

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, DECEMBER 14, 2017****Invocation: Father Kurtis Wiedenfeld, St. Thomas More Catholic 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, December 14, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:28 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council discussion of November 16, 2017, special called of November 20, 2017, special called of November 30, 2017, special called of December 3, 2017, work session of December 5, 2017, and regular meeting of December 7, 2017.
The minutes of the City Council discussion of November 16, 2017, special called meeting of November 20, 2017, special called meeting of November 30, 2017, special called meeting of December 3, 2017, work session of December 5, 2017 and regular meeting of December 7, 2017 were approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
2. Authorize negotiation and execution of a fifth amendment to the interlocal agreement with Travis County for the provision of animal services for a 9-month period beginning January 1, 2018, in an amount not to exceed \$1,658,126.
The motion authorizing negotiation and execution of a fifth amendment to the interlocal agreement with Travis County was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 3 was pulled for discussion.

4. Authorize the negotiation and execution of a wholesale water contract with High Valley Water Supply Corporation located in southwest Travis County.
The motion authorizing negotiation and execution of a wholesale water contract with High Valley Water Supply Corporation was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 5 was pulled for discussion.

6. Authorize negotiation and execution of a professional services agreement with AECOM Technical Services, Inc., (staff recommendation) to provide consulting services for the Austin-Bergstrom International Airport Terminal Centralized Baggage Handling System Design Criteria Manual project in an amount not to exceed \$700,000. (Note: 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 12.11% DBE participation.)
The motion authorizing negotiation and execution of a professional services agreement with AECOM Technical Services, Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.
7. Authorize award and execution of a construction contract with Smith Contracting Co., Inc., for the Upper Boggy Creek Trail Phase 1 project in an amount of \$2,490,028.00, plus a \$249,002.80 contingency, for a total contract amount not to exceed \$2,739,030.80. (Note: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 [Disadvantaged Business Enterprise Program] by meeting the goals with 8.91% DBE participation.) District(s) Affected: District 1. December 12, 2017 - Recommended by the Planning Commission on a vote of 12-0 with Commissioner De Hoyas Hart absent.
The motion authorizing award and execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
8. Authorize award and execution of a construction contract with Cash Construction Company, Inc., for the Bursen Road Pressure Conversion Phase 1 project in the amount of \$4,736,700, plus a \$236,835 contingency, for a total contract amount not to exceed \$4,973,535. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A [Minority Owned and Women Owned Business Enterprise Procurement Program] through the achievements of Good Faith Efforts with 3.06% MBE and 1.11% WBE participation.) District(s) Affected: District 3. December 13, 2017 – Recommended by the Water and Wastewater Commission on a vote of 9-0 with Commissioner Lee recusing and Commissioner Ho absent.
The motion authorizing award and execution of a construction contract with Cash Construction Company, Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.
9. Authorize award and execution of a construction contract with Insituform Technologies, LLC, for the In Situ Wastewater Pipeline Renewal Group B project in the amount of \$2,467,000, plus a \$246,700 contingency, for a total contract amount not to exceed \$2,713,700. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A [Minority Owned and Women Owned Business Enterprise Procurement Program] by meeting the goals with 6.06% MBE and 0.73% WBE). District(s) Affected: District 1, District 3, District 4, District 5, District 7, District 9, District 10.
The motion authorizing award and execution of a construction contract with Insituform Technologies, LLC was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
10. Authorize award and execution of a construction contract with Santa Clara Construction, Ltd., for the Four Points Center Force Main Improvements-Rebid project in the amount of \$869,370.75, plus a contingency in the amount of \$86,937, for a total contract amount not to exceed \$956,307.75. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A [Minority Owned and Women Owned Business Enterprise Procurement Program] by meeting the

goals with 76.93% MBE and 0.94% WBE participation.) District(s) Affected: District 6.
December 13, 2017 – Recommended by the Water and Wastewater Commission on a vote of 10-0 with Commissioner Ho absent.

The motion authorizing award and execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

11. Authorize award and execution of a construction contract with DeNucci Constructors, LLC, for the East Austin Wastewater Line Improvements project in the amount of \$2,178,127, plus a \$217,813 contingency, for a total contract amount not to exceed \$2,395,940. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A [Minority Owned and Women Owned Business Enterprise Procurement Program] by meeting the goals with 6.34% MBE and 1.22% WBE participation.) District(s) Affected: District 1, District 4.

The motion authorizing award and execution of a construction contract with DeNucci Constructors, LLC was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

12. Approve a resolution authorizing a redevelopment exception in the Barton Springs Zone under City Code Section 25-8-26 for the 3.3-acre tract located at 5401 McCarty Lane (AFD Oak Hill Fire and EMS Station) for the redevelopment of an existing civic use. (This action concerns land located within the Barton Springs Zone.) District(s) Affected: District 8.

Resolution No. 20171214-012 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Items 13 and 14 were pulled for discussion.

15. Authorize negotiation and execution of an amendment to the legal services agreement with Robert Icenhauer Ramirez for legal services related to Albina Roque et al v. City of Austin et al, Cause No. 1:17-cv-932 in the United States District Court for the Western District of Texas in an amount of \$103,000 for a total contract amount not to exceed \$162,000.

The motion authorizing negotiation and execution of an amendment to the legal services agreement with Robert Icenhauer Ramirez was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

16. Authorize execution of an amendment to the legal services contract with Richards Rodriguez & Skeith for legal representation in connection with Andrew Garcia v. City of Austin et al, Cause No. 1:17-CV-01052, in an amount not to exceed \$266,000 for a total contract amount not to exceed \$316,000.

The motion authorizing execution of an amendment to the legal services contract with Richards Rodriguez & Skeith was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 17 was pulled for discussion.

18. Discuss and take appropriate action regarding the proposed Meet and Confer Agreement between the City of Austin and the Austin Police Association relating to wages, hours, and terms and conditions of employment for Austin Police Officers.

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

Items 19 and 20 were pulled for discussion.

21. Authorize negotiation and execution of a 48-month lease extension for approximately 1,990 square feet of office and clinic space for Austin Public Health's Women, Infants, and Children program from Travis County Healthcare District d/b/a Central Health, located at 2901 Montopolis Drive, in an amount not to exceed \$75,465.20. District(s) Affected: District 3.
The motion authorizing negotiation and execution of a lease extension from Travis County Healthcare District doing business as Central Health was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
22. Authorize negotiation and execution of a 24-month lease renewal for approximately 3,495 square feet of shared office space for the Austin Police Department, Crisis Intervention Team, located at 4110 Guadalupe Street, Building 631, in Austin, Travis County, Texas, from the Texas Health and Human Services Commission, in an amount not to exceed \$39,072. District(s) Affected: District 9.
The motion authorizing negotiation and execution of a lease renewal from the Texas Health and Human Services Commission was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
23. Authorize negotiation and execution of a 84-month lease for approximately 86,800 square feet of office and warehouse space for the Austin Transportation and Watershed Protection Departments, located at 845 Interchange Boulevard, Suites 103 A & B, in Austin, Travis County, Texas, from GLP US Management LLC, a Delaware limited liability company, for a total amount not to exceed \$7,096,669.60. District(s) Affected: District 3.
The motion authorizing negotiation and execution of a lease from GLP US Management LLC was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
24. Authorize negotiation and execution of a 72-month lease for approximately 24,000 square feet of office and warehouse space for the Fleet Services Department, Make Ready Division, located at 800 Interchange Boulevard, Suite 101, in Austin, Travis County, Texas, from GLP US Management LLC, a Delaware limited liability company, for a total amount not to exceed \$1,574,880. District(s) Affected: District 3.
The motion authorizing negotiation and execution of a lease from GLP US Management LLC was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.
25. Approve adoption of the Aquatic Master Plan as developed by the Parks and Recreation Department.
This item was postponed to February 1, 2018 on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 26 was pulled for discussion.

27. Authorize negotiation and execution of an interlocal grant sub award agreement with the University of Texas at Austin in the amount of \$148,000 for the City of Austin Community Based Crime Reduction Program.
The motion authorizing negotiation and execution of an interlocal grant sub award agreement with the University of Texas at Austin was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 28 was pulled for discussion.

