Flannigan voted nay.

9. Authorize negotiation and execution of a parking agreement with AMLI Austin Retail, L.P., AMLI Downtown Austin, L.P., and PPF AMLI 421 West 3rd Street, L.P. related to parking privileges for retail patrons, employees, and valet operations connected with 2nd Street retail businesses, in parking garages owned by the City and AMLI entities. District(s) Affected: District 9.

This item was postponed to November 9, 2017 on Mayor Pro Tem Tovo's motion, Council Member Casar's second on a 10-1 vote. Council Member Flannigan voted nay.

18. Approve an ordinance amending City Code Chapter 2-7, Article 6 relating to anti-lobbying and procurement.

This item was postponed to November 9, 2017 on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

Direction was given to staff to revise the Biosolids solicitation due date from November 7, 2017 to November 14, 2017.

58. Approve a payment of a judgment in an amount not to exceed \$226,000 in Reagan National Advertising, Inc. v. City of Austin, D-1-GN-14-003594 in the 201st Judicial District of Travis County.

The motion to settle the above referenced lawsuit in an amount not to exceed \$226,000 was approved on Council Member Renteria's motion, Council Member Pool's second on an 11-0 vote.

23. Approve a resolution initiating a code amendment relating to the Central Urban Redevelopment (CURE) combining district to improve its alignment with Imagine Austin and eliminate its applicability east of IH-35 and East Avenue. Council Sponsors: Council Member Ora Houston, Council Member Ann Kitchen, Council Member Leslie Pool, Mayor Pro Tem Kathie Tovo, Council Member Renteria.

The motion to approve the resolution was made by Council Member Houston and seconded by Council Member Renteria.

A friendly amendment was made by Council Member Renteria to revise the last Be It Further Resolved clause to read: "CURE does not apply east of IH-35." The friendly amendment was accepted without objection.

A friendly amendment was made by Council Member Houston to add a new Be It Further Resolved clause to read: "The City Manager is directed to bring the above code amendments back to the City Council by the last City Council meeting of January of 2018." The friendly amendment was accepted without objection.

Resolution No. 20171019-023 was approved as amended above on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote.

CITIZENS COMMUNICATIONS: GENERAL

Shirlene Justice – National Lights on after school day on behalf of Learn All the Time Network.

Olivia Overturf – Cultural art funding, Art in Public Places funding, and equity in both programs.

Frank Harren – CodeNEXT.

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:17 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

36. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
37. Discuss personnel issues related to the search for and appointment of a new city manager (Personnel matters - Section 551.074 of the Government Code.)
This item was withdrawn without objection.
38. Discuss legal issues related to English v. City of Austin, Cause No. D-1-GN-15-002015 in the 345th Judicial District of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
39. Consider compensation and benefits for the City Manager (Personnel matters - Section 551.074 of the Government Code).
This item was withdrawn without objection.
40. Consider compensation and benefits for the City Clerk (Personnel matters - Section 551.074 of the Government Code).
This item was withdrawn without objection.
41. Consider compensation and benefits for the City Auditor (Personnel matters - Section 551.074 of the Government Code).
This item was withdrawn without objection.
42. Consider compensation and benefits for the Municipal Court Clerk (Personnel matters - Section 551.074 of the Government Code).
This item was withdrawn without objection.
43. Discuss legal issues related to City of Austin 2017 labor negotiations concerning employees in the EMS department (Private consultation with legal counsel - Section 551.071 of the Government Code).

Executive Session ended and Mayor Adler reconvened the meeting at 2:49 p.m.

DISCUSSION ITEMS CONTINUED

62. Approve an audit plan for the City Auditor for Fiscal Year 2018. Council Sponsors: Audit and Finance Committee.
The motion to approve version 3 of the City Auditor's Fiscal Year 2018 Audit Plan was approved on Council Member Alter's motion, Council Member Houston's second on an 11-0 vote.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 2:54 p.m. See separate minutes.

