

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, NOVEMBER 29, 2018**

Invocation: Iman Attiah Emarah of the Islamic Center of Greater Austin.

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, November 29, 2018 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:15 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 November 13, 2018 and regular meeting of November 15, 2018.

The motion approving the minutes of the Austin City Council work session of November 13, 2018 and regular meeting of November 15, 2018 were approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

2. Approve issuance of a rebate to Charles Schwab and Co. Inc., for performing energy efficiency improvements at its new office facilities located at 2309 Gracy Farms Lane, in an amount not to exceed \$69,699.80. District(s) Affected: District 7. November 19, 2018 – Recommended by the Electric Utility Commission on an 8-0 vote, with Commissioners Osborne and Wray absent, and one vacancy.

The motion approving issuance of a rebate to Charles Schwab and Company Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

Item 3 was pulled for discussion.

4. Authorize negotiation and execution of an amendment to the professional services agreement with Freese and Nichols, Inc., for engineering services for the Martin Luther King Jr. Boulevard transit Oriented Development Stormwater Conveyance project in the amount of \$783,000, for a total contract amount not to exceed \$2,400,000. [Note: This amendment will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business

Enterprise Procurement Program). Current participation to date is 20.48% MBE and 24.81% WBE.] District(s) Affected: District 1.

The motion authorizing negotiation and execution of an amendment to the professional services agreement with Freese and Nichols, Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

5. Authorize negotiation and execution of a design build agreement with SpawGlass Contractors, Inc., for design and construction services for the Austin Convention Center Warehouse and Marshalling Yard project in an amount not to exceed \$40,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 20.00% MBE and 17.80% WBE participation.] District(s) Affected: District 3.

The motion authorizing negotiation and execution of a design build agreement with SpawGlass Contractors, Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

6. Approve a resolution adopting the Estancia Hill Country Public Improvement District (PID) preliminary assessment roll (relating to Improvement Area # 2 and the Improvement Area # 2 Assessments) and preliminary amended and restated service and assessment plan update for Estancia PID. Related to Items #7 and #44. District(s) Affected: District 5.

Resolution No. 20181129-006 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

7. Authorize negotiation and execution of the first amendment to the Estancia Hill Country Annexation and Development Agreement, concerning annexation and development of approximately 600 acres in southern Travis County, west of IH 35 South, approximately eight-tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway. Related to Items #6 and #44. District(s) Affected: District 5.

The motion authorizing negotiation and execution of the first amendment to the Estancia Hill Country Annexation and Development Agreement was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

8. Authorize negotiation and execution of an amendment to a contract with Denton Navarro Rocha Bernal & Zech, P.C. for legal services regarding 2018 labor contract negotiations with the Austin Police Association in an amount not to exceed \$40,000, for a total contract amount not to exceed \$90,000.

The motion authorizing negotiation and execution of an amendment to a contract with Denton Navarro Rocha Bernal and Zech, P.C. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

Item 9 was pulled for discussion.

10. Authorize negotiation and execution of an interlocal agreement with the Austin Independent School District for a one-year pilot of the Library Cards for All Students Program, which will allow the Austin Public Library to offer a full purpose Student Library Card to all students enrolled in the Austin Independent School District.

The motion authorizing negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

Item 11 was pulled for discussion.