29. Approve an ordinance accepting \$600,636 in grant funds from the U.S. Department of Justice; and amending the FY 2017-2018 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20170913-001 to appropriate \$600,636 for the City of Austin Vision 21: Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm Program.
This item was withdrawn on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
30. Authorize negotiation and execution of a subaward agreement with Measure Austin in the amount of \$146,000 for the City of Austin Vision 21 Program (Law Enforcement and the Communities They Serve: Supporting Collective Healing in the Wake of Harm).
This item was withdrawn on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
31. Approve negotiation and execution of Amendment No. 3 to the agreement with Foundation Communities, Inc. for permanent supportive housing services to increase funding in an amount not to exceed \$241,500 and add a nine-month extension option beginning January 1, 2018, for a total agreement amount not to exceed \$1,288,000.
The motion approving negotiation and execution of amendment number three to the agreement with Foundation Communities, Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
32. Approve negotiation and execution of Amendment No. 2 to the federally funded Emergency Solutions Grant agreement with Front Steps, Inc. for the provision of homeless services for a 12-month term through September 30, 2018 in an amount not to exceed \$249,091, with four 12-month extension options in an amount not to exceed \$50,000 per extension option, for a total agreement amount not to exceed \$549,091.
The motion approving negotiation and execution of amendment number two to the federally funded Emergency Solutions Grant agreement with Front Steps, Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
33. Approve negotiation and execution of an interlocal agreement with Austin Independent School District for the provision of educational and skill-building services in an amount not to exceed \$1,140,000, with four 12-month extension options in an amount not to exceed \$1,000,000 per extension option, for a total contract amount not to exceed \$5,140,000.
The motion approving negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.
34. Approve negotiation and execution of Amendment No. 3 to the agreement with Asian American Resource Center, Inc. for the provision of community health navigation services to Asian American immigrant groups, adding one nine-month extension option beginning January 1, 2018 in an amount not to exceed \$125,000, for a total agreement amount not to exceed \$342,775.
The motion approving negotiation and execution of amendment number three with Asian American Resource Center, Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
35. Approve negotiation and execution of Amendment No. 2 to the agreement with Austin Travis County Mental Health Mental Retardation Center dba Integral Care for the provision of

permanent supportive housing services, adding one nine-month extension option beginning January 1, 2018 in an amount not to exceed \$806,006, for a total agreement amount not to exceed \$3,253,350.

The motion approving negotiation and execution of amendment number two to the agreement with Austin Travis County Mental Health Mental Retardation Center doing business as Integral Care was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

36. Approve negotiation and execution of Amendment No. 11 to the agreement with The Salvation Army for operation of the Austin Shelter for Women and Children, adding funding in an amount not to exceed \$110,726 for the 12-month period ending September 30, 2018, for a total agreement amount not to exceed \$13,830,067.

The motion approving the negotiation and execution of amendment number eleven to the agreement with The Salvation Army was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 37 was pulled for discussion.

38. Approve negotiation and execution of Amendment No. 4 to the 37-month agreement with Austin Independent School District to increase funding for after-school enrichment services in an amount not to exceed \$967,367 for the period September 1, 2015 through September 30, 2018, and increase funding for the three remaining 12-month extension options in an amount not to exceed \$817,367 per extension option, for a total agreement amount not to exceed \$9,041,840.

The motion approving negotiation and execution of amendment number four to the agreement with Austin Independent School District was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

39. Authorize negotiation and execution of an interlocal agreement with the Texas Department of State Health Services to provide an oversampling in Travis County for the Texas Behavioral Risk Factor Surveillance System Survey in an amount not to exceed \$200,000 for the term of November 1, 2017 through September 1, 2020.

The motion authorizing negotiation and execution of an interlocal agreement with the Texas Department of State Health Services was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

40. Approve negotiation and execution of Amendment No. 5 to the agreement with Caritas of Austin, Inc. to increase funding for homelessness prevention and homeless services in an amount not to exceed \$90,299 for the 37-month term ending September 30, 2018, and increase funding for the three extension options in an amount not to exceed \$90,299 per extension option, for a total agreement amount not to exceed \$22,016,802.

The motion approving negotiation and execution of amendment number five to the agreement with Caritas of Austin, Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

41. Approve negotiation and execution of Amendment No. 1 to the agreement with Con Mi Madre for the provision of early intervention and postsecondary preparedness services, in an amount not to exceed \$70,000 for the period January 1, 2018 through December 31, 2018 for a total agreement amount not to exceed \$130,414.

The motion approving negotiation and execution of amendment number one to the agreement with Con Mi Madre was approved on consent on Council Member Alter's

motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

42. Authorize negotiation and execution of a fifth amendment to the interlocal agreement with Travis County for the provision of public health services for a nine-month term beginning January 1, 2018 in an amount not to exceed \$4,403,824.

The motion authorizing negotiation and execution of a fifth amendment to the interlocal agreement with Travis County was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Items 43 and 44 were pulled for discussion.

45. Authorize negotiation and execution of multi-term contracts with American Facilities Services, Inc. and BHW Operating Company, LP, or one of the other qualified offerors to Request for Proposals MDD0102, to provide custodial services, each for up to five years for a total contract amount not to exceed \$4,700,000; divided between the contractors. (This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9 C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.).

This item was postponed to February 1, 2018 on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 46 was pulled for discussion.

47. Authorize negotiation and execution of a contract with Browne, Bortz & Coddington Inc. D/B/A BBC Research and Consulting, or one of the other qualified offerors to Request for Proposals JRH0110, to provide a regional assessment of fair housing, for a term of 14 months for a total contract amount not to exceed \$250,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The subcontracting goals were exceeded and the resulting contract will include 28.00% WBE participation).

The motion authorizing negotiation and execution of a contract with Browne, Bortz & Coddington Inc. doing business as BBC Research and Consulting was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

48. Authorize award and execution of a multi-term contract with Active Campus LLC D/B/A All Campus Security, to provide closed-circuit television cameras and equipment, for up to three years for a total contract amount not to exceed \$456,000. (This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.).

The motion authorizing award and execution of a multi-term contract with Active Campus LLC doing business as All Campus Security was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

49. Authorize an amendment to an existing contract with Cortez Consulting Services, LLC (M/WBE), to provide continued community engagement and outreach services, for an increase in the amount of \$225,000 for up to an additional three years, for a revised contract amount not to

exceed \$450,365. (This contract 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 contract, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.).

The motion authorizing an amendment to an existing contract with Cortez Consulting Services, LLC was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

50. Authorize negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Axon Enterprise, Inc., for body worn camera bundle systems and peripherals, for a term of five years in an amount not to exceed \$6,800,000. (Note: 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 goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established.).

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

51. Authorize award and execution of a contract with Remotec Inc., for an unmanned bomb squad robotic vehicle for the Austin Police Department, in an amount not to exceed \$303,679. (Note: 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 award and execution of a contract with Remotec Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

52. Approve the third reading of an ordinance granting a franchise agreement to SiEnergy to provide natural gas distribution services.

Ordinance No. 20171214-052 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

53. Approve an ordinance suspending a rate increase proposed by CenterPoint Energy Resources Corporation for natural gas services.

Ordinance No. 20171214-053 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

Item 54 was pulled for discussion.

55. Authorize payment of the City's membership fees for Fiscal Year 2017-2018 to the Greater Austin-San Antonio Corridor, which promotes the region's economic development, in an amount not to exceed \$100,000.

The motion authorizing payment of the City's membership fees for Fiscal Year 2017-2018 to the Greater Austin-San Antonio Corridor was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

Item 56 was pulled for discussion.

57. Authorize award and execution of a construction contract with DeNucci Constructors, LLC for the 2016 Bond - ATD Bolt Down Device Indefinite Delivery/Indefinite Quantity project in the

amount of \$450,000 for an initial two-year term, with two one-year extension options of \$200,000, for a total contract amount not to exceed \$850,000. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A [Minority Owned and Women Owned Business Enterprise Procurement Program] through the achievement of Good Faith Efforts.) 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 DeNucci Constructors, LLC was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

58. Approve a resolution authorizing the issuance by Pilot Knob Municipal Utility District No. 3 ('District') of Unlimited Tax Bonds, Series 2017, in an amount not to exceed \$4,200,000.
Resolution No. 20171214-058 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 59 was pulled for discussion.

60. Approve a resolution adopting goals for the Municipal Court of the City of Austin and directing the Municipal Court Presiding Judge and Municipal Court Clerk to develop metrics to measure those goals. Council Sponsors: Council Member Jimmy Flannigan, Council Member Leslie Pool, Council Member Gregorio Casar, Council Member Delia Garza, Mayor Steve Adler.
Resolution No. 20171214-060 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 61 was pulled for discussion.

