

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, MAY 10, 2018****Invocation:** Rev. Brian Ferguson, Wildflower 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, May 10, 2018 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Adler called the Council Meeting to order at 10:24 a.m. Council Member Troxclair was absent.**

**CONSENT AGENDA**

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

1. Approve the minutes of the Austin City Council work session of April 24, 2018, and regular meeting of April 26, 2018.  
**The motion approving the minutes of the City Council work session of April 24, 2018 and regular meeting of April 26, 2018 were approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
2. Authorize negotiation and execution of an interlocal agreement with the City of Bee Cave ('Bee Cave') in order for Bee Cave to reimburse the City of Austin for an amount not to exceed \$867,796 for costs associated with the construction of underground electric lines along Bee Cave Parkway located in Travis County and within Austin Energy's service territory.  
**The motion authorizing negotiation and execution of an interlocal agreement with the City of Bee Cave was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
3. Authorize negotiation and execution of future natural gas transportation, storage and balancing agreements on a recurring basis with Enterprise Texas, Atmos Pipeline Texas, Kinder Morgan Texas, and any successors-in-interest to these companies, for the delivery of gas supply to Austin Energy's gas-fired generation facilities for successive terms not to exceed 60 months each, in a combined amount not to exceed \$15,000,000 per fiscal year.  
**The motion authorizing negotiation and execution of future natural gas transportation, storage and balancing agreements with Enterprise Texas, Atmos Pipeline Texas, Kinder Morgan Texas was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

4. Approve issuance of a rebate to Data Foundry, Inc., for performing energy efficiency improvements at its new facility located at 4100 Smith School Road, in an amount not to exceed \$98,714. District(s) Affected: District 2.  
**The motion approving issuance of a rebate to Data Foundry, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
5. Approve issuance of a rebate to Paradise Oaks ICG LLC, for performing energy efficiency improvements at Paradise Oaks Apartments, located at 1500 Faro Drive, in an amount not to exceed \$144,876. District(s) Affected: District 3.  
**The motion approving issuance of a rebate to Paradise Oaks ICG LLC was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
6. Approve an ordinance amending the Fiscal Year 2017-2018 Austin Water Operating Budget (Ordinance No. 20170913-001) to increase the transfers in from the Capital Improvements Program by \$6,427,000 and increase the transfer out by \$26,860,841; and amending the Fiscal Year 2017-2018 Combined Utility Revenue Bond Redemption Fund (Ordinance No. 20170913-001) to increase the transfer in from the Austin Water Operating Budget by \$64,000,000 and increase other operating requirement expenditures by \$64,000,000 to fund debt defeasance. Related to Item #44.  
**Ordinance No. 20180510-006 was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
7. Authorize negotiation and execution of a professional services agreement with CP&Y, Inc., MWM DesignGroup, Inc. (DBE), and McGray and McGray Land Surveyors, Inc. (DBE), or other qualified responders for Request for Qualifications Solicitation No. CLMP241, for surveying services for the 2018 ABIA Surveying Services Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the three firms. [Note: This contract will be awarded in compliance with 49 CFR Part 26 (Disadvantaged Business Enterprise Program) by meeting the goals with 13.40% DBE participation.] District(s) Affected: District 2.  
**The motion authorizing negotiation and execution of a professional services agreement with CP&Y, Inc.; MWM DesignGroup, Inc.; and McGray and McGray Land Surveyors, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
8. Authorize negotiation and execution of an amendment to the professional services agreement with Kleinfelder, Inc., for design services and construction phase services for the Austin-Bergstrom International Airport Terminal Area Spalling Improvements - Part 2 (Upper Level Embankment) in the amount of \$111,080.10, using existing funds and authorizing an additional \$94,362.39, for a total contract amount not to exceed \$901,362.39. [Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 22.40% MBE and 14.84% WBE.] District(s) Affected: District 2.  
**The motion authorizing negotiation and execution of an amendment to the professional services agreement with Kleinfelder, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

9. Authorize award and execution of a construction contract with ASD Consultants, Inc. (MBE), for the Dove Springs Recreation Center Expansion - Rebid project in the amount of \$1,757,777 plus a \$175,777.70 contingency, for a total contract amount not to exceed \$1,933,554.70. [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 74.29% MBE and 4.55% WBE participation.] District(s) Affected: District 2.  
**The motion authorizing award and execution of a construction contract with ASD Consultants, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
10. Authorize award and execution of a construction contract with Central Road and Utility, Ltd. dba CRU, Ltd. (MBE), for the Tracon Building Stormwater Improvements project in the amount of \$1,880,220.25 plus an \$188,019.75 contingency, for a total contract amount not to exceed \$2,068,240. [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 50.51% MBE and 2.77% WBE participation.] District(s) Affected: District 2.  
**The motion authorizing award and execution of a construction contract with Central Road and Utility, Ltd. doing business as CRU, Ltd. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
11. Authorize award and execution of a construction contract with Smith Contracting Co. Inc., for FM 812 Landfill Letdown Repair project in the amount of \$1,110,490 plus a \$111,049 contingency, for a total contract amount not to exceed \$1,221,539. [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 6.04% MBE and 1.27% WBE participation.] District(s) Affected: District 2. Zero Waste Advisory Commission recommendation on an 8-0 vote.  
**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 Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
12. Authorize negotiation and execution of a professional services agreement with the following five staff recommended firms, or other qualified responders, to Request for Qualifications Solicitation No. CLMP238: HDR Engineering, Inc; Geosyntec Consultants, Inc; Stantec Consulting Services Inc; CDM Smith Inc., and Freese and Nichols, Inc. for engineering services for the 2018 Stream Restoration and Stormwater Treatment Engineering Services Rotation List for an estimated period of five years or until financial authorization is expended, for a total amount not to exceed \$10,000,000 divided among the five firms. [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 15.80% MBE and 15.80% WBE participation.] Staff recommendation is selection of the five most qualified firms out of 12 firms evaluated through the city's qualification-based selection process.  
**The motion authorizing negotiation and execution of a professional services agreement with HDR Engineering, Inc; Geosyntec Consultants, Inc; Stantec Consulting Services Inc; CDM Smith Inc., and Freese and Nichols, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

13. Authorize negotiation and execution of design and commission agreements with Ion Art Inc., in an amount not to exceed \$87,000 for artwork for the 8th Street Streetscape Project. District(s) Affected: District 9.

**The motion authorizing negotiation and execution of design and commission agreements with Ion Art Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 14 was pulled for discussion.**

15. Approve a resolution authorizing the City Manager to seek approval from the Public Utility Commission of Texas to increase wholesale water and wastewater rates charged to North Austin MUD, Northtown MUD, Travis County WCID No. 10, and Wells Branch MUD, and to negotiate and execute agreements necessary to request and obtain approval for the rate increase.

**Resolution No. 20180510-015 was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 16 was pulled for discussion.**

17. Discussion and possible action related to the City of Dripping Springs' application to discharge treated wastewater effluent.

**This item was withdrawn.**

**Items 18 & 19 were pulled for discussion.**

20. Approve an ordinance amending the Fiscal Year 2017-2018 Neighborhood Housing and Community Development Department Operating Budget to appropriate \$868,240 from the Housing Trust Fund for housing programs.

**Ordinance No. 20180510-020 was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

21. Authorize the negotiation and execution of an amendment (No. 1) to the Fiscal Year 2017-2018 Service Agreement with the Austin Housing Finance Corporation to increase funding for the Housing Trust Fund in the amount of \$868,240 for a total contract amount not to exceed \$18,651,223.

**The motion authorizing the negotiation and execution of an amendment number one to the Fiscal Year 2017-2018 service agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

**Items 22 through 24 were pulled for discussion.**

25. Authorize negotiation and execution of an encroachment agreement with Hotel Magdalena LLC for the aerial encroachment of right-of-way for proposed balconies, roof overhangs and porte-cochere at the intersection of Academy Drive and Music Lane, located at 110 Academy Drive. District(s) Affected: District 9.