12. Approve an ordinance vacating approximately 5,410 square feet of right-of-way, being that certain 20 foot wide alley located between East 5th Street and East 6th Street, traversing from Navasota Street to Onion Street, the north half of the alley to Hall Family Properties, LLC, and the south half of the alley to Fifth & Onion 2016, LP. District(s) Affected: District 3.
Ordinance No. 20181129-012 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
13. Approve an ordinance vacating approximately 669 square feet of right-of-way, being the north half of a 20 foot wide alley located between East 4th Street and East 5th Street, extending west of Robert T. Martinez Jr. Street, to 4th & RTM, LP. District(s) Affected: District 3.
Ordinance No. 20181129-013 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
14. Approve an ordinance authorizing the negotiation and execution of an interlocal agreement regarding the release of approximately 33 acres of extraterritorial jurisdiction to the City of Dripping Springs. This action concerns land located within the Barton Springs Zone.
This item was postponed to December 13, 2018 on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
15. Approve an ordinance authorizing acceptance of \$365,955 in additional grant funds from the Department of State Health Services, Bureau of HIV and Sexually Transmitted Disease Prevention Program for the HIV Prevention grant program and amending the Fiscal Year 2018-2019 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to appropriate \$365,955 for Communicable Disease services.
Ordinance No. 20181129-015 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
16. Authorize negotiation and execution of Amendment No. 6 to the agreement with Austin Independent School District for after school enrichment services as part of the Prime Time Program to increase funding in an amount not to exceed \$150,000, for a total agreement amount not to exceed \$9,491,840.
The motion authorizing negotiation and execution of amendment number six to the agreement with Austin Independent School District was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
17. Authorize negotiation and execution of an agreement with Austin Travis County Mental Health Mental Retardation Center, dba Integral Care to provide homeless rapid re-housing services in an amount not to exceed \$400,000 for a 10-month term beginning December 1, 2018, with four 12-month extension options not to exceed \$400,000 per extension option, for a total agreement amount not to exceed \$2,000,000.

The motion authorizing negotiation and execution of an agreement with Austin Travis County Mental Health Mental Retardation Center, doing business as Integral Care was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

Direction was given to staff to consider the impact of this kind of funding for individuals who have been identified by the coordinated assessment as needing rapid rehousing throughout the City and not only those at the Austin Resource Center for the Homeless (ARCH).

18. Authorize negotiation and execution of an agreement with Austin Voices for Education and Youth for youth services and community events, in an amount not to exceed \$115,000 for the 10-month period beginning December 1, 2018, for a total contract amount not to exceed \$115,000.
The motion authorizing negotiation and execution of an agreement with Austin Voices for Education and Youth was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
19. Authorize negotiation and execution of Amendment No. 1 with Youth and Family Alliance, dba LifeWorks, to expand youth homeless services by increasing funding in an amount not to exceed \$160,000 for a total agreement amount not to exceed \$765,625.
The motion authorizing negotiation and execution of amendment number one to the agreement with Youth and Family Alliance, doing business as LifeWorks was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
20. Authorize negotiation and execution of Amendment No. 5 to the agreement with Asian American Resource Center for health navigation services to increase funding in an amount not to exceed \$257,000 for a total agreement amount not to exceed \$1,578,775.
The motion authorizing negotiation and execution of amendment number five to the agreement with Asian American Resource Center was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
21. Authorize negotiation and execution of a cooperative contract with EST Group, LLC (WBE), to provide storage capacity for the security video management system to include installation and configuration, in an amount not to exceed \$794,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).
The motion authorizing negotiation and execution of a cooperative contract with EST Group, LLC was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
22. Authorize award and execution of a multi-term contract with Denver W. Kokel D/B/A Denver's Towing, to provide towing services for up to five years, for a total contract amount not to exceed \$2,435,000. (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 Denver W. Kokel doing business as Denver's Towing was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

23. Authorize award and execution of two multi-term contracts with Magna-Flow Environmental Inc. and Wastewater Transport Services, LLC, to provide pump out, hauling, disposal, and maintenance services for grit traps, septic tanks, and drain fields, each for up to five years for total contract amounts not to exceed \$1,250,000 divided between the contractors. (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 two multi-term contracts with Magna-Flow Environmental Inc. and Wastewater Transport Services, LLC was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

24. Authorize award and execution of a multi-term contract with Interra Hydro, Inc., a local bidder that offers the City the best combination of contract price and additional economic development opportunities, including the employment of residents and increased tax revenues; to provide smoke testing, manhole inspections, and lateral television inspections of the sewer collection system, for up to five years for a total contract amount not to exceed \$700,000. (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 an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established).