62. Approve a resolution directing the City Manager to create a plan to periodically assess existing City regulations and rules. Council Sponsors: Council Member Delia Garza, Council Member Gregorio Casar, Council Member Jimmy Flannigan, Council Member Ellen Troxclair.
This item was postponed to February 1, 2018 on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
63. Approve a resolution directing the City Manager to postpone implementation of certain Parks and Recreation Department Fee Schedule changes and engage with stakeholders to mitigate the negative impacts of those changes. Council Sponsors: Council Member Ann Kitchen, Mayor Steve Adler, Council Member Ellen Troxclair, Council Member Ora Houston.
This item was withdrawn on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
64. Approve an ordinance waiving or reimbursing certain fees and certain requirements for the Partners in Parenting When I Grow Up Festival, sponsored by Partners in Parenting, held at the Asian American Resource Center, which will be held on Sunday, January 14, 2018. Council Sponsors: Council Member Ann Kitchen, Mayor Steve Adler, Council Member Delia Garza, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool.
Ordinance No. 20171214-064 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.
65. Approve an ordinance waiving and modifying certain City Code requirements for the South by Southwest conferences and festival (SXSW) to be held March 9-18, 2018. Council Sponsors: Mayor Steve Adler, Council Member Leslie Pool, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Kathie Tovo.

Ordinance No. 20171214-065 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Items 66 through 68 were pulled for discussion.

Items 87 through 91 were pulled for discussion.

92. Discussion and possible action regarding the potential use of identified city-owned sites, to include underutilized parkland, for a Major League Soccer stadium and practice fields/ancillary uses that could serve an MLS team and the surrounding community.

This item was postponed to February 15, 2018 on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 93 was pulled for discussion.

94. Authorize negotiation and execution of a contract through the State of Texas Department of Information Resources with Axon Enterprise, Inc., for body worn camera bundle systems and peripherals including ongoing maintenance, support, and storage, for up to 10 years for a total contract amount not to exceed \$10,753,379. (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 goods and 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 through the State of Texas Department of Information Resources with Axon Enterprise, Inc. was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Item 95 was pulled for discussion.

96. Approve an ordinance amending City Code Chapter 25-7 to establish interim development regulations to mitigate drainage impacts within the area of the South Lamar Neighborhood bound by Oltorf, Union Pacific railroad, Highway 290, and South Lamar/Manchaca; waiving Section 25-1-502; and declaring an emergency. Council Sponsors: Council Member Ann Kitchen, Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool.

Ordinance No. 20171214-096 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

97. Approve an ordinance waiving certain fees for the Salvation Army proposed women and children's shelter. Council Sponsors: Council Member Ann Kitchen, Council Member Leslie Pool, Mayor Pro Tem Kathie Tovo, Mayor Steve Adler.

Ordinance No. 20171214-097 was approved on consent on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Items 98 and 99 were pulled for discussion.

DISCUSSION ITEMS

59. 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 were approved on Council Member Pool's motion, Council Member Flannigan's second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

Arts Commission

Renee Rice

Council Member Kitchen

Electric Utility Commission

Marty Hopkins

Council Member Casar

Electric Utility Commission

Susanne Vaughan

Council Member Troxclair

Environmental Commission

Kathleen Coyne

Council Member Flannigan

Historic Landmark Commission

David Peyton II

Council Member Kitchen

Joint Sustainability Commission

Holt Lackey

Economic Prosperity Commission

Mexican American Cultural Center Advisory Board

David Goujon

Council Member Kitchen

Parks & Recreation Board

Frank Ward

Council Member Troxclair

Resource Management Commission

Tom "Smitty" Smith

Council Member Kitchen

Water & Wastewater Commission

Mary Bell

Council Member Troxclair

Zoning & Platting Commission

Abby Tatkov

Council Member Casar

Waivers

There are no waivers at this time.

43. Approve an ordinance amending City Code Chapter 2-1 to establish the College Student Commission.
A motion to approve the ordinance with the following amendment was made by Council Member Flannigan and seconded by Mayor Pro Tem Tovo.

The amendment was to strike Part 1, Section 2-1-124, Subsections (E), (F), and (H).

Ordinance No. 20171214-043 was approved as amended above on Council Member Flannigan's motion, Mayor Pro Tem Tovo's second on a 10-1 vote. Council Member Troxclair voted nay.

13. Approve an ordinance amending the Fiscal Year 2017-2018 Economic Development Department Cultural Arts Fund (Ordinance No. 20170913-001) to increase expenditures by \$240,000 in order to provide funding for Council Budget Rider C-29 related to expanded hours at Parks and Recreation Department Cultural Centers for artists and arts programs that attract tourists and convention delegates.
Ordinance No. 20171214-013 was approved on Council Member Houston's motion, Council Member Alter's second on an 11-0 vote.

Direction was given to staff to provide a better way to identify ethnic diversity.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 11:11 a.m. See separate minutes.

70. 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 11:15 a.m.

DISCUSSION ITEMS CONTINUED

37. Approve negotiation and execution of Amendment No. 5 to the agreement with Worksource Greater Austin Area Workforce Development Board, dba Workforce Solutions - Capital Area Workforce Board to increase funding for workforce development and education services in an amount not to exceed \$67,963 for the 37-month term ending September 30, 2018, and increase funding for the three extension options in an amount not to exceed \$67,963 per extension option, for a total agreement amount not to exceed \$16,576,900.
This item was postponed to February 15, 2018 without objection.
69. Approve the appointment of Reginald Smith to the Board of Directors of the Austin/Travis County Sobriety Center Local Government Corporation.
The motion approving the appointment of Reginald Smith to the Board of Directors of the Austin/Travis County Sobriety Center Local Government Corporation was approved on Council Member Houston's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.
93. Approve negotiation and execution of an agreement with Ending Community Homelessness Coalition, Inc. for the provision of homeless navigation services in an amount not to exceed \$130,000, with four 12-month extension options in an amount not to exceed \$130,000 per extension option, for a total agreement amount not to exceed \$650,000.
The motion approving negotiation and execution of an agreement with Ending Community Homelessness Coalition, Inc. was approved on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Pool was off the dais.

26. Approve a resolution appointing directors to the board of the Austin Rosewood Community Development Corporation.
A motion to amend the resolution to replace the Position 3 appointment of Richard Scott on the Rosewood Community Development Corporation with Nefertiti Jackman for a term expiring January 1, 2020 was made by Council Member Houston and seconded by Council Member Casar.
- Resolution No. 20171214-026 was approved as amended above on Council Member Houston's motion, Council Member Casar's second on an 11-0 vote.**
28. Authorize negotiation and execution of a subaward agreement with Measure Austin in the amount of \$244,676 for the City of Austin Community Based Crime Reduction Program.
The motion authorizing negotiation and execution of a subaward agreement with Measure Austin was approved on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote.

BRIEFING

100. Employer sick pay resolution update.
Presentation was made by Doug Matthews, Chief Communications Officer, Communications and Public Information Office; and Larry Schooler, Consultant, Public Participation Partners.

CITIZENS COMMUNICATIONS: GENERAL

Steve Johnson – Aquatics master plan task force recommendation.

Joshua Green – The crisis of art venues closing.

Shea Little – TBA

Glenn Towery – Austin Veterans Art Festival

Paul Robbins – City and Budget issues.

CAROLANNEROSE KENNEDY – MILLENIUM CHRISTMAS 2017.

PROCLAMATIONS

Circle C Metropolitan Park Dedication – To be presented by Council Member Ellen Troxclair and to be accepted by Chief Rhoda Mae Kerr, Austin Fire Department; Chief Brian Manley, Austin Police Department; Assistant Chief Jasper Brown, Emergency Medical Services; and Jim Brown, Trustee, Austin Retired Police Association

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:42 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.

71. 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.
72. Discuss legal issues related to Albina Roque et al v. City of Austin et al, Cause No. 1:17-cv-932 in the United States District Court for the Western District of Texas (Private consultation with legal counsel - Section 551.071 of the Government Code) (Related to May 2, 2017 officer-involved shooting).
This item was withdrawn without objection.
73. Discuss legal issues related to the Planning Commission (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.

The Mayor announced that Council would discuss items number 19 and 20 on the regular agenda during Executive Session.

19. Approve an ordinance establishing specialized functions, certifications, assignments, and additional pay, and authorizing vacation accumulation leave for emergency medical services personnel employed by the Austin-Travis County Emergency Medical Service Department.
20. Discuss and take appropriate action regarding the proposed Meet and Confer Agreement between the City of Austin and the Austin-Travis County EMS Employees Association relating to wages, hours, and terms and conditions of employment for medics employed by Austin-Travis County Emergency Medical Services.