**The motion authorizing negotiation and execution of an encroachment agreement with Hotel Magdalena LLC was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

26. Authorize negotiation and execution of an interlocal agreement with Austin Independent School District to provide its students educational experiences through the programs offered at McBeth Recreation Center. District(s) Affected: District 5, District 8.  
**The motion authorizing negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
27. Approve an ordinance accepting \$40,000 in grant funds awarded by National Recreation and Parks Association (NRPA); and amending the Fiscal Year 2017-2018 Parks and Recreation Department's Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate funding for the NRPA 10-Minute Walk Planning Grant and Technical Assistance.  
**Ordinance No. 20180510-027 was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
28. Authorize 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 withdrawn.**
29. Authorize negotiation and execution of Amendment No. 11 to the agreement with Front Steps, Inc. for the provision of homeless social services at the Austin Resource Center for the Homeless to extend the term for a 6-month period from October 1, 2018 through March 31, 2019 and add funding in an amount not to exceed \$1,074,529, for a total agreement amount not to exceed \$11,542,281.  
**The motion authorizing negotiation and execution of amendment number 11 to the agreement with Front Steps, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
30. Authorize negotiation and execution of multi-term cooperative contracts with Haworth, Herman Miller Inc., Knoll Inc., The Hon Company, Southern Aluminum, Steelcase Inc. and Trendway and their manufacturer approved distributors, to provide furniture including installation and other related services, for up to five years for total contract amounts not to exceed \$16,446,000 divided among the contractors. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).  
**This item was withdrawn.**
31. Authorize negotiation and execution of a cooperative contract with Medwheels Inc., for automated external defibrillators and accessories, for a term of 25 months in an amount not to exceed \$1,200,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).  
**The motion authorizing negotiation and execution of a cooperative contract with Medwheels Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

32. Authorize award and execution of a multi-term contract with GC3 Specialty Chemicals Inc., to provide bulk aqueous ammonia, for up to four years for a total contract amount not to exceed \$364,800. (Note: 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 GC3 Specialty Chemicals Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
33. Authorize an amendment to an existing contract with Avolve Software Corporation, to provide continued electronic plan review solution software licensing and implementation services, for an increase in the amount of \$256,231, for a revised contract amount not to exceed \$1,611,554. (Note: This contract was awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established).  
**The motion authorizing an amendment to an existing contract with Avolve Software Corporation was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
34. Authorize award and execution of a multi-term contract with Power Pest Corp D/B/A Texas Bird Services to provide bird and bat control services for up to five years for a total contract amount not to exceed \$465,000. (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. For the services 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 Power Pest Corp doing business as Texas Bird Services was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
35. Authorize award and execution of a multi-term contract with Jollyville Car Wash, Inc. D/B/A Arbor Car Wash to provide vehicle cleaning and washing services for up to five years for a total contract amount not to exceed \$367,500. (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. For the services 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 Jollyville Car Wash, Inc. doing business as Arbor Car Wash was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
36. Ratify a contract with Techline, Inc., for manhole lifting devices, in the amount of \$155,610. (Note: This contract is 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 ratifying a contract with Techline, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

37. Authorize negotiation and execution of a contract with The University of Texas at Austin to provide energy related research services for up to five years for a total contract amount not to exceed \$500,000. (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 services required, there were no subcontracting opportunities, therefore no subcontracting goals were established).  
**The motion authorizing negotiation and execution of a contract with The University of Texas at Austin was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
38. Authorize award and execution of a contract with Techline, Inc. to provide metering current transformers in an amount not to exceed \$69,228. (Note: 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 contract with Techline, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
39. Ratify a contract with Powell Electrical Systems Inc. for services and replacement parts to repair a switchgear in the amount of \$63,746. (Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).  
**The motion ratifying a contract with Powell Electrical Systems Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
40. Authorize negotiation and execution of a multi-term cooperative contract with immixTechnology, Inc., to provide TIBCO software products including maintenance, training, and support services, for up to five years for a total contract amount not to exceed \$1,709,332. (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).  
**The motion authorizing negotiation and execution of a multi-term cooperative contract with immixTechnology, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
41. Authorize award and execution of a multi-term contract with Techline, Inc. to provide fault indicators and fiber optic leads for up to five years for a total contract amount not to exceed \$2,676,200. (Note: 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 Techline, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**
42. Ratify a contract with Atlantic Diving Supply Inc. D/B/A ADS, Inc. to provide FPX Nano x-ray devices and generators in the amount of \$160,500. (Note: This contract is 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 ratifying a contract with Atlantic Diving Supply Inc. doing business as ADS, Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

43. Authorize award and execution of a construction contract with Austin Traffic Signal Construction Co., Inc., for Traffic Signal & Pedestrian Hybrid Beacon Installation - 2016 Mobility Bond - Rebid Indefinite Delivery/Indefinite Quantity contract in the amount of \$2,100,000 for an initial 2-year term, with three 1-year extension options of \$800,000, for a total contract amount not to exceed \$4,500,000. [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 6.20% MBE and 1.91% WBE participation.] District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10.

**The motion authorizing award and execution of a construction contract with Austin Traffic Signal Construction Co., Inc. was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

44. Approve a resolution authorizing the defeasance of certain outstanding Water and Wastewater System Revenue Refunding Bonds, including authorizing the execution of an escrow agreement, and related documents. Related to Item # 6.

**Resolution No. 20180510-044 was approved on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

45. 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 consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

#### Nominations

Board/Nominee

Nominated by

Ethics Review Commission

Tray Gober

Council Member Flannigan

Hispanic/Latino QOL Advisory Commission

Maria Solis

Council Member Kitchen

#### **Item 46 was pulled for discussion.**

47. Approve a resolution directing the City Manager to refrain from exercising or including certain provisions in City contracts related to the sale or trade-in of firearms or firearm accessories. Council Sponsors: Council Member Alison Alter, Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Jimmy Flannigan.

**Resolution No. 20180510-047 was approved as amended on consent on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**



The amendment to amend the Be It Further Resolved clause was made by Council Member Alter and accepted without objection.

The amendment was to read: “The City Council directs the City Manager to refrain from including any provisions in future contracts which would allow the City to sell or trade-in firearms or firearm accessories purchased or obtained by the City to anyone other than officers employed by the Austin Police Department or certified peace officers employed by the City. Firearms or firearm accessories unsold to Austin Police Department officers shall be destroyed in a manner consistent with the recommendations of the April 2014 Evidence Disposition Audit.”

Items 48 through 53 were pulled for discussion.

54. Set a public hearing on Amendment No. 2 to the project and financing plan of the Waller Creek Tax Increment Financing (TIF) Reinvestment Zone No. 17 to update current project design and project cost estimates, to extend the length of time in which the TIF operates, and to provide the most recent estimates of underlying funding sources that are anticipated to pay for the construction, operation and maintenance of projects within the District. The projects are proposed to be expanded to include parks and other infrastructure to improve the developed land in the area. (Suggested date and time: May 24, 2018, at 4:00 p.m. at Austin City Hall, 301 W Second Street, Austin, TX)

**The public hearing was set on consent for May 24, 2018, 4:00 p.m. at 301 West Second Street on consent on Council Member Alter’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Troxclair was absent.**

Item 91 was pulled for discussion.

92. Approve a resolution amending Resolution No. 20180426-032 relating to an educational campaign that seeks to empower vulnerable families when selling or buying a home. Council Sponsors: Council Member Delia Garza, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Alison Alter, Council Member Gregorio Casar.  
**Resolution No. 20180510-092 was approved on consent on Council Member Alter’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Troxclair was absent.**

### **BRIEFING**

57. Briefing and update on potential 2018 bond election  
**This item was withdrawn.**

### **DISCUSSION ITEMS**

55. Approve a resolution reappointing Lottie Dailey and Michael Murphy to the Municipal Civil Service Commission for a three-year term. Council Sponsors: Audit and Finance Committee.  
**This item was withdrawn.**
53. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the ATX Student Walkout, sponsored by We The Students, which was held on Friday, April 20, 2018, at the State Capitol. Council Sponsors: Council Member Sabino 'Pio' Renteria, Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Delia Garza, Council Member Gregorio Casar.

The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the ATX Student Walkout was approved on Council Member Renteria's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was absent.