The motion authorizing award and execution of a multi-term contract with Interra Hydro, Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

25. Authorize negotiation and execution of an interlocal agreement with the Minnesota Multistate Contracting Alliance for Pharmacy, a governmental group purchasing organization, to allow the City to participate in this organization's cooperative purchasing program to purchase various types of goods and services offered on contracts available to the City. (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 authorizing negotiation and execution of an interlocal agreement with the Minnesota Multistate Contracting Alliance for Pharmacy was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

26. Authorize negotiation and execution of three cooperative contracts with Sanofi Pasteur, Inc., GlaxoSmithKlein, LLC, and Merck Sharp & Dohme Corp., to provide vaccines, each for up to 43 months for total contract amounts not to exceed \$1,525,000 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 required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing negotiation and execution of three cooperative contracts with Sanofi Pasteur, Inc., GlaxoSmithKlein, LLC, and Merck Sharp and Dohme Corporation was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

27. Authorize negotiation and execution of four multi-term contracts with Corza Construction, LLC (MBE), JNA Painting and Contracting, Inc., Southstone Development Group, LLC (MBE), and Trini Construction Builder, LLC (MBE), to provide painting services, each for up to five years, for total contract amounts not to exceed \$10,000,000, divided among the contractors. (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 negotiation and execution of four multi-term contracts with Corza Construction, LLC, JNA Painting and Contracting, Inc., Southstone Development Group, LLC, and Trini Construction Builder, LLC was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

28. Authorize negotiation and execution of a multi-term contract with OpEx Solutions, Inc. (MBE), to provide consulting services for the design and implementation of an asset reliability and total productive maintenance program for the City's water treatment program, for up to five years for a total contract amount not to exceed \$500,000. (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 negotiation and execution of a multi-term contract with OpEx Solutions, Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

29. Authorize award and execution of two contracts, a primary contract with Industrial Asphalt, LLC and a secondary contract with Oldcastle Materials Texas, Inc. D/B/A APAC-Texas, Inc., to provide asphaltic concrete, for a term of five years in an amount not to exceed \$40,000,000 divided between the contractors. (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 and subcontractor goals were applied to the solicitation. The subcontracting goals were met and the resulting contracts will include 1.00% MBE/WBE combined participation).

The motion authorizing award and execution of two contracts, a primary contract with Industrial Asphalt, LLC and a secondary contract with Oldcastle Materials Texas, Inc. doing business as APAC-Texas, Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

30. Authorize negotiation and execution of a multi-term contract with Keep Austin Beautiful, to provide a zero waste youth education program, for up to five years for a total contract amount not to exceed \$1,000,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business

Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The subcontracting goals were exceeded and the resulting contract will include 4.32% MBE and 6.48% WBE participation).

The motion authorizing negotiation and execution of a multi-term contract with Keep Austin Beautiful was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

31. Authorize award and execution of a multi-term contract with FAPCO/Siemens, to provide high voltage circuit breakers, for up to five years for a total contract amount not to exceed \$6,255,500. (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). November 19, 2018 – Recommended by the Electric Utility Commission on an 8-0 vote, with Commissioners Osborne and Wray absent, and one vacancy.

The motion authorizing award and execution of a multi-term contract with FAPCO/Siemens was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

32. Authorize amendments to existing cooperative contracts with Aquatic Commercial Solutions, Inc., Commercial Swim Management, LLC, Kraftsman, L.P. D/B/A Kraftsman Commercial Playground & Water Parks, Leslie's Poolmart Inc. D/B/A Leslie's Swimming Pool Supplies, Progressive Commercial Aquatics, Inc., and various others, for continued maintenance, repair, equipment, and supplies for aquatic facilities, for an increase in the amount of \$3,700,000, for revised total contract amounts not to exceed \$4,700,000, divided among the contractors. (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 insufficient subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing amendments to existing cooperative contracts with Aquatic Commercial Solutions, Inc., Commercial Swim Management, LLC, Kraftsman, L.P. doing business as Kraftsman Commercial Playground and Water Parks, Leslie's Poolmart Inc. doing business as Leslie's Swimming Pool Supplies and Progressive Commercial Aquatics, Inc., and various others was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

33. Authorize negotiation and execution of a multi-term contract with Colette Holt & Associates, to conduct an availability and disparity study of minority owned and women owned business enterprises and disadvantaged business enterprises, for up to two years in an amount not to exceed \$1,000,000. (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 for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

This item was postponed to December 13, 2018 on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

34. Authorize negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) to contribute up to \$387,000.00 from fees collected by the City from

Austin's cable providers for AISD's purchase of equipment necessary for the operation of the AISD educational access channel.