Executive Session ended and Mayor Adler reconvened the meeting at 2:33 p.m.

DISCUSSION ITEMS CONTINUED

19. Approve an ordinance establishing specialized functions, certifications, assignments, and additional pay, and authorizing vacation accumulation leave for emergency medical services personnel employed by the Austin-Travis County Emergency Medical Service Department.
A motion to approve the ordinance and revise the expiration date to February 18, 2018 was made by Council Member Flannigan and seconded by Council Member Houston.

Ordinance No. 20171214-019 was approved as amended above on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

Direction was given to staff to resume contract negotiations with the Austin-Travis County EMS Employees Association and return to council with a new negotiated meet and confer agreement that retains all of the provisions from the 2013 to 2017 meet and confer agreement that expired October 30, 2017.

20. Discuss and take appropriate action regarding the proposed Meet and Confer Agreement between the City of Austin and the Austin-Travis County EMS Employees Association relating to wages, hours, and terms and conditions of employment for medics employed by Austin-Travis County

Resolution No. 20171214-020 was approved on Council Member Flannigan's motion, Council Member Alter's second on an 11-0 vote.

Items 89 and 90 were acted on in a combined motion.

89. Authorize execution of an interlocal agreement with the Texas Facilities Commission for development of Phase One of the 2016 Texas Capitol Complex Master Plan.

The motion authorizing execution of an interlocal agreement with the Texas Facilities Commission was approved on Council Member Flannigan's motion, Council Member Garza's second on a 9-1 vote. Council Member Houston voted nay. Council Member Pool abstained.

90. Approve an ordinance waiving fees in an amount not to exceed \$6,800,000 and requirements related to the vacation of right-of-way, associated with the development of Phase One of the 2016 Texas Capitol Complex Master Plan.

Ordinance No. 20171214-090 was approved on Council Member Flannigan's motion, Council Member Garza's second on a 9-1 vote. Council Member Houston voted nay. Council Member Pool abstained.

91. Discussion and action regarding the potential disclosure of records subject to a subpoena issued by the Ethics Review Commission in Complaint No. 20170425, in the matter of Nathan Wiebe, complainant, v. Margo Frasier, respondent.

A motion was made by Council Member Kitchen and seconded by Mayor Pro Tem Tovo to affirm the Council's intention that allegations of a City Code violation may be submitted to the City Auditor anonymously, and the identity of informants, witnesses and their statements should remain confidential in order to maintain and continue to foster an open environment for reporting allegations; and, as such, the Ethics Review Commission's subpoena power is limited by the City's practices to withhold information as may legally be permitted by the Public Information Act.

In the pending Ethics Review Commission case regarding Margo Frasier, Council directs that the identity of the informant and witnesses, and their statements should not be released to the Ethics Review Commission or to third parties.

Staff is directed to return to City Council in February with potential amendments to the City Code regarding the Ethics Review Commission's subpoena power.

The motion was approved on Council Member Kitchen's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.

Direction was given to staff to provide additional training regarding the legalities and the limitations for boards and commissions with subpoena power.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

74. NPA-2016-0016.05 - Tillery MF -District 3 -Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, 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 507 Tillery Street (Boggy Creek Watershed) from Single Family to Multifamily. Staff Recommendation: Pending. Planning

Commission Recommendation: To be reviewed on December 12, 2017. Owner/Applicant: 507 Tillery House, LLC. Agent: Rize Planning Development & Construction (Ross Frie). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

This item was postponed to February 1, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

75. C14-2017-0106 -Tillery MF - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 507 Tillery Street (Colorado River and Boggy Creek Watersheds) from family residence-neighborhood plan (SF-3-NP) combining district to multifamily residence low density-conditional overlay-neighborhood plan (MF-2- CO-NP) combining district. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Planning Commission Recommendation: To be reviewed December 12, 2017. Owner/Applicant: 507 Tillery House LLC (Caren W. Wendt and Katheryn L Ingerly). Agent: Rize Planning, Development and Construction (Ross Frie). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

This item was postponed to February 1, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

76. NPA-2016-0014.01 - Nuckols Crossing Road - District 2 -Conduct a public hearing and approve an ordinance amending Ordinance No. 021010-11, the Southeast 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 4500 Nuckols Crossing Road (Williamson Creek Watershed) from Single Family to Multifamily land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on December 12, 2017. Owner/Applicant: Angelos Angelou and John Sasaridis. Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 2.

This item was postponed to February 1, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

77. C14-2017-0010 - 4500 Nuckols Crossing Road Rezoning - District 2 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4500 Nuckols Crossing Road (Williamson Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on December 12, 2017. Owner/Applicant: Angelos Angelou and John Sasaridis. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

This item was postponed to February 1, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

78. NPA-2017-0029.01 - Austin Humane Society Rezoning -District 4 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20120426-100, the St. John/Coronado Hills 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 7600, 7602, 7604, 7608, 7610, 7614, and 7616 Bennett Avenue (Buttermilk Branch Watershed) from Single Family to Mixed Use land use. Staff Recommendation: Neighborhood Mixed Use land use. Planning Commission Recommendation: To be reviewed December 12, 2017. Owner/Applicant: Austin Humane Society (Frances Jonon). Agent: Garrett-Ihnen Civil Engineers (Mike Wilson). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 4.

This item was postponed to February 1, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

79. C14-2017-0086 - Austin Humane Society Rezoning - District 4 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7600, 7602, 7604, 7608, 7610, 7614, and 7616 Bennett Avenue (Buttermilk Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial services-mixed use-neighborhood plan (LR-MU-NP) combining district zoning. Planning Commission Recommendation: To be reviewed December 12, 2017. Owner/Applicant: Humane Society of Austin & Travis County (Frances Jonon). Agent: Garrett-Ihnen Civil Engineers (Mike Wilson). City Staff: Heather Chaffin, 512-974-2122. District(s): District 4

This item was postponed to February 1, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

81. C14-2017-0050 - 1501 Airport Commerce Drive - District 3 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1501 Airport Commerce Drive (Carson Creek Watershed). Applicant Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay- neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To be reviewed on January 9, 2018. Owner/Applicant: W2 Hill ACP II LP/Simmons Vedder (Steven Freche). Agent: Thrower Design (Ron Thrower). City Staff: Andrew Moore, 512-974-7604. District(s): District 3

This item was postponed to February 15, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

82. C14-2017-0051 -Waters Park Commercial - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12219, 12219 ½ and 12221 Waters Park Road (Walnut Creek Watershed). Applicant's Request: To rezone from rural residence (RR) district zoning, limited office (LO) district zoning and general office (GO) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To be reviewed February 15, 2018. Owner/Applicant: Bar Czar, LLC (Matias Segura III). Agent: South Lano Strategies (Glen Coleman). City Staff: Sherri Sirwaitis, 512-974-3057. District(s): District 7

This item was postponed to February 15, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

83. C14-2017-0067 - Champion Tract 1C - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6500 FM 2222 Road (West Bull Creek Watershed) from neighborhood commercial- conditional overlay (LR-CO) combining district to general commercial services- conditional overlay (CS-CO) combining district. Staff Recommendation: To grant general commercial services- conditional overlay (CS-CO) combining district. Zoning and Platting Commission Recommendation: To deny the zoning

request for general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Champion, Meier Assets, Ltd. (Terry Bray). Agent: Ambrust & Brown, L.L.P (Richard T. Suttle, Jr.). City Staff: Scott Grantham, 512-974-3574. District(s): District 10

This item was postponed to February 1, 2018 at the request of staff on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

84. C14H-2017-0112 - Driskill Hotel - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as the Driskill Hotel, 604 Brazos Street, from Central Business (CBD) district to Central Business - Historic Landmark (CBD-H) combining district zoning. Staff Recommendation: To grant Central Business- Historic Landmark (CBD-H) combining district zoning. Historic Landmark Commission recommendation: To be reviewed December 11, 2017. Planning Commission recommendation: To be reviewed December 12, 2017. Applicant: HE Driskill LLC; Owner: Highland Resources, Inc. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 974-6454. District(s): District 9

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171214-084 for central business-historic landmark (CBD-H) combining district zoning was approved on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

103. NPA-2017-0005.03 - Affordable Dream Homes -District 3-Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2404 Thrasher Lane (Country Club East & Carson Creek Watershed) from Commercial to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To be reviewed on December 12, 2017. Owner/Applicant: Vahonia Realty, LLC. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Maureen Meredith, (512) 974-2695.

