

**AUSTIN CITY COUNCIL  
MINUTES****WORK SESSION MEETING  
TUESDAY, FEBRUARY 23, 2016**

The City Council of Austin, Texas convened in a Work Session Meeting on Tuesday, February 23, 2016, City Hall at 301 W. Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 9:15 a.m.

**BRIEFINGS**

- C.2 Update on the Zucker Report Implementation Process  
**Presentation was made by Rodney Gonzalez, Development Services Department Director**
- C.1 Briefing on the new Central Library.  
**Presentation was made by Bert Lumbreras, Assistant City Manager, Brenda Branch, Library Director, Howard Lazarus, Public Works Director**
- C.3 Fair chance hiring briefing.  
**Presentation was made by Council Member Casar, Mark Washington, Acting Assistant City Manager, Joya Hayes, Human Resources Interim Director.**

**Direction was given to staff to provide copies of presentations made to the committee of Council.**

**ACTION ON ITEMS WITH CLOSED PUBLIC HEARINGS**

- A.1 Approve an ordinance relating to short-term rental use. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED JANUARY 28, 2016.)

**Ordinance No. 20160223-A001 was approved with the amendments listed below on third reading on a 9-2 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council members Casar, Gallo, Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay: Council members Troxclair and Zimmerman.**

**A motion to consider the Planning Commission ordinance recommendation was made by Council member Pool, seconded by Council member Houston.**

**A substitute motion to consider the Council initiated ordinance was made by Council member Troxclair, seconded by Council member Zimmerman.**

**The motion to consider the Council initiated ordinance was approved without objection on a 6-5 vote. Those voting aye: Mayor Adler, Council members Gallo, Kitchen, Renteria,**

Troxclair and Zimmerman. Those voting nay: Mayor Pro Tem Tovo, Council members Casar, Garza, Houston and Pool.

A motion to amend the short-term rental ordinance was made by Mayor Adler, seconded by Council member Zimmerman. The motion to amend the ordinance failed on a 5-6 vote. Those voting aye: Mayor Adler, Council members Gallo, Kitchen, Troxclair and Zimmerman. Those voting nay: Mayor Pro Tem Tovo, Casar, Garza, Houston, Pool and Renteria.

The motion to amend the short-term rental ordinance is as follows:

- Delete Parts 4 and 5 and re-number the ordinance as necessary.
- Substitute Part 8 to read “Council directs the City Manager to set a public hearing to be held on the same date as the public hearing required in Ordinance No. 20151112-078 so that the Council may consider whether to amortize existing Type 2 short-term rental uses.”
- Make the entire ordinance effective on the same date.

A motion to add general requirements for short-term rentals in Part 2 was made by Council member Gallo, seconded by Council member Pool on a 10-1 vote. Those voting nay: Council member Zimmerman.

The following language added to the general requirements for short-term rentals in Part 2 are as follows:

“a licensee or guest of a short-term rental may not use or allow the use of sound equipment that produces sound in excess of 75 decibels at the property line between 10:00 a.m. to 10:00 p.m.

A motion to amend and strike a section of Part 2 of the short-term rental ordinance was made by Council member Troxclair, seconded by Council member Zimmerman on an 11-0 vote. The amendment to Part 2 section 25-2-794 General Requirements for Short-Term Rentals is as follows:

~~(A) A license must maintain a register of guests, either in electronic, ink, or typewritten form that includes the following information;~~

- ~~1. the name and address of each guest and the total number of guests;~~
- ~~2. the day, month, year and time of arrival of each guest; and~~
- ~~3. the date that each guest is scheduled to depart.~~

A motion to amend a section of Part 1 of the short-term rental ordinance was made by Council member Troxclair, seconded by Council member Zimmerman on a 9-1-0 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council members Casar, Gallo, Houston, Pool, Kitchen, Renteria and Troxclair. Those voting nay: Council Member Garza. Council member Zimmerman abstained. The amendment to Part 1 section 25-2-789 Short-Term Rental (Type 2) Regulations is as follows:

(C) If a license for a short-term rental (Type 2) use meets the requirements for annual renewal under Section 25-2-791(E) (License Requirements) and the property has received a notice of violation related to the life, health, and/or safety of the structure, the property is subject to an inspection by the building official to determine if the structure poses a hazard to life, health, or public safety.

A motion to amend Parts 4, 5, 8 and 9 to the short-term rental ordinance was made by Council member Gallo, seconded by Council member Kitchen. The motion failed on a 5-6 vote. Those voting aye: Mayor Adler, Council members Gallo, Kitchen, Troxclair and Zimmerman. Those voting nay: Mayor Pro Tem Tovo, Council members Casar, Garza, Houston, Pool and Renteria.

The motion to amend the ordinance is as follows:

Part 4. The table in City Code Section 25-2-491(C) (*permitted, Conditional, and Prohibited Uses*) is amended to replace the existing reference to “Short-Term Rental” with “Short-Term Rental (Types 1 and 3)” and to reflect the following:

Short-Term Rental (Type 2) is a permitted use in the following base districts:

Multifamily residence limited density (MF-1)

Multifamily residence low density (MF-2)

Multifamily residence medium density (MF-3)

Multifamily residence moderate-high density (MF-4)

Multifamily residence high density (MF-5)

Multifamily residence highest density (MF-6)

Central business (CBD)

Downtown mixed use (DMU)

Planned unit development (PUD)

General-retail mixed use (GR-MU)

Commercial services-mixed use (GR-MU)

Commercial services-vertical mixed use (CS-V)

General retail-vertical mixed use (GR-V)

Amend Part 5 of the draft ordinance as follows:

Part 5. City Code Chapter 25-2, Article 7 (*Nonconforming Uses*) is amended to 16 add a new Section 25-2-950 (*Short-Term Rental Type 2*) to read as follows:

Section 25-2-950 DISCONTINUANCE OF NONCONFORMING SHORT-TERM RENTAL (TYPE 2) USES.