Direction was given to staff without objection to include the following amounts towards the fee waiver:

**\$150 by Council Member Kitchen**

**\$150 by Council Member Houston**

**\$47.66 by Council Member Alter**

**\$47.66 by Council Member Casar**

**\$47.66 by Council Member Pool**

49. Approve a resolution relating to the City's support of Austin Independent School District's (AISD) 2017 Bond implementation and amending Resolution No. 20160623-082 relating to the processing of demolition applications for AISD properties subject to the Bond. Council Sponsors: Council Member Alison Alter, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Leslie Pool, Mayor Pro Tem Kathie Tovo.

**A motion to approve Resolution No. 20180510-049 was made by Council Member Alter and seconded by Council Member Pool.**

The amendment was made by Council Member Alter and accepted without objection to revise the fourth bullet point to the Be It Further Resolved clause to read as follows: "Make use of existing code compliant sidewalks on and adjacent to property being developed or redeveloped in conjunction with the 2017 Bond where possible and in compliance with ADA requirements and explore alternative funding sources where sidewalk improvements are needed in order to use the bond money most sufficiently;"

The amendment adding an additional bullet to the Be It Further Resolved clause to read "The City Manager is directed to explore how the measures outlined in this resolution can be offered to other public school districts within the City of Austin." was made by Council Member Flannigan and later withdrawn.

**Resolution No. 20180510-049 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 absent.**

93. Approve a resolution appointing two commissioners to the Municipal Civil Service Commission for a three-year term and designating a chair. Council Sponsors: Audit and Finance Committee. **Resolution No. 20180510-093 was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.**

#### **CITIZENS COMMUNICATIONS: GENERAL**

Susan Spataro – Incentives

Carlos Leon – 1.) God, Jesus Christ, & The Holy Spirit are the truth-true light, true salt, true rock; 2.) 4/18/18 Chemtrail spraying attack in Austin's skies was alien to humanity; 3) Losing your marbles Vol. IV, part IV.

Sharon Weintraub – Proposed Austin cemetery rules & regulations.

Laurel Marotta – Traffic situation on Palace Parkway.

Sharon Blythe – TBD

Caroline Staley – Homelessness – **Not Present.**

Richard Franklin – TBD – **Not Present.**

Nailah Sankofa – Public transportation.

Robert Macdonald – 'World class city?' – **Not Present.**

16. Approve a resolution to clarify membership requirements applicable to the Planning Commission under the City Charter.

**A motion approving resolution as amended below was made by Council Member Alter and seconded by Council Member Houston.**

**A motion to amend Option B of the resolution as listed below was made by Council Member Alter and seconded by Council Member Houston.**

**To revise the fifth Whereas clause to read: “WHEREAS, Art. X § 2 of the charter, approved by 67% of Austin voters in 1994, requires that “a minimum of two thirds of [the Planning Commission] shall be lay members not directly or indirectly connected with real estate and land development”; and**

**To revise the sixth Whereas clause to read: WHEREAS, Art. X § 2 was added in order to ensure that developers, real estate speculators, and those connected with real estate and land development, such as real estate lawyers, engineers and architects, did not exert undue influence over land use planning and zoning decisions; and**

**To revise the seventh Whereas clause to read: WHEREAS, the City Council believes that this resolution will ensure that future appointments comply with the Art. X § 2 of the City Charter; NOW THEREFORE,**

**To revise the Be It Resolved clause to read: BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

1. **Finding.** Council finds that, this resolution is needed in order to effectuate the charter’s preventative conflicts purpose, which is to broadly include professionals with any direct or indirect include individuals with any meaningful relationship to either real estate or land development. This includes not only builders, financiers, or real estate agents, but also architects, engineers, lawyers and other professionals who work in association with developers or real estate agents.
2. **Criteria for Applying Charter Requirements to Planning Commission Appointments.**
  - (A) At least nine members of the Planning Commission must be “lay members not directly or indirectly connected with real estate and land development,” as determined under Subsection (B). If membership of the Commission includes more than four members who do not satisfy the criteria under Subsection (B), no

additional members who do not meet those criteria may be appointed and the last members appointed that exceed the threshold shall be removed as set out in Section 3.

- (B) An individual is deemed to be a “lay [member] not directly or indirectly connected with real estate and land development” if:
  - (i) The person is not a licensed attorney, architect or engineer practicing in a field related to real estate or land development;
  - (ii) The person does not derive substantial income, defined as receiving funds during the previous 12 months or the previous calendar year equal to or exceeding \$5,000 in salary, bonuses, commissions or professional fees or \$20,000 in payment for goods, products or nonprofessional services, or 10 percent of the person’s gross income during that period, whichever is less, from:
    - (a) a professional certification in Construction, Design, Real Estate, or a related field; or
    - (b) ownership of real property, other than a primary homestead; and
  - (iii) The person is not engaged in land development projects, whether as a general contractor, subcontractor, financier, or in any other capacity, but excluding employees or independent contractors working solely in construction trades or work performed on a person’s homestead.
- (C) The criteria established in Subsection (B) apply only to activity or property within the City’s planning jurisdiction.

**3. Administrative Requirements.**

- (A) The City Manager, in consultation with the City Clerk and the City Auditor, is directed to provide a questionnaire for applicants to open positions on the Planning Commission designed to assist the Council in determining whether an individual is “directly or indirectly connected with real estate and land development” under the criteria established in Section 2 of this resolution.
- (B) The City Manager is directed to begin requiring completion of the questionnaire for subsequent applications for appointment or reappointment to the Planning Commission.
- (C) Before the Council may appoint a Planning Commissioner nominee, the City’s Auditor shall provide a recommendation, based on the evidence and criteria in Section 2, whether the nominee is a lay person connected directly or indirectly to real estate and land development, and whether their appointment would exceed the 1/3<sup>rd</sup> threshold. The City Auditor’s recommendation shall be provided two weeks in advance of the vote on the nomination.

After June 1<sup>st</sup>, 2018, if a complaint is filed, the City Auditor also shall apply Section 2’s criteria to existing Planning Commissioners, and if the Auditor determines the 1/3<sup>rd</sup> threshold has been exceeded, then those Commissioners, shall be automatically removed on a last-in-first-out basis. In circumstances where multiple ineligible Commissioners have the same appointment date then, those Commissioners shall draw lots until the 1/3<sup>rd</sup> threshold is not exceeded. Commissioners automatically removed shall be ineligible to vote on Commission items.

A substitute motion adopting option B as amended below was made by Council Member Kitchen and seconded by Council Member Flannigan.

To revise the last Whereas clause to read: Whereas, the City Council believes that a clearer process is necessary and desirable to ensure appointments comply with the Art. X § 2 of the City Charter, Now Therefore,

To revise Section 3, Administrative Requirements of the Be It Resolved clause to read:

**3. Administrative Requirements.**

(A) The City Manager, in consultation with the City Clerk, is directed to provide a questionnaire for applicants to open positions on the Planning Commission designed to assist the Council in determining whether an individual is “directly or indirectly connected with real estate and land development.”

(B) The City Manager is directed to begin requiring completion of the questionnaire for subsequent applications for appointment or reappointment to the Planning Commission.

(C) Upon completion of the application process, the Clerk’s Office shall provide the questionnaire to the nominating council member, providing opportunity for an alternative nominee. When the nomination moves forward, the Clerk’s Office will distribute nominee’s questionnaire to Council for review 10 days prior to Council vote on approval of individuals. Council will discuss nominations at the work session prior to council meeting posted for nominee’s approval.

(D) The City Manager is directed to create and bring back for approval, by June 14, 2018, a process for removing Planning Commissioners. If a charter amendment is required to remove Planning Commissioners, the City Manager is directed to bring back potential charter amendments for Council’s consideration.

A friendly amendment to remove the language “If a charter amendment is required to remove Planning Commissioners,” from Section D of the Administrative Requirements was made by Mayor Pro Tem Tovo and accepted without objection.

A motion to amend the Administrative Requirements Part 3 failed on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on a 4-6 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen and Renteria. Council Member Troxclair was absent. The amendments were as follows:

- Add “and the City Auditor” to Part 3 (A) of the Administrative Requirements
- Replace Council Member Kitchen’s proposed language Part 3 (D) of the Administrative Requirements with Council Member Alter’s proposed language.