This item was postponed to February 1, 2018 at the request of the neighborhood on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

104. C14-2017-0098 - Affordable Dream Homes - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2404 Thrasher Lane (Carson Creek Watershed) from Commercial Services - Neighborhood Plan (CS-NP) combining district zoning to Urban Family Residence - Conditional Overlay - Neighborhood Plan (SF-5-CO-NP) combining district zoning. Staff Recommendation: To grant Urban Family Residence - Conditional Overlay - Neighborhood Plan (SF-5-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed December 12, 2017. Owner/Applicant: Vahonia Realty (Octavian F. Heresan). Agent: Landanswers (Jim Wittliff). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to February 1, 2018 at the request of the neighborhood on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

106. C14-2017-0084 - 6507 E. Riverside - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6505, 6507. 6509 E. Riverside Drive and 2108 Thrasher Lane (Carson Creek Watershed) from East Riverside Corridor - neighborhood residential (ERC-NR) district zoning to East Riverside Corridor - corridor mixed use (ERC-CMU) district zoning. Staff Recommendation: To grant East Riverside Corridor - corridor mixed use (ERC-CMU) district zoning. Planning Commission

Recommendation: To be reviewed December 12, 2017. Owner/Applicant: TLH Riverside 6507 MF-1, LP (David Cox). Agent: Graves, Dougherty, Moody, Hearn (Michael Whellan). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to February 1, 2018 at the request of the neighborhood on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

107. C14-2017-0126 - 2110 Thrasher Lane - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2110 Thrasher Lane (Carson Creek Watershed) from Family residence - neighborhood plan (SF-3-NP) combining district zoning to Townhouse and Condominium residence - Neighborhood Plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant Townhouse and Condominium residence - Neighborhood plan (SF-6-NP) combining district zoning. Planning Commission Recommendation: To be reviewed December 12, 2017. Owner/Applicant: TLH Riverside 6507 MF-1, LP (David Cox). Agent: Graves, Dougherty, Moody, Hearn (Michael Whellan). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to February 1, 2018 at the request of the neighborhood on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

108. C14-2017-0116 - Texas Health and Science University Library and Dormitory - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4004 Valley View Road (West Bouldin Creek Watershed) from Family Residence (SF-3) district zoning to Limited Office - Mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant Limited Office - Mixed use (LO-MU) combining district zoning. Planning Commission Recommendation: To grant Limited Office - Mixed use (LO-MU) combining district zoning. Owner/Applicant: Lisa and Paul Lin. Agent: Landanswers (Jim Wittliff). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to February 15, 2018 at the request of the applicant on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

109. C14-2017-0118 - Texas Health and Science University Clinic - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1707 and 1709 Fort View Road (West Bouldin Creek Watershed) from Community commercial (GR) district zoning and Limited office (LO) district zoning to Community commercial - Mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant Community commercial - Mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To grant Community commercial - Mixed use (GR-MU) combining district zoning. Owner/Applicant: T & L LP (Lisa Lin). Agent: Landanswers (Jim Wittliff). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to February 1, 2018 at the request of the applicant on Council Member Garza's motion, Council Member Troxclair's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

95. Approve an ordinance amending City Code Chapter 13-2 (Ground Transportation Passenger Services) related to Chauffeur permits, Limousine Service, Transportation Network Company Service, and Charter Services.

The motion to approve the ordinance was made by Council Member Casar and seconded by Council Member Garza.

A motion to amend the ordinance to strike through the mention of "possession" was made by Council Member Garza. The amendment was accepted without objection.

Ordinance No. 20171214-095 was approved as amended above on Council Member Casar's motion, Council Member Garza's second on an 11-0 vote.

3. Authorize negotiation and execution of a 15-year power purchase agreement with a subsidiary of INTERSECT POWER for the full output of electricity from a utility-scale solar generation facility with capacity of 150 to 180 megawatts, in an estimated amount of \$10,000,000 to \$12,000,000 per year, and a total estimated amount of \$150,000,000 to \$180,000,000. December 11, 2017 – Unanimously recommended by the Electric Utility Commission on a 6-0 vote. Members present and voting in favor: Chair Hadden, Vice Chair Ferchill, Commissioners Boyle, Osborne, Reel and Tuttle. Members absent: Commissioners Stout and Wray. Three vacancies. December 12, 2017 – Unanimously recommended by the Resource Management Commission on a 7-0 vote. Members present and voting in favor: Chair Dielmann, Vice Chair Reed and Commissioners Babyak, Brenneman, Kohan, Lesnau and White. Members absent: Commissioners Madison and Vaughan. Two vacancies.

The motion authorizing negotiation and execution of a power purchase agreement with a subsidiary of Intersect Power was approved on Council Member Houston's motion, Council Member Garza's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Casar was off the dais.

44. Authorize the negotiation and execution of an amendment to the Interlocal Agreement the Texas Department of Transportation for the relocation and improvement of water and wastewater utilities in connection with the TxDOT-Loop 1 Roadway Improvements Project from Davis Lane to La Crosse Avenue, to increase the amount by \$587,162.61, for a total contract amount not to exceed \$2,407,245.56.

The motion authorizing the negotiation and execution of an amendment to the Interlocal Agreement with the Texas Department of Transportation was approved on Council Member Troxclair's motion, Council Member Flannigan's second on a 7-4. Those voting aye were: Mayor Adler, Council Members Alter, Flannigan, Garza, Houston, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Casar, Kitchen, and Pool.

87. Authorize negotiation and execution of a concession agreement with Host International, Inc. and its joint venturers (Host) or one of the other qualified offerors to the Request for Proposals for Terminal Concessions (RFP-8100-ABIA-004), to lease, design, construct, operate, and maintain a food, beverage, and retail concession at Austin-Bergstrom International Airport for a term not to exceed ten years. (Note: This contract will be awarded in compliance with the Federal Aviation Administration's Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program requirements (49 CFR Part 23) by meeting the goals with 25.00% ACDBE participation.

The motion authorizing negotiation and execution of a concession agreement with Host International, Inc. was approved on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

61. Approve an ordinance extending the hours an outdoor music venue may operate sound equipment on December 31, 2017 and January 1, 2018. Council Sponsors: Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Council Member Gregorio Casar, Council Member Ann Kitchen. **Ordinance No. 20171214-061 was approved on Mayor Adler's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.**

14. Authorize negotiation and execution of an agreement with the University of Texas at Austin's Center for Sustainable Development to conduct a study regarding the Austin Convention Center

relating to the physical and economic planning implications of alternative convention center scenarios.

The motion authorizing negotiation and execution of an agreement with the University of Texas at Austin's Center for Sustainable Development was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

101. C814-2017-0024 - Holdsworth Center PUD - District 10 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4907 RM 2222 Road (Lake Austin Watershed). Applicant's Request: To rezone from Lake Austin residence (LA) district zoning and single family residence-standard lot (SF-2) district zoning to planned unit development (PUD) district zoning. First Reading approved on November 9, 2017. Vote: 11-0. Owner/Applicant: Holdsworth Center For Excellence In Education Leadership, LLC. Agent: Armbrust & Brown, PLLC (David Armbrust). City Staff: Wendy Rhoades, 512-974-7719.

A motion to approve the ordinance with the following amendments was made by Council Member Alter and seconded by Council member Pool.

- **To amend Part 5(A) to read: "Development of the Property is limited to a non-profit retreat center, including meeting facilities, dormitories and sleeping quarters for up to 250 invitees plus visiting faculty, common area dining facilities, administrative offices, recreational facilities, one permanent residence, three docks, parking facilities with 300 onsite spaces, a research and educational facility, and related uses for training public educators. The Property and facilities may be leased by others from time to time, subject to the limitations and use restrictions of the PUD. The facilities may be leased to third parties for up to a maximum of 150 days per year. Any rental of the facilities for all or part of a day for any use other than the non-profit educational retreat center described above shall be counted as one of the 150 days."**
- **To amend Part 7(E)(1) to read: "The PUD shall preserve 100 percent of the heritage trees on site, as show in Exhibit F: Heritage Trees, unless a tree is dead, diseased, or an imminent hazard to life or property and removal is approved by the City pursuant to Section 25-642(A) (*Administrative Variance*)."**
- **To amend Part 8(A) to read: "At the time of site plan application, an 8-foot wide, non-exclusive public access easement intended to accommodate multi-modal improvements and underground utilities will be dedicated to the City along the RM 2222 frontage. Surface utilities shall be prohibited along the easement."**
- **To amend Part 8(C)(1)(c) to read: "Mitigation payments if the Landowner exceeds 400 daily vehicle trips. A trip is defined as the one-way direction of a vehicle onto or off the Property."**
- **To amend Part 8(C)(2) to read: "Daily vehicular trips to and from the Property for the two events generating the highest number of anticipated trips shall be monitored and reported to the Director of Austin Transportation Department (ATD) annually (the "traffic counts report") . The traffic counts report shall include an affidavit signed by an officer of the Landowner stating to the best of knowledge that the two events submitted are in fact generating the highest number of trips. The City shall have the**

right to audit the Landowner's supporting documents and records upon reasonable notice. Means and methodology for conducting traffic counts for the traffic counts report shall be submitted by the Landowner and approved by the Director of ATD as part of the submitted TDM plan. If the Landowner meets the trip cap each year with proof in the traffic counts report for two consecutive years, then annual reporting will no longer be required. ATD may require additional traffic counts reports if complaints are received within the first five years the non-profit retreat center is in operation. No additional reporting shall be required after the fifth year in operation."