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

Mayor Adler called the Council Meeting back to order at 3:04 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

44. NPA-2017-0026.01 - Georgian Acres Neighborhood Park - District 4 -Conduct a public hearing to approve an ordinance amending Ordinance No. 20100624-110, the North Lamar Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 500 E. Powell Lane (Little Walnut Creek) from Commercial to Recreation and Open Space land use. Staff Recommendation: To grant Recreation and Open Space land use. Planning Commission Recommendation: To grant Recreation and Open Space land Use. Owner/Applicant: City of Austin, Parks and Recreation Department. Agent: Gregory Montes, Parks and Recreation Department. City Staff: Maureen Meredith, 512-974-2695. District(s) Affected: District 4.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171019-044 to change the land use designation on the future land use map (FLUM) to Recreation and Open Space land use was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.
45. C14-2017-0089 - Georgian Acres Neighborhood Park - District 4 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 500 East Powell Lane (Little Walnut Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Owner/Applicant: City of Austin Park & Recreation Department (Gregg Montes). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 4.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171019-045 for public-neighborhood plan (P-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.
46. NPA-2016-0016.01 - 3212 E. Cesar Chavez Street - District 3 - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3212 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed) from Commercial and Industry land uses to Multifamily and Mixed Use land uses. Staff

Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Painter Enterprises, a Texas Corporation. Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, 512-974-2695. District(s) Affected: District 3.

This item was postponed to November 9, 2017 at the request of the applicant on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.

47. C14-2016-0079 - 3212 E. Cesar Chavez Street - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3212 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to multifamily residence- highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner: Painter Enterprises Inc. (Donald E. Painter). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

This item was postponed to November 9, 2017 at the request of the applicant on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.

48. C14-2017-0022 - Bluff Springs Commercial - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6901 and 7001 Bluff Springs Road (Williamson Creek Watershed; South Boggy Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on October 17, 2017. Owner/Applicant: Buda Bluff, LLC (Salim Haddad). Agent: South Llano Strategies (Glen Coleman). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

This item was postponed to December 7, 2017 at the request of staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.

49. C14-2017-0042 - 12602 Blackfoot Trail - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6610 McNeil Drive/12602 Blackfoot Trail (Rattan Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to general commercial-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning for Tract 1 and community commercial-mixed use-conditional overlay combining (GR-MU-CO) district zoning for Tract 2. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

A motion to approve the ordinance on first reading only for community commercial mixed-use (GR-MU) district zoning was made by Council Member Flannigan and seconded by Council Member Renteria.

An amendment to include the additional conditions approved by the Zoning and Platting Commission as well as an additional conditional to prohibit liquor sales as an accessory use to food sales was made by Council Member Pool and seconded by Mayor Pro Tem Tovo.

A motion was to divide the question was accepted without objection.

An amendment to include the additional conditions approved by the Zoning and Platting Commission failed on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 3-8 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Kitchen and Pool. Those voting nay were: Mayor Adler, Council Members Alter, Casar, Flannigan, Garza, Houston, Renteria, and Troxclair.

An amendment to prohibit liquor sales as an accessory use to food sales failed on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 4-7 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Kitchen, and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Renteria, and Troxclair.

The ordinance was approved on first reading only for community commercial mixed-use (GR-MU) district zoning on Council Member Flannigan's motion, Council Member Renteria's second on an 8-3 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, Council Members Alter and Pool.

Direction was given to staff to bring the item back for Council approval at the same time as the public restrictive covenant. Council Member Flannigan expressed his intent to request that Council prohibit access to Blackfoot Trail through a public restrictive covenant.

DISCUSSION ITEMS CONTINUED

19. Approve the third reading of an ordinance granting a franchise agreement to Oncor Electric Delivery Company LLC for use of the City's rights of way for placing facilities or equipment to provide electric utility services within Oncor's certificated area.
This item was postponed to November 9, 2017 on consent on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

A motion to reconsider item 19 and postpone the item to December 7, 2017 was approved on Council Member Garza's motion, Council Member Renteria's second on an 11-0 vote.