The motion authorizing negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was absent.

35. Approve an ordinance amending City Code Section 12-4-64(D) to add a portion of Richcreek Road to the table of streets as having a maximum speed limit of 20 miles per hour, during certain times, for students attending Doss Elementary School at the Lucy Read Pre-Kindergarten Campus; and to provide for emergency passage. District(s) Affected: District 7, District 10.
Ordinance No. 20181129-035 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
36. Authorize negotiation and execution of a 12-month interlocal agreement with the Capital Area Council of Governments to provide funding in support of the regional coordination of air quality program activities, in an amount not to exceed \$164,909.00.
The motion authorizing negotiation and execution of a 12-month interlocal agreement with the Capital Area Council of Governments was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
37. Approve a resolution authorizing the City to participate in the 2019-2023 regional air quality plan as a member of the Capital Area Council of Governments.
Resolution No. 20181129-037 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
38. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
The following appointments and certain related waivers were approved as amended on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent. The amendment was to postpone the appointment to the Travis County Appraisal District Board to December 13, 2018.

Board/Nominee

Nominated by

**Community Development Commission
Awais Azhar**

Representative for Council Member Casar

**Community Development Commission
Amit Motwani**

Representative for Council Member Renteria

Waivers

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Awais Azhar. The waiver allows his simultaneous service on the Lesbian, Gay, Transgender, and Queer Quality of Life Commission and Community Development Commission.

39. Approve an ordinance extending the hours an outdoor music venue may operate sound equipment on December 31, 2018 and January 1, 2019; and directing the City Manager to prepare and present an amendment to the City Code to extend the hours an outdoor music venue may operate sound equipment on New Year's Eve. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Ann Kitchen, Council Member Gregorio Casar.
Ordinance No. 20181129-039 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
40. Approve an ordinance waiving and modifying certain City Code requirements for the South by Southwest conferences and festival (SXSW) to be held March 8-17, 2019. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Ann Kitchen, Council Member Gregorio Casar.
Ordinance No. 20181129-040 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 9-1 vote. Council Member Houston voted nay. Council Member Troxclair was absent.
41. Approve a resolution relating to the amount of time and resources dedicated to short-term rental enforcement. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Ann Kitchen, Council Member Ora Houston, Council Member Alison Alter, Mayor Steve Adler.
Resolution No. 20181129-041 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
42. Approve a resolution relating to individuals and entities who provide housing and domestic care services. Council Sponsors: Council Member Leslie Pool, Council Member Ora Houston, Mayor Pro Tem Kathie Tovo, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria.
Resolution No. 20181129-042 was approved as amended below on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.
- An amendment was made by Council Member Casar and accepted without objection. The amendment was to revise the Be It Resolved clause to read:**
- "The City Council directs the City Manager to explore opportunities and options to improve the standard of care offered by providers of housing and domestic care services to clients with physical and mental health-related issues who do not receive state-regulated services; and to evaluate whether the opportunities and options explored will safeguard clients' health and safety while avoiding unintended consequences that would decrease the vital services offered by providers. With the intent of maintaining and expanding the provision of services offered by providers, the City Council encourages the City Manager to explore the viability of licensing individuals (and entities) who provide these services, who are not subject to state regulation and an incentive program for those providers who improve the quality of life for their clients."**
43. Approve a resolution seeking staff feedback of a proposed ordinance amending the City Code to establish a First Amendment policy regarding use of the outside grounds of Austin public libraries and the Palmer Events Center. Council Sponsors: Council Member Leslie Pool, Mayor Pro Tem Kathie Tovo, Council Member Ann Kitchen, Council Member Alison Alter, Mayor Steve Adler.