A motion to approve the substitution motion made by Council Member Kitchen’s and replacing the original motion made by Council Member Alter was approved on a 6-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen and Renteria. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool. Council Member Troxclair was absent.

A motion to amend the resolution failed on Council Member Pool’s motion, Council Member Houston’s second on a 4-6 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen and Renteria. Council Member Troxclair was absent. The motion was as follows:

To revise the fifth Whereas clause to read: WHEREAS, Art. X § 2 of the charter, approved by 67% of Austin voters in 1994, requires that “a minimum of two thirds of [the Planning Commission] shall be lay members not directly or indirectly connected with real estate and land development”; and

To revise the sixth Whereas clause to read: WHEREAS, Art. X § 2 was added in order to ensure that developers, real estate speculators, and those connected with real estate and land development, such as real estate lawyers, engineers and architects, did not exert undue influence over land use planning and zoning decisions; and

To revise the seventh Whereas clause to read: WHEREAS, the City Council believes that to this resolution will ensure that future appointments comply with the Art. X § 2 of the City Charter; NOW THEREFORE,

To revise the Be It Resolved clause to read: BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**1. Finding.** Council finds that, this resolution is needed in order to effectuate the charter’s preventative conflicts purpose, which is to broadly include professionals with any direct or indirect include individuals with any meaningful relationship to either real estate or land development. This includes not only builders, financiers, or real estate agents, but also design architects, engineers, lawyers and other professionals who work in association with developers or real estate agents.

**2. Criteria for Applying Charter Requirements to Planning Commission Appointments.**

(A) At least nine members of the Planning Commission must be “lay members not directly or indirectly connected with real estate and land development,” as determined under Subsection (B). If membership of the Commission includes more than four members who do not satisfy the criteria under Subsection (B), no additional members who do not meet those criteria may be appointed.

(B) An individual is deemed to be a “lay [member] not directly or indirectly connected with real estate and land development” if:

(i) The person is not a licensed attorney, architect or engineer practicing in a field related to real estate or land development;

(ii) The person does not derive substantial income, defined as receiving funds during the previous 12 months or the previous calendar year equal to or exceeding \$5,000 in salary, bonuses, commissions or professional fees or \$20,000 in payment for goods, products or nonprofessional services, or 10 percent of the person’s gross income during that period, whichever is less, from:

(a) a professional certification in Construction, Design, Real Estate, or a related field; or

(b) ownership of real property, other than a primary homestead; and

(iii) The person is not engaged in land development projects, whether as a general contractor, subcontractor, financier, or in any other capacity, but excluding employees or independent contractors working solely in construction trades or work performed on a person’s homestead.

(C) The criteria established in Subsection (B) apply only to activity or property within the City’s planning jurisdiction.

**3. Administrative Requirements.**

(A) The City Manager, in consultation with the City Clerk, is directed to provide a questionnaire for applicants to open positions on the Planning Commission designed to

assist the Council in determining whether an individual is “directly or indirectly connected with real estate and land development.”

(B) The City Manager is directed to begin requiring completion of the questionnaire for subsequent applications for appointment or reappointment to the Planning Commission.

(C) Upon completion of the application process, the Clerk’s Office shall provide the questionnaire to the nominating council member, providing opportunity for an alternative nominee. When the nomination moves forward, the Clerk’s Office will distribute nominee’s questionnaire to Council for review 10 days prior to Council vote on approval of individuals. Council will discuss nominations at the work session prior to council meeting posted for nominee’s approval.

(D) The City Manager is directed to create and bring back for approval, by June 14, 2018, a process for removing Planning Commissioners if the Commission’s composition does not comply with the City Charter. If a charter amendment is required to remove Planning Commissioners, the City Manager is directed to bring back potential charter amendments for Council’s consideration.

Resolution No. 20180510-016 was approved as amended above on a 6-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen and Renteria. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool. Council Member Troxclair was absent.

Mayor Adler recessed the meeting at 12:44 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.

59. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
60. Discuss legal issues related to setting wholesale water and wastewater rates and obtaining approval in accordance with the final order in Texas Public Utilities Commission Docket No. 42857 (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
61. Discuss legal issues related to Breaion King v. Officer Bryan Richter et al, Cause No. 1:16-cv-01020, in the United States District Court for the Western District of Texas, Austin Division (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
62. Discuss legal issues related to the City of Dripping Springs' Application for a Permit to Discharge Treated Wastewater Effluent into Walnut Springs Tributary and Onion Creek (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**

63. Discuss legal issues related to the November 2018 election (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**

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

#### **DISCUSSION ITEMS CONTINUED**

14. Approve an ordinance amending Chapter 2-7 (Ethics and Financial Disclosure) related to the subpoena authority and complaint process of the Ethics Review Commission.  
**A motion to approve the ordinance was made by Mayor Adler and seconded by Council Member Pool.**

**A motion to amend the ordinance as listed below was made by Mayor Adler and accepted without objection.**

**The amendments were as follows:**

**To revise §2-7-46 (A) to read “ (A) Subject to the limitations in this section, if a complaint...”**

**To add a new Section (F) to read: Appeal to Council. A person that is a party to the complaint or subject of a subpoena may appeal the commission’s decision on an objection to a subpoena to the Audit and Finance Committee of the City Council by filing an appeal with the City Clerk’s office no later than ten days after the commission’s decision. The request for an appeal must include a concise statement detailing the reasons the person believes the commission’s decision should be overruled. The City Clerk will distribute the request for an appeal in the same manner described in subsection (E) above. The staff assigned to the commission will place the appeal on the next available committee agenda in accordance with the council’s committee meeting procedures. The committee may vote to adopt, reject or modify the decision of the commission. A member of the Council may not take any part in a deliberation, vote, or decision regarding a subpoena issued to the council member or is issued in a complaint alleging a violation by the council member or a member of their staff.**

**Ordinance No. 20180510-014 was approved as amended above on Mayor Adler’s motion, Council Member Pool’s second on a 10-0 vote. Council Member Troxclair was absent.**

46. Approve a resolution directing the City Manager to review and analyze the 'People's Plan' recommendations and provide an analysis to Council and the Anti-Displacement Task Force. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool.  
**Resolution No. 20180510-046 was approved on Mayor Adler’s motion, Council Member Renteria’s second on a 10-0 vote. Council Member Troxclair was absent.**

56. Approve an ordinance amending City Code Chapter 2-1-206 relating to the Joint Sustainability Committee bylaws. Council Sponsors: Audit and Finance Committee.  
**The motion to adopt the ordinance as amended below was made by Council member Flannigan and seconded by Council Member Casar. The amendment was to replace Subsection (D) in Part 2 with new language that allows each council committee assigned**



oversight of transportation, social service, or housing policies the ability to nominate one individual to serve on the joint committee.”

The motion to remove two current community members nominated by a council committee and have the remaining one community stakeholder nominated by the council committee assigned oversight of social services was made by Mayor Pro Tem Tovo and accepted without objection.

Ordinance No. 20180510-056 was approved as amended above on Council Member Flannigan’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.

Direction was given to staff to let the three stakeholders complete their current terms.

91. Authorize negotiation and execution of a 120-month lease agreement with one option to extend for an additional ten years, for approximately 96,000 square feet of office space for Municipal Court with Met Center Partners-11, Ltd., a Texas Limited Partnership, located at Met Center II, Building 3, 7000 Metropolis Drive, in an amount not to exceed \$31,278,785. District(s) Affected: District 2.

The motion authorizing negotiation and execution of a lease agreement with Met Center Partners-11, Ltd. was approved on Council Member Flannigan’s motion, Council Member Garza’s on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Garza and Kitchen. Those voting nay were: Council Members Houston and Renteria. Council Member Pool abstained. Council Member Troxclair was absent.

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

64. C14-2017-0067 - Champion Tract 1C - District 10 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6500 FM 2222 Road (West Bull Creek Watershed). Applicant Request: To rezone from neighborhood commercial- conditional overlay (LR-CO) combining district zoning to general commercial services- conditional overlay (CS-CO) combining district zoning. First Reading approved on March 22, 2018. Vote: 8-1, Council Member Alter voted nay. Council Members Pool and Troxclair off the dais. 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) Affected: District 10.