- To amend Part 8(C)(3) to read: "ATD shall notify the Landowner by certified mail of noncompliance with the TDM program if the PUD exceeds the trip cap of 400 daily trips. The Landowner shall implement measures to ensure compliance with the TDM program and submit a traffic counts report for an event with comparable daily trip demand during the summer within the same calendar year. If the Landowner exceeds the trip cap for a second time within the same calendar year, then the Landowner shall make a mitigation payment to the City in the amount of \$12,000 and be required to submit a traffic counts report for the following year. A mitigation payment and future year traffic counts report shall be required until the landowner is back in compliance, or the mitigation payment total has reached \$60,000, whichever has occurred first. The mitigation payment shall not exceed \$60,000 for the five-year monitoring period, and shall be used to offset the costs to implement additional on-site TDM measures at the direction of ATD. The City shall place the mitigation payments in a fund established by the City. Upon a transfer of the Property to a third-party unaffiliated entity, the new owner shall enter into a new TDM with the City."
- To add a new Part 8(C)(4) to read: "The assessment of a mitigation payment or the requirement to submit traffic count reports for a violation of the TDM does not preclude the pursuit of a criminal, civil, quasi-judicial, or administrative action for a violation of Part 8(C) of this ordinance."
- To amend Part 9 to read: "The PUD shall implement an outdoor lighting plan to minimize light pollution using "dark sky" design guidelines and techniques. When operated, light fixtures must not produce an intense glare or direct illumination across the property line, except for boat dock lighting, which may be installed across property lines where authorized by applicable City regulations. All lights shall be a LED source and a light beam shall be controlled and not directed across any property line above a height of three feet. All exterior light fixtures must be fully shielded. All luminaries shall be directed down, diffused, and/or indirectly off an opaque surface. The maximum intensity measured at the property line shall be .5 foot candles."
- To add a new Part 10 pertaining to sound amplification restrictions and renumber remaining parts as necessary:

Part 10. Sound Amplification

- A. The use of sound equipment to amplify sound in an area that is not fully enclosed by permanent, solid walls and a roof may not exceed 30 days per calendar year.
- B. The use of sound equipment that produces sound audible beyond the property line is prohibited between 10 p.m. and 10 a.m.

- To amend Part 10(A)(4) to read: “4. Section 25-2-899 (*Fences as Accessory Uses*) is modified to allow a fence to be a maximum height of ten (10) feet along the north, south and east property lines.”
- To add a new Part 11 requiring an ornamental fence and installation criteria and renumber remaining parts as necessary:

Part 11. Fences

- A. “Landowner shall install an ornamental fence, as defined in City Code Section 25-2-899(B), for the fence along the RM 2222 right-of-way line.”
- B. “Landowner shall ensure that construction of the fence along the RM 2222 right-of-way line and the south property line in the critical environment feature buffer zone minimizes necessary clearing and that the construction of the fence and clearing is done by hand to the extent feasible.”

Ordinance No. 20171214-101 for planned unit development (PUD) district zoning was approved as amended above on Council Member Alter’s motion, Council Member Pool’s second on a 10-0 vote. Council Member Troxclair was off the dais.

Mayor Adler recessed the meeting at 5:38 p.m. The Mayor announced that Council would go into Executive Session to take up item numbers 17 and 88 on the regular agenda during Executive Session beginning at 6:30 p.m.

LIVE MUSIC

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PROCLAMATIONS

Austin History Center Day – To be presented by Mayor Steve Adler and to be accepted by Mike Miller, City Archivist, and Roosevelt Weeks, Director, Austin Public Library

Distinguished Service Award – Timothy P. Vogt – To be presented by Mayor Steve Adler and to be accepted by the honoree

Jacquie Porter Day – To be presented by Mayor Steve Adler and to be accepted by the honoree

Pastor Ed Craig Day – To be presented by Council Member Delia Garza

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.

The Mayor announced that Council would discuss items number 17 and 88 on the regular agenda during Executive Session.

17. Approve second and third reading of an ordinance authorizing execution of the first amendment to a settlement agreement relating to the development of property located at 6409 City Park Road (Champion Tract); amending Ordinance No. 960613-J; modifying provisions of the Lake Austin Watershed Regulations in Ordinance No. 840301-F; and modifying provisions of the Hill Country Roadway Regulations in City Code Chapter 25-2.
88. Authorize negotiation and execution of a concession agreement with XpresSpa Austin Airport, LLC and its joint venturers (XpresSpa) or one of the other qualified offerors to the Request for Proposals for Terminal Concessions (RFP-8100-ABIA-004), to lease, design, construct, operate, and maintain a food, beverage, and retail concession at Austin-Bergstrom International Airport for a term not to exceed ten years. (Note: This contract will be awarded in compliance with the Federal Aviation Administration's Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program requirements (49 CFR Part 23) by meeting the goals with 12.00% ACDBE participation.)

Executive Session ended and Mayor Adler reconvened the meeting at 8:16 p.m.

DISCUSSION ITEMS CONTINUED

54. Authorize the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) to contribute up to \$353,462.26 from fees collected by the City from Austin's cable providers for public, educational, and governmental access channels to AISD's purchase of equipment necessary for the operation of the AISD educational access channel.
The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on Council Member Houston's motion, Council Member Renteria's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was off the dais.
56. Approve a resolution authorizing the submittal of a list of potential transportation projects as candidates for the Capital Area Metropolitan Planning Organization (CAMPO) 2019-2022 Call for Projects administered by CAMPO and the Texas Department of Transportation.
Resolution No. 20171214-056 was approved on Council Member Pool's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was off the dais.
68. Discussion and possible action regarding the appointment of a City Manager. Council Sponsors: Mayor Steve Adler, Council Member Gregorio Casar, Council Member Ora Houston, Mayor Pro Tem Kathie Tovo.
No action was taken. Council announced a Special Called Meeting will be held on December 19, 2017 at 2 p.m. relating to the appointment of a City Manager. No public testimony will be taken at the December 19th meeting.

PUBLIC HEARINGS

85. Conduct a public hearing and consider a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by AMTEX McKinney Fund, LP, or an affiliated entity, for the new construction of an affordable multi-family development to be known as the McKinney Falls Apartments, located at 6609 McKinney Falls Parkway, in the Extraterritorial Jurisdiction of the City of Austin.
The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20171214-085 was approved on Council Member Garza's motion, Mayor

Pro Tem Tovo's second on a 9-1 vote. Council Member Houston voted nay. Council Member Troxclair was off the dais.

DISCUSSION ITEMS CONTINUED

46. Authorize negotiation and execution of a contract with Asakura Robinson Company, LLC, to provide strategic housing blueprint implementation services, for a term of one year in an amount not to exceed \$130,000. (This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.).

The motion authorizing the negotiation and execution of a contract with Asakura Robinson Company, LLC was made by Council Member Kitchen and seconded by Council Member Flannigan.

A motion to postpone the item failed on Council Member Alter's motion, Mayor Pro Tem Tovo's second on a 5-5 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston, and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Kitchen, and Renteria. Council Member Troxclair was off the dais.