Resolution No. 20181129-043 was approved as amended below on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.

An amendment was made by Mayor Adler and accepted without objection. The amendment was to revise the Be It Resolved clause to read:

"The City Manager is directed to review the accompanying draft ordinance, which would add a chapter to the City Code regarding use of city facilities, and provide input to Council. The City Manager shall review best practices regarding petitioning and other free speech activities at city libraries and the Palmer Events Center and other city owned or operated property, and shall identify issues and policy considerations and shall provide information and options on any changes to rules, ordinances, or procedures that staff would recommend."

The City Manager shall report back to Council in February 2019."

44. Set a public hearing to consider the Estancia Hill Country Public Improvement District (PID) Improvement Area #2 assessments relating to Improvement Area #2 and the 2018 preliminary amended and restated service and assessment plan for Estancia Hill Country PID. (Suggested date and time: December 13, 2018, 4:00 PM, at Austin City Hall, 301 W. Second Street, Austin, TX). Related to Items #6 and #7. District(s) Affected: District 5.
- The public hearing was set on consent for December 13, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair was absent.**

DISCUSSION ITEMS

3. Approve adoption of Water Forward, Austin's Integrated Water Resource Plan.
- The motion approving adoption of Water Forward, Austin's Integrated Water Resource Plan with the following direction to staff was approved on Mayor Pro Tem Tovo's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair was absent.**

The following direction was given to staff by Mayor Pro Tem Tovo and Council Member Kitchen and accepted without objection.

- 1. The City Manager is directed to work with city staff and the Water Forward Task Force to accelerate, to the greatest extent feasible, the implementation timeline for these specific strategies:**
 - Dual Plumbing**
 - Landscape Transformation**
 - Development-Focused Water Benchmarking and Budgeting, and**
 - Alternative Water Ordinances.**
- 2. The City Manager is also directed to work with staff to ensure substantive stakeholder outreach and involvement regarding the location of any future Aquifer Storage and Recovery Facility.**
- 3. The City Manager is further encouraged to explore the benefit of coordinated stakeholder outreach for the development of multiple ordinances, both to maximize staff time and resources as well as to expedite the timeline for implementation.**

The following direction was given to staff by Council Member Alter and accepted without objection.

- Council directs the City Manager to have Austin Water coordinate an effort for each City of Austin Department to assess its building and structures, including city pools, with a goal to reduce or eliminate water loss due to leaks and inefficiencies.
- Council directs the City Manager to consider using cost-saving Texas Water Development Board funding options, or other outside funding sources such as loans or grants for water projects whenever possible.
- Concurrent to ordinance development, consider advancing educational materials, training and facilitation of demonstration projects, particularly with regard to dual plumbing.
- Council directs the City Manager to consider a stage in the City's permitting process to discuss with large developments how to incorporate water conservation strategies early in the design phase.
- Council directs the City Manager to consider methods for interdepartmental collaboration to work to help ensure we have a skilled and developed workforce, including but not limited to plumbing professionals, ready to implement alternative water strategies for buildings and development and to identify whatever resources the City may need to bring to bear to support the necessary training.

The following direction was given to staff by Mayor Adler and accepted without objection.

- The City Manager should expedite the timeline of all codes and ordinances recommended by Water Forward, where feasible, to increase the City's resilience to the next drought.
- The City Manager and Austin Water should consider orienting impact fees and rates to promote Water Forward so that any change to fees and rates is done with the lens of advancing of Water Forward.
- The City Manager should align Austin Water and Watershed Protection Department to advance Water Forward through reporting structures and performance metrics to drive continued and enhanced integrated water management between the Utility and Watershed Protection.
- When considering ordinances related to on-site strategies, the City Manager should consider opportunities to extend these strategies to entire master planned developments, including PUDs and other special districts.
- The City Manager should consider creating a Research & Development unit with the water utility to advance business model innovations, leveraging new developments as an opportunity to test and deploy new technologies, operational strategies, and revenue structures.

The following direction was given to staff by Council Member Pool and accepted without objection.