Ordinance No. 20180510-064 was approved as amended below for general commercial services- conditional overlay (CS-CO) combining district zoning on Council Member Renteria’s motion, Council Member Kitchen’s second on an 8-1 vote. Council Member Alter voted nay. Council Member Pool abstained. Council Member Troxclair was absent.

To amend Part 2 (A) trip limitations as follows: A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the trip allocation allotted by Ordinance No. 000309-80.

To amend Part 3 as follows: By Ordinance No. 00309-80 the City Council allotted 6,500 trips across several tracts of land, including the Property subject to this ordinance. Site

**Plans SPC-01-0016A, SP-01-0386B and SP-01-0387B used 5,352 trips, leaving 1,148 trips for other development.**

**Direction was given to staff to include in the zoning case file the memo provided in backup for future reference.**

65. NPA-2016-0016.01 - 3212 E. Cesar Chavez Street & 111 Tillery Street - District 3 - Approve second and third readings of an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3212 E. Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed) from Commercial and Industry to Multifamily and Mixed Use land use. First reading approved on December 7, 2017. Vote: 11-0. Owners Owners/Applicants: Painter Enterprises Inc. (Donald E. Painter) and 3212 Cesar Chavez, LP (Timothy Clark). Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.  
**This item was postponed to June 28, 2018 at the request of the applicant on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**
66. C14-2016-0079 - 3212 E. Cesar Chavez Street - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 3212 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading approved on December 7, 2017. Vote: 11-0. Owners: Painter Enterprises Inc. (Donald E. Painter) and 3212 Cesar Chavez, LP (Timothy Clark). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512- 974-2122. District(s) Affected: District 3.  
**This item was postponed to June 28, 2018 at the request of the applicant on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**
67. C14-2016-0136 - Broadmoor - District 7 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 11501 Burnet Road (Walnut Creek Watershed). Applicant Request: To rezone from north burnet/gateway-commercial mixed use-neighborhood plan combining (NBG-CMU-NP) district zoning to north burnet/gateway-transit oriented development-gateway zone-neighborhood plan (NBG-TOD-NP) combining district zoning. First Reading approved north burnet/gateway-transit oriented development-gateway zone-neighborhood plan (NBG-TOD-NP) combining district zoning, with conditions on April 12, 2018. Vote: 6-0. Owner/Applicant: Brandywine Austin, LLC (Leon Shadowen). Agent: Drenner Group, PC (Dave Anderson). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.  
**This item was postponed to May 24, 2018 at the request of Council Member Pool on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**
68. C14-2018-0018 - 4101 Manchaca Condos - District 5 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4101 Manchaca Road (West Bouldin Creek Watershed). Applicant request: To rezone from Family Residence

(SF-3) district zoning to Multi-Family Residence Low Density (MF-2) combining district zoning. First Reading approved general office-mixed use- conditional overlay (GO-MU-CO-NP) combining district zoning on April 24, 2018. Owner/Applicant: Two Pura Vida Design (Charlotte Aceituno). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 5.

**Ordinance No. 20180510-068 for Multi-Family Residence Low Density (MF-2) combining district zoning was approved on Council Member Renteria's motion, Council Member Kitchen's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was absent.**

69. C14-2017-0123 - South Chisholm Professional Offices - District 5 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1109 West Slaughter Lane (Slaughter Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to limited office-mixed use (LO-MU) combining district zoning. First Reading approved limited office-mixed use (LO-MU) combining district zoning on April 24, 2018. Owner/Applicant: Mario Solis. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.

**Ordinance No. 20180510-069 for limited office-mixed use (LO-MU) combining district zoning was approved on Council Member Renteria's motion, Council Member Kitchen's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was absent.**

70. C14-2017-0074 - Gilfillan Place - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 603 W. 8th Street (Shoal Creek Watershed). Applicant Request: To rezone from general office-historic landmark (GO-H) combining district zoning, general office- mixed use (GO-MU) combining district zoning, and GO (general office) district zoning to downtown mixed use- historic landmark (DMU-H) combining district zoning. Staff Recommendation: To grant downtown mixed use- historic landmark - conditional overlay (DMU-H-CO) combining district zoning. Historic Landmark Commission Recommendation: To be reviewed on April 23, 2018. Planning Commission Recommendation: To be reviewed on May 8, 2018. Owner/Applicant: 2015 Austin Gilfillan LP (Rene O. Campos). Agent: Drenner Group (Dave Anderson). City Staff: Scott Grantham, 512-974-3574. A valid petition has been filed in opposition to this rezoning case. District(s) Affected: District 9.

**This item was postponed indefinitely at the request of staff on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

71. NPA-2016-0005.04 - 500 Montopolis Drive -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 500 Montopolis Drive (Country Club East) from Single Family to Mixed Use land use. Staff Recommendation: Neighborhood Mixed Use. Planning Commission Recommendation: To deny Applicant's request for Mixed Use land use. Owner/Applicant: Keep Investment Group. Agent: Drenner Group (Amanda Swor). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

**This item was postponed to June 28, 2018 at the request of the staff on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

72. C14H-2017-0055 - 500 Montopolis - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 500 Montopolis

Drive (Country Club East Creek Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-historic landmark-neighborhood plan (GR-MU-H-NP) combining district zoning and community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-historic landmark-conditional overlay-neighborhood plan (GR-MU-H-CO-NP) combining district zoning and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Historic Landmark Commission: To grant community commercial-mixed use-historic landmark-conditional overlay-neighborhood plan (GR-MU-H-CO-NP) combining district zoning and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Owner: KEEP Investment Group, LLC (Austin Stowell). Applicant: City of Austin Planning and Zoning Department (Jerry Rusthoven). City Staff: Heather Chaffin, 512- 974-2122. District(s) Affected: District 3.

**This item was postponed to June 28, 2018 at the request of the staff on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

73. 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). Applicant's request: To rezone 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-neighborhood mixed use (ERC-NMU) district zoning for a portion of the requested area. Planning Commission Recommendation: To grant East Riverside Corridor-neighborhood mixed use (ERC-NMU) district zoning for a portion of the requested area. Owner/Applicant: TLH Riverside 6507 MF-1, LP (David Cox). Agent: Armbrust & Brown, PLLC (Michael Whellan). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 3.

**This item was postponed indefinitely at the request of the applicant on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

74. C14-2017-0139 - Ferguson Crossing- District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3207 Ferguson Lane (Walnut Creek Watershed) from warehouse limited office-conditional overlay (W/LO-CO) combining district zoning, rural residence (RR) district zoning, neighborhood office-conditional overlay (NO-CO) combining district zoning, and single family residence large lot-conditional overlay (SF-1-CO) combining district zoning to warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. Staff recommendation: To grant warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. On Tract 1 and to grant multifamily limited density-conditional overlay (MF-1-CO) combining district zoning on Tract 2. Owner/Applicant: Fergi AV Land, LLC. (Colin Armstrong). Agent: Armbrust & Brown, PLLC (Amanda Morrow). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

**This item was postponed to May 24, 2018 at the request of the neighborhood on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

75. C14-01-0046.02 - The Baker School - District 9 - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 3908 Avenue B (Waller Creek Watershed). Applicant Request: To zone from Unzoned (UNZ) district to community commercial - historic district - neighborhood conservation combining district - neighborhood plan (GR-HD-NCCD-NP) combining district zoning. First Reading approved on March 22, 2018. Vote: 8 - 1, Council Member Flannigan voted nay. Council Members Pool and Troxclair off the dais. Owner: Austin Public Schools. Applicant: Weiss Architecture Inc. (Richard Weiss). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 9.  
**This item was postponed to May 24, 2018 at the request of the applicant on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**
76. C14-2017-0130 - Genesis Autos - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4410 East William Cannon Drive (Williamson Creek Watershed). Applicant's Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: Genesis Autos (Daniel Garcia). Agent: LOC Consultants (Sergio Lozano-Sanchez, P.E.). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.  
**This item was postponed to May 24, 2018 at the request of the applicant on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**
77. C14-2016-0090 - 130/Parmer - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 10208 Lindell Lane (Gilleland Creek Watershed). Applicant Request: To rezone from interim-rural residence (I-RR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed May 15, 2018. Owner: Cottonwood Holdings. Ltd. (Pete Dwyer). Applicant: Land Strategies, Inc. (Paul Linehan). City Staff: Heather Chaffin, 512- 974-2122. District(s) Affected: District 1.  
**This item was postponed to June 14, 2018 at the request of staff on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**
79. C14H-2018-0015 - Mary Street Historic District - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property within the proposed boundaries of the Mary Street Historic District on both sides of the 500 block of E. Mary Street by adding historic area (HD) combining district overlay to all existing base zoning, but making no other zoning changes. Staff Recommendation: To grant historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district. Historic Landmark Commission Recommendation: To grant historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district. Planning Commission Recommendation: To grant historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district. City Staff: Cara Bertron, Historic Preservation Office, Planning and Zoning Department, 512-974-1446. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180510-079 for historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district was approved on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