The motion authorizing negotiation and execution of a contract with Asakura Robinson Company, LLC was approved on Council Member Kitchen's motion, Council Member Flannigan's second on a 7-2 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Alter and Houston. Mayor Pro Tem Tovo abstained. Council Member Troxclair was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

105. C14-2017-0028 - Great Hills Mixed Use - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9828 Great Hills Trail and 10224 Research Boulevard (Walnut Creek Watershed). Applicant Request: To rezone from community commercial (GR) district zoning and limited office (LO) district zoning to general commercial services-mixed use- vertical mixed use building (CS-MU-V) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use- vertical mixed use building (CS-MU-V) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use- vertical mixed use building (CS-MU-V) combining district zoning. Owner/Applicant: Great Hills Retail, Inc. Agent: Drenner Group, PC (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for general commercial services-mixed use- vertical mixed use building (CS-MU-V) combining district zoning with a conditional overlay to prohibit certain uses was approved on Council Member Alter's motion, Council Member Pool's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was off the dais.

The following uses are prohibited for the Property: Adult-Oriented Business, Automotive Rentals, Automotive Sales, Commercial Off-Street Parking, Funeral Services, Pawn Shop Services, Residential Treatment, Short-Term Rental, Veterinary Services, Vehicle Storage, Convenience Storage, Limited Warehousing and Distribution, Alternative Financial

Services, Automotive Repair Services, Automotive Washing (of any type), Exterminating Services, Guidance Services, Pedicab Storage and Dispatch, Service Station, Urban Farm, Monument Retail Sales, Kennels, and Campground. Drive in service as an accessory use to Restaurants (general) and Restaurants (limited) is prohibited within 200 feet of Jollyville Road.

111. C14-2017-0109 - J.D. Warehouse- District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6506 Decker Lane (Elm Creek Watershed). Applicant Request: To rezone from community commercial (GR) district zoning to limited industrial (LI) district zoning. Staff Recommendation: To grant general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner: Gold A&A Inc. (Adam Ahmad). Applicant: Moncada Enterprises (Phil Moncada). City Staff: Heather Chaffin, 512- 974-2122.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for general commercial services-conditional overlay (CS-CO) combining district zoning with the following permitted uses was approved on Council Member Houston's motion, Council Member Pool's second on a 10-1 vote. Council Member Flannigan voted nay.

The permitted uses were to include agricultural sales and services, food preparation, plant nursery, and indoor crop production.

AFTER 10:00 P.M.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Alter's motion, Council Member Casar's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

17. Approve second and third reading of an ordinance authorizing execution of the first amendment to a settlement agreement relating to the development of property located at 6409 City Park Road (Champion Tract); amending Ordinance No. 960613-J; modifying provisions of the Lake Austin Watershed Regulations in Ordinance No. 840301-F; and modifying provisions of the Hill Country Roadway Regulations in City Code Chapter 25-2.

A motion to deny the approval of the settlement agreement was made by Council Member Alter and seconded by Council Member Pool. The motion was later withdrawn.

A motion to close the public hearing and approve the ordinance on second reading only with the following direction was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on an 11-0 vote.

Direction was given to staff to forward the item to the Environmental Commission for further analysis; to provide information on all legal issues presented; to continue working with the applicant and the neighborhood; and to bring the item back to Council at the February 1, 2018 meeting.

DISCUSSION ITEMS CONTINUED

99. Approve a resolution directing the City Manager to make recommendations concerning application and hearing notice requirements and agenda posting language relating to ordinances and agreements that grant development rights. Council Sponsors: Council Member Alison Alter,

Council Member Ann Kitchen, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, Council Member Ora Houston.

Resolution No. 20171214-099 was approved on Council Member Alter's motion, Council Member Houston's second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

102. C14-2017-0042 - 12602 Blackfoot Trail - District 6 - Approve third reading of an ordinance amending City Code Title 25 by zoning property locally known as 6610 McNeil Drive/12602 Blackfoot Trail (Rattan Creek Watershed). Applicant's Request: To rezone from neighborhood commercial-conditional overlay combining (LR-CO) district zoning and single family residence-standard lot (SF-2) district zoning to general commercial-mixed use combining (CS-MU) district zoning. First reading approved community commercial-mixed use combining (GR-MU) district zoning on October 19, 2017. Vote: 8-3. Council members Alter, Pool and Tovo-No. Second reading approved community commercial-mixed use combining (GR-MU) district zoning, with conditions, on December 7, 2017. Vote: 6-3. Council members Alter, Pool and Tovo-No. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057.

A motion to approve the ordinance for community commercial-mixed use combining (GR-MU) district zoning with conditions was made by Council Member Flannigan and seconded by Council Member Houston.

The following additional conditions are added to the ordinance:

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

- A. The following uses are prohibited uses for the Property: Restaurants (general)**
- B. Liquor sales as an accessory use to commercial uses is prohibited.**

In addition, the motion included the approval of the new restrictive covenant to prohibit vehicular traffic associated with non-residential use on property to Blackfoot Trail.

A substitute motion was made by Council Member Pool to approve the ordinance for neighborhood commercial –mixed use (LR-MU) combining district zoning with a conditional overlay to prohibit Restaurant (general) use, and liquor sales use as an accessory use to commercial use. The substitute motion 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 Alter and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen, Renteria, and Troxclair.

A motion to approve the provision with vehicular traffic to be included in the conditional overlay rather than the restrict covenant failed on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 3-8 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen, Renteria, and Troxclair.

Ordinance No. 20171214-102 was approved for community commercial-mixed use combining (GR-MU) district zoning with the additional conditions listed above on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.

110. C14-98-0146(RCT) - 6610 McNeil Drive Termination of Restrictive Covenant - District 6 - Conduct a public hearing and approve a restrictive covenant termination on a property locally

known as 6610 McNeil Drive and 12602 Blackfoot Trail (Rattan Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Zoning and Platting Commission Recommendation: To grant the restrictive covenant termination. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and a motion to close the public hearing and grant the termination of the restrictive covenant was approved on Council Member Flannigan's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.

DISCUSSION ITEMS CONTINUED

5. Approve an ordinance amending Section 11-2-7 of the City Code relating to the allocation of Hotel Occupancy Taxes for authorized uses.

A motion to approve the ordinance with the following amendments was made by Council Member Troxclair and seconded by Council Member Kitchen. The amendments were accepted without objection.

To revise Part 1. (C) to read: "To ensure compliance with the bond covenants associated with the outstanding bonds issued for the Austin Convention Center, maintain the Austin Convention Center's bond rating, and generate sufficient funds to achieve the maximum allowable allocation of Hotel Occupancy Tax for eligible historic projects and activities, the City intends to phase in the full 15% allocation for historic preservation as soon as possible over time and in a way that is compliant with the bond covenants."

To add a new Part 1. (D) to read: "Approval of this item does not preclude the opportunity to implement other Visitor Impact Task Force recommendations or to expand the Convention Center at a future time."

To add a new Part 1. (E) to read: "In Fiscal Year 2017/18, the City Council approved \$6.95 million in funding for the Historic Preservation Fund."

To revise Part 2. (B)(2) to read: "5 5/7 percent of the funds collected is allocated to the Tourism/Promotion Fund and may be used for advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the City or its vicinity; and"

To add a new Part 2. (B)(3) and renumber the remaining items accordingly to read: "15 percent of the funds collected is allocated to the Historic Preservation Fund and may be used for historical restoration and preservation projects or activities, or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums located at or in the immediate vicinity of convention center facilities or elsewhere in the City or its vicinity; and"

To add a new Part 2. (B)(4) and renumber the remaining items accordingly to read: "The City Council has the authority in adopting the City's annual budget to change the allocation of the percentages of the hotel occupancy tax fund as set forth in subsections (2) and (3) of this Section, and if the Council does so, it shall not be a violation of this section."

Ordinance No. 20171214-005 was approved as amended above on Council Member Troxclair's motion, Council Member Kitchen's second on an 11-0 vote.

66. Approve a resolution to initiate code amendments relating to lead and asbestos testing and abatement during the demolition process, licensing requirements for demolitions, and other requirements that reflect staff and stakeholder recommendations. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, Council Member Ora Houston, Council Member Sabino 'Pio' Renteria, Council Member Alison Alter.
A motion to approve the resolution was made by Mayor Pro Tem Tovo and seconded by Council Member Houston.

The following amendments were made by Council Member Flannigan and accepted without objection.