PUBLIC HEARINGS

51. Conduct a public hearing and consider an ordinance authorizing execution of an agreement with Austin Independent School District establishing site development standards and allowing transfers of impervious cover for redevelopment of school campuses within the Barton Springs Zone (This action concerns land located within the Barton Springs Zone).
This item was postponed to November 9, 2017 at the request of staff on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote.

50. Conduct a public hearing and approve a resolution designating service areas and land use assumptions for street impact fees as required by Chapter 395 of Texas Local Government Code. **The motion to approve the resolution was made by Mayor Adler and seconded by Council Member Alter. The motion was later withdrawn.**

The public hearing was conducted and a motion to close the public hearing was made by Council Member Flannigan and seconded by Council Member Houston. The motion was accepted without objection.

No action occurred on the resolution.

53. Conduct a public hearing for the full-purpose annexation of the Mooreland Addition annexation area (approximately 34 acres in southwestern Travis County east of the intersection of Manchaca Road and Mooreland Drive; contiguous to District 5). District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing was made by Council Member Flannigan and seconded by Council Member Houston. The motion was accepted without objection.

52. Conduct a public hearing for the full-purpose annexation of the River Place Outparcels annexation area (approximately 212 acres in northwestern Travis County adjacent to the boundary of the River Place Municipal Utility District and the city's full-purpose jurisdiction; contiguous to District 6). District(s) Affected: District 6.

The public hearing was conducted and a motion to close the public hearing was made by Council Member Houston and seconded by Council Member Alter. The motion was accepted without objection. Council Member Casar was off the dais.

54. Conduct a public hearing for the full-purpose annexation of the HOLT CAT Subdivision annexation area (approximately 27 acres in southern Travis County along IH-35 approximately three-tenths of a mile south of Slaughter Lane; contiguous to District 5). District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing was made by Council Member Flannigan and seconded by Council Member Garza. The motion was accepted without objection. Council Member Casar was off the dais.

55. Conduct a public hearing and consider a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by Austin DMA Housing III, LLC, or an affiliated entity, for a proposed affordable multi-family development for seniors to be known as The Nightingale and located at 5900 Charles Merle Drive in the Goodnight Ranch Planned Unit Development. (District 2)

The public hearing was conducted and a motion to close the public hearing was made by Council Member Flannigan and seconded by Council Member Garza. The motion was accepted without objection. Council Member Casar was off the dais.

Resolution No. 20171019-055 was approved on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Casar was off the dais.

56. Conduct a public hearing and consider a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by the Austin Geriatric Center, Inc., or an affiliated entity, for the rehabilitation of the senior housing units in the Rebekah Baines Johnson

Center and the development of additional new affordable senior housing at the site, located at 21 Waller Street. District(s) Affected: District 3.

The public hearing was conducted and a motion to close the public hearing was made by Council Member Renteria and seconded by Council Member Flannigan. The motion was accepted without objection. Council Member Casar was off the dais.

Resolution No. 20171019-055 was approved on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Casar was off the dais.

57. Conduct a public hearing and consider an ordinance on first reading regarding the renewal of a non-emergency medical transfer franchise to Acadian Ambulance Service, Inc. under City Code Chapter 10-2.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171019-057 was approved on Council Member Houston's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Mayor Adler adjourned the meeting at 5:43 p.m. without objection.

LIVE MUSIC

Indian & The Jones

PROCLAMATIONS

J.A.M.O.N. - Godfather of Austin House Day – To be presented by Mayor Steve Adler and to be accepted by Apostle John Horne

Roosevelt 'Bubba' Stewart Day – To be presented by Council Member Ora Houston and to be accepted by the honoree

Deferred Compensation Day – To be presented by Mayor Steve Adler

National Reuse Day – To be presented by Mayor Steve Adler

Good Food for Austin Day – To be presented by Mayor Steve Adler and to be accepted by Edwin Marty, Food Policy Manager, Office of Sustainability

Feeding the 5,000 Day – To be presented by Mayor Steve Adler

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