80. C14H-2018-0010- Robert Mueller Airport Control Tower- District 9- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3952 Berkman Drive (Harper's Branch Watershed). Applicant Request: To rezone from planned unit development (PUD) district zoning to planned unit development - historic landmark (PUD-H) combining district zoning. Staff Recommendation: To grant planned unit development - historic landmark (PUD-H) combining district zoning. Historic Landmark Commission Recommendation: To grant planned unit development - historic landmark (PUD-H) combining district zoning. Planning Commission Recommendation: To grant planned unit development - historic landmark (PUD-H) combining district zoning. Applicant/Owner: City of Austin. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180510-080 for planned unit development - historic landmark (PUD-H) combining district zoning was approved on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

81. C14-2018-0021 - Lamppost Residential Community - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12500 Lamppost Lane (Walnut Creek Watershed). Applicant Request: To rezone single family residence-standard lot (SF-2) district zoning to urban family residence (SF-5) district zoning. Staff Recommendation: To grant urban family residence (SF-5) district zoning. Zoning and Platting Commission Recommendation: To grant urban family residence (SF-5) district zoning. Owner/Applicant: HQR Investments, LLC Series 12500 (Michael Vasquez). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180510-081 for urban family residence (SF-5) district zoning was approved on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

82. C14-2018-0019 - Eubanks Acres Section Four Lots 16 thru 21 Rezoning - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as Cherokee Street and Cedar Valley Cove (Walnut Creek Watershed). Applicant Request: To rezone from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-large lot (SF-1) district zoning. Owner/Applicant: CMST Development, LLC (Charles S. Nichols, Jr.), Jennifer Taylor, Thomas Nilles, Brannon Benjamin Taylor and Linda Pennington Taylor. Agent: Garrett-Ihnen Civil Engineers, Inc. (Norma Raven Divine). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180510-082 for single family residence-large lot (SF-1) district zoning was approved on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

**Direction to staff to clarify that this rezoning does not guarantee any level of ability of development on this property.**

84. NPA-2017-0016.02 - Flats on Shady - 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 1125 Shady Lane (Boggy Creek Watershed) from Single Family to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To grant Multifamily land use. Owner/Applicant: Otto Friedrich Jr. Estate. Agent: Drenner Group (Amanda Swor). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.  
**This item was postponed to June 14, 2018 at the request of the applicant on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**
85. C14-2017-0094 - Flats on Shady - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1125 Shady Lane (Boggy Creek Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Staff Recommendation: To grant multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Owner/Applicant: Otto Freidrich Jr. Estate (Johnette Champion). Agent: Drenner Group (Dave Anderson). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.  
**This item was postponed to June 14, 2018 at the request of the applicant on Council Member Renteria's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair was absent.**

#### **DISCUSSION ITEMS CONTINUED**

18. Approve third reading of an ordinance relating to special events and high capacity event venues, repealing and replacing City Code Chapter 14-8 relating to right-of-way closures for special events and neighborhood block parties, amending requirements for temporary food establishments during a special event, repealing City Code Section 14-6-3 relating to closures for a street festivity, amending City Code Chapter 9-2 relating to 24-hour live music and multi-day special event permits; and creating offenses and establishing penalties.  
**A motion to approve the ordinance was made by Council Member Garza and seconded by Mayor Pro Tem Tovo.**

**The following amendments were made by Mayor Pro Tem Tovo and accepted without objection. The amendments were:**

**To revised the implementation date of the ordinance to April 1, 2019.**

**To add a new section to the ordinance to read: "The Council directs the City Manager to incorporate stakeholder engagement into the rules development process. A component of the stakeholder engagement must include presentations to City boards and commissions with advisory responsibilities over the topics for which rules are being developed. The**

**Council encourages the City Manager to designate a senior member of City staff to serve as a single point of contact during the stakeholder process.”**

**To add a new section to the ordinance to read: “Part \_\_\_\_\_. The City Council creates a task force to assess the efficacy of this ordinance, the associated rules, and ACE processes. The task force will be referred to as “Special Events Task Force.”**

**The task force will consist of 11 voting members and 11 ex officio members comprised of the city departments that participate in the Austin Center for Events. The Mayor and each Council Member will appoint one voting member to the task force. The members appointed by the Mayor and City Council will, at a minimum, consist of two members of each of the following stakeholders:**

- **neighborhood residents;**
- **individuals who own or operate music venues;**
- **individuals who own or operate small businesses; and**
- **individuals who work for or own event production companies.**

**The task force shall comply with Texas Government Code Chapter 551 (Open Meetings Act). Six task force members constitute a quorum. All members necessary to provide a quorum must be physically present at a meeting to conduct business.**

**The task force will begin its work on April 1, 2019. The task force is required to provide the Council with a report and any recommended changes by March 31, 2020. The task force expires on April 1, 2020.”**

**To add a new section to the ordinance to read: “When preparing the rules and any proposed fee schedule changes, the Council directs the City Manager to incorporate scalability within the tier structure, to the extent feasible.”**

**The following amendment was made by Mayor Pro Tem Tovo and approved on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was absent. The amendments were:**

**To add a new Section 3 under “§ 14-8-22 to read:**

- (3) that requires council action under Section 14-8-28 (Approval of Permit).**

**To revise § 14-8-28 Approval of Permit to read:**

**(A) Except as provided in Subsection (B),**

**(B) The director must request council action on a request for a closure permit if, within 14 calendar days from the date notice is provided, Austin Center for Events receives objections from:**

- (1) 20 percent of more of the interested persons who were provided notice or**
- (2) A neighborhood association**

**(C) Before council considers a request for a closure permit, the director must prepare a report that:**

- (1) Summarizes the objections received;**
- (2) Describes any application modifications Austin Center for Events will require to address the objections; and**
- (3) States the director’s recommendation, which must be based upon whether the application complies with this chapter, rules adopted under this chapter, and Chapter 4-19 (Special Events).**



(D) In considering a closure permit, council shall consider the director's report and apply the same criteria used by the Austin Center for Events in Section 4-20-34 (Approval or Denial of a Special Event Application).

(E) A special event that has been held for 10 or more years and has not received a violation or changed its character, nature, location, or route shall be approved under Subsection (A).

(F) A closure permit is not effective unless the Austin Center for Events approved the companion special event permit.

To revise § 14-8-29 Appeal of Denial of Application to read:

(A) If an application for a closure permit is denied the applicant may deliver an appeal that complies with the requirements established in Section 4-20-35 (Appeal of Special Event Application Denial).

(B) Except as provided in Subsection (D), an appeal under this section shall be processed in the same manner as an appeal described in Section 4-20-35 (Appeal of Special Event Application Denial).

(C) In considering an appeal, the appeal team shall apply the criteria described in Section 14-8-28(A) (Approval of Permit).

(D) If the appeal team upholds the director's denial, ACE shall notify the applicant in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.

(E) The applicant may submit a written request for council action no later than 10 business days after ACE notified the applicant as required in Subsection (C). The request must be submitted to the director.

(F) Before council considers the applicant's request, the director must prepare a report that describes why the application does not comply with the requirements in Section 14-8-28(A) (Approval of Permit).

(G) The council shall consider the applicant's request at the next available scheduled meeting.

(H) In considering the applicant's request, council shall consider the director's report and apply the same requirements used by the director in Section 14-8-28(A) (Approval of Permit).