- To the extent possible, to find other sources other than the Carrizo-Wilcox Aquifer that would be closer to Austin.

9. Authorize negotiation and execution of an amendment to the legal services contract with Greenberg Traurig, LLP for legal services related to the development of a soccer stadium on City-owned land located at 10414 McKalla Place in an amount not to exceed \$100,000 for a total contract amount of \$300,000.

The motion authorizing negotiation and execution of an amendment to the legal services contract with Greenberg Traurig, LLP was approved on Council Member Flannigan's motion, Council Member Garza's second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Flannigan, Garza, Kitchen, and

Renteria. Those voting nay were: Council Members Alter, Houston and Pool. Council Member Troxclair was absent.

11. Authorize negotiation and execution of a lease with Urban Roots, for approximately 9.405 acres of land for the operation of urban agriculture and commercial farming at the Winnebago Property, located at 4711 Winnebago Lane, Austin, Texas 78744 for a term of 15 years, with one 15 year extension option, with a monthly rental rate of \$1,000. District(s) Affected: District 2.
The motion authorizing negotiation and execution of a lease with Urban Roots was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.

Mayor Adler recessed the meeting at 11:27 a.m.

Mayor Adler reconvened the meeting at 12:00 p.m.

CITIZENS COMMUNICATIONS: GENERAL

Sergio Lozano – Development Services, Department outrageous fees.

Gerardo Martinez – Development Services

Mapi Vigil – Site Development Permit – **Not present**

George Oswald – Site Development Permits

Maria Flores – Development Services Fees

Owen Shroyer – TBD

Ryan Clinton – Thank you ACC.

Carlos León – 1) God, Jesus Christ, and the Holy Spirit reign supreme 24/7 because they're the best all the time; 2) Chemtrail contamination of Austin airspace is not acceptable; 3) Losing your marbles VOL. IV, part?

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:22 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.

45. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
46. Discuss real estate and legal matters related to the purchase, exchange, lease or value of an interest in real property and improvements owned by the State of Texas located in District 6 (Real

property - Section 551.072 of the Government Code and private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn.

47. Discuss real estate and legal matters related to the purchase, exchange, lease or value of an interest in real property and improvements for an Austin Energy headquarters (Real property - Section 551.072 of the Government Code and Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn.

48. Discuss the employment, duties, and evaluation of the City Manager (Personnel matters - Section 551.074 of the Government Code).

Conducted.

Executive Session ended and Mayor Adler called the Council Meeting back to order at 2:23 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

49. C14-2018-0061 - Texas Beef Council - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 8708 ½ North F.M. 620 Road (Lake Travis Watershed). Applicant Request: To zone from interim-rural residence (I-RR) district zoning to general office-mixed use (GO-MU) combining district zoning. First reading approved general office-mixed use (GO-MU) combining district zoning, with conditions, on September 20, 2018. Vote: 10-0. Owner/Applicant: Texas Beef Council (Richard Wortham). Agent: Cunningham-Allen, Inc. (Elias Haddad). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

Ordinance No. 20181129-049 for general office-mixed use (GO-MU) combining district zoning was approved on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

50. C14-2018-0083 - A Star Signs & Printing LLC- Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 12311 Dessau Road (Harris Branch Watershed). Applicant request: To rezone from interim single family residence - standard lot (I-SF-2) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on November 1, 2018. Vote: 10-0. Owner/Applicant: A Star Signs & Printing, LLC (Hoang Vu). Agent: Lenworth Consulting, LLC (Nash Gonzales, Jr.). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1. **Ordinance No. 20181129-050 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Houston's second on a 8-1 vote. Council Member Flannigan voted nay. Council Member Alter was off the dais. Council Member Troxclair was absent.**

51. NPA-2018-0023.01 -Berkman Terraces - Approve second and third readings of an ordinance amending Ordinance No. 20070809-055, the University Hills/Windsor Park 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 6203, 6205, 6207 Berkman Drive & 6210 Hickman Avenue (Fort Branch Watershed) from Higher Density Single Family to Mixed Use land use. First reading approved on November 15, 2018. Vote: 11-0. Owner/Applicant: Berkman Terraces, LLC (Pierre Fay). Agents: McLean & Howard, LLP

(Jeffrey S. Howard) and Keepers Consulting (Ricca Keepers). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 1.