To add a new fifteenth Whereas clause to read: "Whereas, the Audit also stated that "research by Development Services Department (DSD) staff indicates that San Antonio, Dallas, and Houston also do not consider lead in their demolition processes; and"

To strike the twenty-third Whereas clause and replace it with language that reads: "Whereas, the Audit found that the current demolition permitting process is not designed to ensure that the various involved departments, like Austin Energy, Austin Water, and other appropriate departments, can determine if current tasks and requirements are met because in some cases the process gives property owners the responsibility for contacting the departments and scheduling appropriate tasks; and"

An amendment was made by Mayor Adler to add a final Be It Further Resolved clause to read: "Notwithstanding the foregoing and without limitation, the City Manager is also requested to provide Council with the City Manager's best advice concerning the demolition process when the City Manager reports back to Council."

Resolution No. 20171214-066 was approved as amended above on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 10-1 vote. Council Member Garza voted nay.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

80. C14-2016-0135 - 2500 N. Lamar - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1200 W 25th Street (Shoal Creek Watershed). Applicant Request: To rezone from general office-mixed use conditional overlay- neighborhood plan (GO-MU-CO-NP) combining district zoning to general office-mixed use-vertical mixed use building- conditional overlay- neighborhood plan (GO-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-vertical mixed use building- conditional overlay- neighborhood plan (GO-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-vertical mixed use building- conditional overlay- neighborhood plan (GO-MU-V-CO-NP) combining district zoning. Owner/Applicant: 2500 N. Lamar LLC. Agent: Drenner Group (Amanda Swor). City Staff: Scott Grantham, 512-974-3574. District(s): District 9
The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for general office-mixed use-vertical mixed use building- conditional overlay- neighborhood plan (GO-MU-V-CO-NP) combining district

zoning was approved on Council Member Alter's motion, Mayor Pro Tem Tovo's second on a 9-0 vote. Council Members Garza and Houston were off the dais.

PUBLIC HEARINGS

86. Conduct a public hearing to receive public comment and approve an ordinance amending Austin Energy's rates and fees included in the Fiscal Year 2017-2018 Budget (Ordinance No. 20170913-002) to add a Customer Assistance Program customer community solar rate. December 11, 2017 – Unanimously recommended by the Electric Utility Commission on a 6-0 vote. Members present and voting in favor: Chair Hadden, Vice Chair Ferchill, Commissioners Boyle, Osborne, Reel and Tuttle. Members absent: Commissioners Stout and Wray. Three vacancies. December 12, 2017 – Unanimously recommended by the Resource Management Commission on a 7-0 vote. Members present and voting in favor: Chair Dielmann, Vice Chair Reed and Commissioners Babyak, Brenneman, Kohan, Lesnau and White. Members absent: Commissioners Madison and Vaughan. Two vacancies.
- The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20171214-086 was approved on Council Member Houston's motion, Council Member Pool's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Garza was off the dais.**

DISCUSSION ITEMS CONTINUED

98. Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with the Texas Department of Transportation (TXDoT) to initiate a pilot program to address public health and safety issues under and near TXDoT property near the US290/SH 71 overpass at Manchaca Road and Packsaddle Pass. Council Sponsors: Council Member Ann Kitchen, Council Member Alison Alter, Council Member Leslie Pool, Council Member Ellen Troxclair.
- A motion to approve the resolution was made by Council Member Kitchen and seconded by Council Member Pool.**

Council Member Kitchen made an amendment to strike the words "and execute" from the Be It Resolved clause. The amendment was accepted without objection.

An amendment was made by Council Member Casar to revise the Be It Resolved clause to read: "The City Council directs the City Manager to negotiate an Interlocal Agreement with the Texas Department of Transportation (TXDoT) to initiate a pilot program permitting the City of Austin to address public health and safety issues on certain TXDoT property by allowing the City of Austin to act as an agent of TXDOT to enforce no trespassing laws. The pilot program will be in effect for TXDoT owned right of way and properties under and near the US 290/SH 71 overpass spanning Manchaca Road and Packsaddle Pass." The amendment was accepted without objection.

Resolution No. 20171214-098 was approved as amended above on Council Member Kitchen's motion, Council Member Pool's second on a 7-0 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Flannigan, Kitchen, Pool, and Troxclair. Council Members Casar, Houston, and Renteria abstained. Council Member Garza was off the dais.

88. Authorize negotiation and execution of a concession agreement with XpresSpa Austin Airport, LLC and its joint venturers (XpresSpa) or one of the other qualified offerors to the Request for Proposals for Terminal Concessions (RFP-8100-ABIA-004), to lease, design, construct, operate,

and maintain a food, beverage, and retail concession at Austin-Bergstrom International Airport for a term not to exceed ten years. (Note: This contract will be awarded in compliance with the Federal Aviation Administration's Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program requirements (49 CFR Part 23) by meeting the goals with 12.00% ACDBE participation.)

The motion authorizing negotiation and execution of a concession agreement with XpresSpa Austin Airport, LLC and its joint venturers (XpresSpa) was approved on Council Member Flannigan's motion, Council Member Houston's second on a 7-2 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Houston, Kitchen, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Member Pool. Council Members Alter and Garza were off the dais.

67. Approve a resolution directing the City Manager to recommend an analytic process to determine an appropriate compensation that property owners would provide to the City to demolish single-family and multi-family residential structures. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Gregorio Casar, Council Member Alison Alter, Council Member Sabino 'Pio' Renteria.

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

The following amendments were made by Council Member Flannigan and accepted without objection:

To amend the eighth Whereas clause to read: "Whereas, other residential structures are virtually demolished under the City's allowances for "remodels"; and"

To add a new tenth Whereas clause to read: "Whereas, the 2014 Housing Works report also noted that the City has made strides in the preservation of the city's affordable housing stock through programs such as the Homeowner Rehabilitation Loan Program and the G.O. Repair! Program and by aligning policy initiatives and funding through strategic partnerships such as the Housing-Transit-Jobs Action Team; and"

To add a twelfth Whereas clause to read: "Whereas, through Resolution No. 20141016-034, City Council also endorsed the remaining recommendations from the 2014 Housing Works report, "Taking Action: Preservation of Affordable Housing in the City of Austin," including exploring the adoption of Homestead Preservation Districts and Homestead Preservation District TIFs and examining the possibility of maximizing Tax Incentives for Preservation, as additional strategies to achieve the 20,000 unit preservation goal; and"

To add a fifteenth Whereas clause read: "Whereas, many cities and states around the country have developed and implemented strategies to tackle the challenge of preserving affordable housing; and"

To add a sixteenth Whereas clause to read: "Whereas, one strategy recently adopted by the City of Flower Mound, Texas, and is patterned after a similar programs in Arlington and Richardson, Texas, is a home improvement incentive program established to reinvest in residential neighborhoods and aimed at improving the appearance of neighborhoods, increasing the stock and value of homes, and lessen the burden of homeowners who want to implement improvement projects involving the reconstruction or remodeling of homes by offering homeowners a one-time incentive payment, equal to 10 times the amount of the town property tax increase; and"

To add a new Be It Further Resolved clause ahead of the original Be It Further Resolved Clause to read:

“The City Council directs the City Manager to explore the feasibility of establishing a compensation requirement that property owners would pay to the City to demolish single-family and multi-family residential structures.”

Council Member Flannigan made an amendment to insert a new Be It Further Resolved Clause to read: “The City Council directs the City Manager to analyze the impact to the City of single-family and multifamily residential demolitions and remodels. At a minimum this analysis should consider impacts to the City’s affordability goals, energy and water goals, housing stock, tax revenue, and other revenues to the City.” The amendment failed on a 2-7 vote. Those voting aye were: Council Members Flannigan and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Houston, Kitchen, Pool, and Renteria. Council Members Alter and Garza were off the dais.

The following amendments were made by Council Member Troxclair and accepted without objection:

To amend the second Be It Further Resolved Clause to read:

Now, Therefore, Be It Resolved by the City Council of the City of Austin

“The City Council directs the City Manager to recommend an analytic process to determine an appropriate fee that property owners must provide to the City to demolish single-family and multifamily residential structures. The process to potentially create an appropriate fee should explore the loss of affordable housing that occurs when older residential structures are demolished and replaced with new market-rate residential structures. If such a study establishes a relationship between demolitions and the loss of affordable housing, the City Manager would then recommend levels of appropriate fees and a method to direct that revenue to the City’s Housing Trust Fund to create affordable housing opportunities in the same geographic area.”

Resolution No. 20171214-067 was approved as amended above on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on an 8-1 vote. Council Member Troxclair voted nay. Council Members Alter and Garza were off the dais.

Mayor Adler adjourned the meeting at 1:08 a.m. without objection.

The minutes were approved on this the 1st day of February 2018 on Council Member Flannigan’s motion, Council Member Garza’s second on an 11-0 vote.