To revise § 4-20-1 (7) and (9) Definitions to read:

(7) INTERESTED PERSON means the property owner, property management, or tenant of each property that fronts a portion of the proposed right-of-way closure area.

(9) NEIGHBORHOOD ASSOCIATION means a neighborhood association registered with the City whose boundaries include all or part of a right-of-way closure area.

To revise § 4-20-32(D) to read: (D) For a Tier 3 or Tier 4 event, ACE will take final action to approve or deny an application no later than 30 days before the first day of the special event if the application does not include a request for a closure permit that requires council action under Section 14-8-22(3) (Restrictions on Approval of Closure Permit).

To revise § 4-20-33 to add a new (C) and (D) to read:

(C) In addition to the notice required under Subsection (A), an event organizer shall provide notice to interested persons and neighborhood associations within 10 calendar days after ACE issues a preliminary recommendation if the special event:

(1) is a Tier 3 or 4 special event; and

(2) requires a closure permit under Chapter 14-8 (Temporary Closure for Special Events and Block Parties).

(D) An event organizer may provide the notice required in Subsection (A) and (C) in one document.

To revise § 4-20-34 (A) to read: If ACE determines that none of the conditions specified in Subsection (B), (C), or (D) apply, ACE shall approve a special event application.

To add a new § 4-20-34 (D) to read: (D) ACE shall approve an application that requires council action under Section 14-8-22(3) if

- (1) None of the conditions in Subsection (B) or (C) apply; and
- (2) The council approves the closure permit.

To renumber the original § 4-20-34 (D) to (G) to read: If ACE denies an application, ACE shall notify the event organizer in writing as soon as practicable. A notification sent by electronic mail complies with this subsection.”

The following amendment was made by Council Member Casar and seconded by Council Member Flannigan and accepted without objection. The amendment was to revise “§4-19-20 Permit Required; Exceptions (B) (2) to read:

“§4-19-20 Permit Required; Exceptions (B) (2) A spontaneous event is subject to other law such as an event occasioned by recent news or current affairs, that is conducted solely on city right-of-way or parkland. To help ensure public safety, an organizer of such a spontaneous event is not required to, but is encouraged to, notify the Austin Police Department of the date, time, place, and an estimate of the approximate number of persons who will be participating.”

Ordinance No. 20180510-018 was approved as amended above on Council Member Garza’s motion, Mayor Pro Tem Tovo’s second on a 9-0 vote. Council Member Houston was off the dais. Council Member Troxclair was absent.

19. Approve an ordinance amending City Code chapter 2-5 relating to council committees. A motion to approve the ordinance was made by Council Member Flannigan and seconded by Council Member Casar.

A motion to amend the language of the ordinance was made by Council Member Flannigan and seconded by Council Member Casar. The amended language is as follows:

“§ 2-5-102 MEMBERSHIP OF COUNCIL COMMITTEES.

- (A) Except as otherwise provided, each committee of the council shall consist of three to five council members recommended by the mayor, in consultation with the council, and approved by the council.
- (B) For each council committee the mayor, in consultation with the council, shall designate a chair and a vice chair.
- (C) The term of a committee member is one year beginning on the date the council committee appointments are approved by the council.
- (D) Council committee membership shall be discussed at the first council work session of each calendar year. Council members will indicate the council committees on which they desire to serve, and the mayor will use this information to develop a recommendation list for the membership of each council committee.
- (E) The mayor's recommendation of the membership of a committee, including the mayor's designation of a chair and vice chair, is not effective until it is approved by the council as provided by this subsection. The council may:

- (1) approve the entirety of the mayor's recommendations of all council committee members, including the designations of officers for the council committees; or
- (2) individually approve or change:
  - (a) the recommendation of an individual council member to a council committee;
  - (b) the designation of an individual council member as a council committee officer; or
  - (c) the membership of a particular council committee.
- (F) If a vacancy occurs on a committee, the mayor shall recommend a council member to fill the vacancy for the remainder of the unexpired term. An appointment under this subsection requires council approval.
- (G) Immediately following the council's approval of committee membership or when the council makes changes to council committee membership, the mayor shall file a list of the membership of each council committee with the city clerk.

#### **§ 2-5-105 COMMITTEE MEETINGS**

(B) Except as otherwise provided, a majority of the total number of members of a council committee is a quorum. The favorable votes of a majority of the council committee quorum present at the meeting are required for a council committee to take action."

A substitute motion to amend the ordinance was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second initially failed on a vote of 5-3. Those voting aye were: Mayor Pro Tem Tovo, Council Members Garza, Houston, Kitchen and Pool. Those voting nay were: Mayor Adler, Council Members Casar and Flannigan. Council Member Renteria was off the dais. Council Member Troxclair was absent. Council Member Alter abstained.

The substitute motion was to revise the ordinance as follows:

To revise § 2-5-102 to read:

**"§ 2-5-102 MEMBERSHIP OF COUNCIL COMMITTEES.**

- (A) Council committee membership will be determined at the first council work session of each calendar year. Council members will select the council committees on which they will serve. If more than five council members desire to serve on any council committee and the committee's membership is not established in this Chapter of the Code, the council must approve the membership by adoption of a Resolution. With the exception of council committees that are committees of the whole council, each committee of the council shall consist of at least three council members. Each council committee shall designate a chair and a vice chair. Council may consider changes to council committee membership at any council work session.
- (B) The term of a committee member is one year beginning on the date the mayor files the council committee selections with the city clerk.
- (C) Immediately following the work session when council members select council committees on which to serve or when council members make changes to council committee membership, the mayor shall file a list of the membership of each council committee with the city clerk.

To revise subsection (B) of § 2-5-105 to read:

- (B) A majority of the total number of members of a council committee is a quorum. The favorable votes of a majority of the council committee quorum present at the meeting are required for a council committee to take action.

After a point of order by Council Member Alter, the vote was retaken and Mayor Pro Tem Tovo's substitute motion passed on a vote of 6 in favor. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston, Kitchen and Pool. Council Member Troxclair was absent.

An amendment to change the language "at least three" and replace it with "three to five" was made by Council Member Casar and accepted by the maker of the motion.

Ordinance No. 20150510-019 was approved as amended above on Council Member Flannigan's motion, Council Member Garza's second on an 8-2 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Garza, Houston, Kitchen and Pool. Those voting nay were: Mayor Adler and Council Member Renteria.

### **PUBLIC HEARINGS**

86. Conduct a public hearing and consider an ordinance regarding Atmos Energy Corporation's proposal to reduce customer rates.  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180510-086 was approved on Council Member Alter's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was absent.**
87. Conduct a public hearing and consider an ordinance regarding floodplain variances for a remodel and addition to a single-family residence at 7906 South 1st Street within the 25-year and 100-year floodplains of South Boggy Creek. District(s) Affected: District 2.  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180510-087 was approved on Council Member Garza's motion, Council Member Pool's second on a 9-0 vote. Mayor Pro Tem Tovo was off the dais. Council Member Troxclair was absent.**

**Mayor Adler recessed the meeting at 4:42 p.m.**

### **LIVE MUSIC**

Hai Zheng

### **PROCLAMATIONS**

Proclamation and Certificates of Recognition – Public Service Recognition Week – To be presented by Mayor Steve Adler and to be accepted by City Manager Spencer Cronk and City departmental honorees

Proclamation – Asian Pacific American Heritage Month – To be presented by Mayor Steve Adler

Proclamation – CelebrASIA Austin: Asian Pacific American Food and Heritage Festival Day – To be presented by Council Member Ora Houston

Proclamation – Mental Health Month – To be presented by Council Member Ora Houston

Proclamation – Alejandrina Guzman Day – To be presented by Mayor Pro Tem Kathie Tovo and to be accepted by the honoree.