This item was postponed to December 13, 2018 at the request of the neighborhood on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

52. C14-2018-0037 Berkman Terraces - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 6203, 6205, and 6207 Berkman Drive and 6210 Hickman Avenue (Boggy Creek Watershed). Applicant Request: To rezone from neighborhood commercial services-mixed use-neighborhood plan (LR-MU-NP) combining district zoning and townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district to community commercial services-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. First reading approved on November 15, 2018. Vote: 11-0. Owner/Applicant: Berkman Terraces, LLC (Pierre Fay). Agent: McLean & Howard, LLP (Jeffrey S. Howard) and Keepers Consulting (Ricca Keepers). City Staff: Heather Chaffin, 512 974-2122. District(s) Affected: District 1.

This item was postponed to December 13, 2018 at the request of the neighborhood on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

53. C14-2018-0078 -Zips Cleaners Burnet Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 8105 Burnet Road (Shoal Creek Watershed). Applicant Request: To rezone from community commercial-neighborhood plan (GR-NP) combining district zoning to general commercial services-neighborhood plan combining (CS-NP) district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner/Applicant: Smithers Family Partnership. Agent: Armbrust & Brown, PLLC (G. Ferris Clements). 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. 20181129-053 for general commercial services- mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

54. C14-2018-0102 -Pioneer Hill MF-1 Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 10017 ½ and 10217 Dessau Road (Walnut Creek Watershed) from multifamily residence limited density (MF-1) district zoning to Townhouse and Condominium Residence (SF-6) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on December 18, 2018. Owner/Applicant: Continental Homes of Texas LP. Agent: Pape-Dawson Engineers Inc. (Terry Reynolds). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

This item was postponed to January 31, 2019 at the request of the neighborhood on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

55. C14-2018-0131 -The Ridge at Walnut Creek -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6020 Springdale Road (Little Walnut Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining

district zoning to community commercial services-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant community commercial services-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial services-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Owner/Applicant: 6020 Springdale Trust (Russell Spiller). Agent: Texas Engineering Solutions (Justin D. Lange). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20181129-055 for community commercial services-mixed use-neighborhood plan (GR-MU-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

56. C14-2018-0091 - SOCO II - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 8100, 8102 and 8104 South Congress Avenue (South Boggy Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use (CS-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner/Applicant: Chris Clark. Agent: Land Use Solutions, LLC (Michele Haussmann). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20181129-056 for general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

57. C14-2018-0056 - 6901 Old Bee Caves Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6901 Old Bee Caves Road (Williamson Creek Watershed- Barton Springs Zone). Applicant Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed November 27, 2018. Owner/Applicant: SRE/MRE Oak Hill Ltd. (J. Mark Stevenson). Agent: Drenner Group PC (Amanda Swor). City Staff: Heather Chaffin, 512 974-2122. District(s) Affected: District 8.

The public hearing was conducted and a motion to leave the public hearing open and approve the ordinance on first reading only for general commercial services-mixed use - neighborhood plan (CS-MU-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

58. C14-85-288.43(RCA) 6901 Old Bee Caves Road - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 6901 Old Bee Caves Road (Williamson Creek Watershed- Barton Springs Zone). Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed November 27, 2018. Owner/Applicant: SRE/MRE Oak Hill Ltd. (J. Mark Stevenson). Agent: Drenner Group PC (Amanda Swor). City Staff: Heather Chaffin, 512 974-2122. District(s) Affected: District 8.

This item was postponed to December 13, 2018 at the request of the neighborhood on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

60. C14-2018-0077 Damac Commercial-Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7712 FM 969 Road (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to community commercial -mixed use (GR-MU) combining district zoning on Tract 1 and townhouse and condominium residence (SF-6) district zoning on Tract 2. Staff Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning on a portion of the property and townhouse and condominium residence (SF-6) district zoning on the remainder of the property. Zoning and Platting Commission Recommendation: To grant neighborhood commercial -mixed use (LR-MU) combining district zoning on a portion of the property and single family residence-standard lot (SF-2) district zoning on the remainder of the property. Owner/Applicant: Damac Real Estate Investment Group (Saqib Ali). Agent: Ausland Architects (Kennedy Whiteley). City Staff: Heather Chaffin, 512-974-2122. A Valid Petition has been filed in opposition to this request. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for neighborhood commercial-mixed use (LR-MU) combining district zoning on a portion of the property and townhouse and condominium residence (SF-6) district zoning on the remainder of the property was approved on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

DISCUSSION ITEMS

59. C14-2018-0079 - 11713 Jollyville Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11713 Jollyville Road (Walnut Creek Watershed). Applicant Request: To rezone from limited office (LO) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed November 20, 2018. Owner/Applicant: Asian American Cultural Center, LLC (Amy Wong Mok). Agent: Armbrust and Brown, PLLC (Michael Whellan). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for community commercial-mixed use-conditional overlay (GR-MU-CO) with the following conditions was made by Council Member Alter and seconded by Council Member Flannigan.

The conditions were:

- **The maximum square footage for a restaurant (limited) use and restaurant (general) use is 7,000 square feet.**
- **The maximum height, as defined in City Code, of a building or structure on the property shall not exceed 55 feet.**
- **The maximum height, as defined in City Code, of a building or structure within 50 feet of the northeastern most property line from Rain Forest Cove to the eastern property line shall be 29.5 feet.**
- **The following GR district uses are permitted.**
 - **Food Preparation**
 - **Food sales**

- Indoor Entertainment
 - Personal Improvement Services
 - Restaurant (General)
 - Cultural Services
- All other development of the Property is limited to GO permitted uses.
- The following uses are conditional:
 - Outdoor Entertainment
 - Outdoor Sports and Recreation
- Vehicular access from the Property to Rain Forest Cove is prohibited. All vehicular access shall be from other adjacent public streets or through other adjacent property.

An amendment was made by Council Member Flannigan and seconded by Council Member Casar. The amendment was to strike the two conditions relating to maximum height.

- The maximum height, as defined in City Code, of a building or structure on the property shall not exceed 55 feet.
- The maximum height, as defined in City Code, of a building or structure within 50 feet of the northeastern-most property line from Rain Forest Cove to the eastern property line shall be 29.5 feet.

The amendment failed on Council Member Flannigan's motion, Council Member Casar'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.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for community commercial-mixed use-conditional overlay (GR-MU-CO) with the conditions listed above was approved on Council Member Alter's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Troxclair was absent.

PUBLIC HEARINGS

61. Conduct a public hearing and consider a resolution relating to an application by the NRP Group, LLC, or an affiliated entity, to the Texas Department of Housing and Community Affairs for the construction of a multi-family development to be known as Loyola Apartments, located at 6420 Loyola Lane, within the City and acknowledging certain facts relating to the allocation of housing tax credits and private activity bonds within the City and near the proposed development. District(s) Affected: District 1.
The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20181129-061 was approved on Council Member Houston's motion, Council Member Renteria's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.
62. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's revised Conservation Adjustment Clause Tariff and its proposal to change customer gas rates and the complaint of an affected person under the Texas Utilities Code.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20181129-062 was approved on Council Member Pool's motion, Mayor Adler's second on a 10-0 vote. Council Member Troxclair was absent.

Mayor Adler adjourned the meeting at 4:49 p.m. without objection.

LIVE MUSIC

The Gypsy Drifters

PROCLAMATIONS

World AIDS Day – To be presented by Mayor Steve Adler and to be accepted by Justin Smith, Chair, HIV Planning Council

Community Climate Leadership Day – To be presented by Mayor Steve Adler and to be accepted by the Carbon Reduction Challenge winners

The minutes were approved on this the 13th day of December 2018 on Council Member Garza's motion, Council Member Alter's second on an 8-0 vote. Mayor Adler and Council Member Flannigan were off the dais. Council Member Renteria was absent.