**Mayor Adler reconvened the meeting at 7:10 p.m.**

83. C814-2017-0001 - 425 W. Riverside PUD - District 9 - Conduct a public hearing and approve on third reading an ordinance amending City Code Title 25 by rezoning property locally known as 425 W. Riverside Drive (Lady Bird Lake Watershed) from Commercial-Liquor Sales - Vertical Mixed Use Building - Neighborhood Plan (CS-1-V-NP) combining district zoning to Planned Unit Development - Neighborhood Plan (PUD-NP). The ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. City Council Action: Approved Planned Unit Development - Neighborhood Plan with conditions (PUD-NP) on first Reading March 22, 2018, Vote 9-0 [CM Pool and Troxclair - Absent]. Approved Planned Unit Development - Neighborhood Plan with conditions (PUD-NP) on 2nd Reading on April 24, 2018. Owner/Applicant: Ronald A. Nelson, Trustee and Molley Belle Properties LP (Ronald A. Nelson). Agent: Armbrust & Brown (Richard T. Suttle, Jr.). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and the ordinance for Planned Unit Development - Neighborhood Plan (PUD-NP) was made by Mayor Pro Tem Tovo and seconded by Council Member Pool.**

**A motion to amend Part 8(A) of the ordinance was made by Mayor Pro Tem Tovo and seconded by Council Member Pool.**

**The amendment revise Part 8(A) to read:**

**“A. Monetary Contributions**

- 1. Under the PUD Development Bonus program, a development fee-in-lieu equal to \$6 per non-residential bonus area square foot shall be paid to the Neighborhood Housing and Community Development (NHCD) Department Housing Trust Fund prior to issuance of the building’s final Certificate of Occupancy.**
- 2. Under the PUD Tier Two superiority criteria, the Landowner shall participate in a program to achieve affordable housing as set forth in this section. Landowner shall contribute \$50,000 to NHCD to be reserved in a fund to be used by the South Central Austin Community Development Corporation (SCACDC) when the SCACDC has developed an eligible program as determined by NHCD under NHCD’s established guidelines.**
- 3. These funds shall be restricted to use in the South Central Waterfront Regulating District and within a two-mile radius of the southernmost boundary of the South Central Waterfront Regulating District for a period of not less than ten years from payment. If after ten years from payment, or if the South Central Waterfront Regulating District is not established prior to payment of funds, the use of those funds shall no longer be restricted.”**

**A substitute motion to remove the South Central Austin Community Development Corporation as the receiving entity failed on Council Member Flannigan’s motion, Mayor Adler’s second on a 4-6 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan and Kitchen. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston, Pool and Renteria. Council Member Troxclair was absent.**

**The amendment was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was absent.**

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180510-083 for Planned Unit Development - Neighborhood Plan (PUD-NP) was approved as amended above on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was absent.**

90. Conduct a public hearing and consider a resolution to expand the Austin Downtown Public Improvement District by adding one parcel of land, at 425 West Riverside Drive, as requested by the property owner.  
**The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20180510-090 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was absent.**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 7:36 p.m. See separate minutes.**

58. 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.

### **PUBLIC HEARINGS**

**The following items were taken in a combined motion.**

22. Approve a resolution declaring a need for Texas Housing Foundation, a regional housing authority, to operate an affordable multi-family development to be known as the Oaks on Lamar, located at 8071 North Lamar Boulevard (currently known as Santa Maria Village) within the city limits of Austin, Texas, and authorizing a cooperation agreement between the City and Texas Housing Foundation. District(s) Affected: District 4.  
**Resolution No. 20180510-022 was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
23. Approve a resolution declaring a need for the Marble Falls Housing Authority, a Texas municipal housing authority, to provide project-based housing vouchers to the Oaks on Lamar (currently known as Santa Maria Village), located at 8071 North Lamar Boulevard within the city limits of Austin, Texas, and authorizing a cooperation agreement between the City and Marble Falls Housing Authority. District(s) Affected: District 4.  
**Resolution No. 20180510-023 was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
24. Approve a resolution declaring a need for the Texas Housing Foundation, a regional housing authority, to operate an affordable multi-family development to be known as the Riverside Townhomes, located at 6118 Fairway Street (currently known as Fairway Village) within the city limits of Austin, Texas, and authorizing a cooperation agreement between the City and the Texas Housing Foundation. District(s) Affected: District 3.  
**Resolution No. 20180510-024 was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**The following items were taken in a combined motion.**

88. Conduct a public hearing and consider a resolution to be submitted to the Texas Department of Housing and Community Affairs by THF Oaks on Lamar, LP, or an affiliated entity, supporting an allocation of low income housing tax credits for the proposed rehabilitation of an affordable multi-family development to be known as Oaks on Lamar located at 8071 North Lamar Boulevard (currently known as Santa Maria Village), and acknowledging that the City of Austin has more than twice the state average of units per capita supported by low income housing tax credits or private activity bonds at the time of application. District(s) Affected: District 4  
**The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20180510-088 was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
89. Conduct a public hearing and consider a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by THF Riverside Townhomes, LP, or an affiliated entity, for the rehabilitation of an affordable multi-family development to be known as the Riverside Townhomes, located at 6118 Fairway Street (currently known as Fairway Village); and acknowledging that the City has more than twice the state average of units per capita supported by low income housing tax credits or private activity bonds at the time of application. District(s) Affected: District 3.  
**The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20180510-089 was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
50. Approve a resolution initiating code amendments to City Code Title 25 and uncodified ordinances to prohibit source of income discrimination and to require eviction protections for tenants of developments that participate in the City's density bonus and other similar incentive programs. Council Sponsors: Council Member Gregorio Casar, Council Member Delia Garza, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Kathie Tovo.  
**Resolution No. 20180510-050 was approved on Council Member Casar's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.**

**The following items were taken in a combined motion.**

51. Approve a resolution relating to private activity bonds for residential rental developments and protections for tenants. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Alison Alter, Council Member Gregorio Casar, Council Member Leslie Pool, Council Member Delia Garza.  
**Resolution No. 20180510-051 was approved on Council Member Casar's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was absent.**
52. Approve a resolution relating to tenant protections for a rental property required to register under City Code Chapter 4-14 (Registration of Rental Property). Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Alison Alter, Council Member Delia Garza, Council Member Gregorio Casar, Council Member Leslie Pool.  
**Resolution No. 20180510-052 was approved on Council Member Casar's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was absent.**
48. Approve a resolution supporting sanctuary for three individuals living at houses of worship in Austin, and urging federal officials to prevent their deportation. Council Sponsors: Council

Member Leslie Pool, Mayor Pro Tem Kathie Tovo, Council Member Gregorio Casar, Council Member Alison Alter.

**Resolution No. 20180510-048 was approved on Council Member Pool's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

78. C14H-2018-0013 - Smoot/Terrace Park Historic District - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property within the proposed boundaries of the Smoot/Terrace Park Historic District, roughly bounded by Pressler Street on the east, including the parcels on both sides of the street; W. 9th Street on the north, including the parcels on both sides of the street; W. 6th Street on the south, including only the parcels on the north side of the street; and Highland Avenue on the west, including the parcels on both sides of the street by adding historic area (HD) combining district overlay to all existing base zoning, but making no other zoning changes. Staff Recommendation: To grant historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district. Historic Landmark Commission Recommendation To grant historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district. Planning Commission Recommendation: Forwarded to council without a recommendation. City Staff: Cara Bertron, Historic Preservation Office, Planning and Zoning Department, 512-974-1446. District(s) Affected: District 9. A valid petition has filed in opposition to this rezoning request. At its 2:00 p.m. time certain, Mayor Pro Tem Tovo will request a 6:30 p.m. time certain.

**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district was made by Mayor Pro Tem Tovo and seconded by Council Member Houston.**

**A substitute motion to close the public hearing and approve the ordinance on first reading only for historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district failed on Council Member Casar's motion, Council Member Flannigan's second on a 5-5 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza and Renteria. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston, Kitchen and Pool. Council Member Troxclair was absent.**

**A motion to keep the public hearing open and approve the ordinance on first reading only for historic area (HD) combining district overlay to all existing base zoning for all parcels within the proposed historic district was approved on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Houston, Kitchen and Pool. Those voting nay were: Council Members Flannigan, Garza and Renteria. Council Member Troxclair was absent.**

**Mayor Adler adjourned the meeting at 9:59 p.m. without objection.**

**The minutes were approved on this the 28<sup>TH</sup> day of June 2018 on Council Member Flannigan's motion, Council Member Casar's second on a 10-0 vote. Council Member Houston was off the dias.**