A person shall discontinue a nonconforming a short-term rental use regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*) on the date on which the existing license expires if the license is not renewed. [~~A person shall discontinue a nonconforming short-term rental use that is regulated under Section 25-2-789 (*Short-Term Rental (Type 2) Regulations*), not later than the earlier of:~~

~~(1) April 1, 2022; or~~

~~(2) If the license for a short-term rental use is not renewed, the date on which the existing license expires.]~~

Amend Part 8 of the draft ordinance as follows:

Part 8. Because of the amendments set forth in Parts 4 and 5 of this Ordinance, Council finds that it is not necessary to set or hold the public hearing described in Ordinance No. 20151112-078 and waives the requirement. [~~Council directs the City Manager to set a public hearing to be held on the same date as the public hearing required in Ordinance No. 20151112-078 so that the Council may consider amending the effective date for Parts 4 and 5 this ordinance along with any revisions.]~~

Amend Part 9 of the draft ordinance to make the entire ordinance effective on the same date.

A motion to amend the draft ordinance and propose a ten year phase-out period was made by Council member Kitchen, seconded by Council member Zimmerman, motion failed on a 5-6 vote. Those voting aye: Mayor Adler, Council members Gallo, Kitchen, Troxclair, and Zimmerman. Those voting nay: Mayor Pro Tem Tovo, Council members Casar Garza, Pool, Houston and Renteria.

A motion to amend section 25-2-799 (Prima Facie Evidence of a Violation) was made by Council member Casar, seconded by Council member Pool on a 10-0 vote. Council member Zimmerman abstained. The amendment is as follows:

**Section 25-2-799 PRIMA FACIE EVIDENCE OF A VIOLATION.**

(B) Except for a short-term rental use described in Section 25-2-788 (Short-Term Rental (Type 10 Regulation)), a visual inspection of more than six adults by a city employee at a short-term rental is prima facie evidence of and is cause to issue an administrative citation for a violation of Sections 25-2-795 (B), (E), and (G)(20 (Occupancy Limit for Short-Term Rentals).

(C) Except for a short-term rental use described in Section 25-2-788 (Short-Term Rental (Type 1) Regulation), a visual inspection of more than ten adults by a city employee at a short-term rental is prima facie evidence of and is cause to issue an administrative citation for a violation of Section 25-2-795(G)(1) (Occupancy Limits for Short-Term Rentals).

**Section 25-2-795 OCCUPANCY LIMITS FOR SHORT-TERM RENTALS**

(H) Requirements in this section apply only when the dwelling unit is being used as a short-term rental and apply only to that dwelling.

A motion to substitute Part 8 was made by Mayor Pro Tem Tovo, seconded by Council member Pool on a 9-2 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay: Council members Troxclair and Zimmerman. The substitute motion is as follows:

“Because of the amendments set forth in Parts 4 and 5 of this Ordinance, Council finds that it is not necessary to set or hold the public hearing described in Ordinance No. 20151112-078 and waives the requirement.” [~~Council directs the City Manager to set a public hearing to be held on the same date as the public hearing required in Ordinance No. 20151112-078 so that the Council may consider amending the effective date for Parts 4 and 5 this ordinance along with any revisions.~~]

Mayor Adler recessed the Council meeting to go into Executive Session at 2:07 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.

- F.1 Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn without objection**
- F.2 Discuss legal issues related to February 8, 2016 officer-involved shooting (Private consultation with legal counsel - Section 551.071 of the Government Code).
- F.3 Discuss legal issues related to Public Utility Commission of Texas Docket No. 42857, Petition by North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10, and Wells Branch Municipal Utility District appealing the wholesale water and wastewater rates of the City of Austin (Private consultation with legal counsel - Section 551.071 of the Government Code).
- F.4 Discuss legal issues related to the adoption of affordable housing requirements as a condition of development approval, also known as inclusionary zoning (Private Consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn without objection**

**Executive Session ended and Mayor Adler called the Council Meeting back to order at 3:26 p.m.**

### **COUNCIL ITEMS OF INTEREST**

**The Mayor introduced the agenda for the February 25, 2016 Council meeting and allowed Council to give input or ask questions on any item posted on the agenda. Staff was available to provide verbal responses to Council questions. Discussion was held on the following items taken from Thursday's agenda.**

43. Approve an ordinance amending chapter 2-5 of the city code relating to council committees and procedures for council meetings. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Delia Garza CO4: Council Member Leslie Pool)  
**A request to postpone this item will be made at the February 25, 2016 Council Meeting.**
44. Approve an ordinance amending City Code Chapter 13-2 relating to ground transportation passenger services. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Sheri Gallo CO 2: Council Member Delia Garza CO 3: Council Member Leslie Pool)
45. Approve a resolution directing the City Manager to convene stakeholders to develop a conceptual plan that identifies a vision for the streets, parks and plazas around the MetroRail Downtown Station. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Ora Houston CO 3: Council Member Ann Kitchen)
54. Approve an ordinance amending City Code Chapter 14-1 relating to the naming or renaming of park facilities. (Notes: Parks and Recreation Department)
55. Approve a resolution directing the City Manager to prepare a report of possible reductions to Austin Water's General Fund transfer. (Notes: Committee)
49. Approve a resolution directing the City Manager to review the City's non-discrimination employment policies and practices, to make recommendations to the Council by May 1, 2016,

about ways to strengthen employee protections in these policies and practices, and to request that the Director of Human Resources initiate amendments to the Municipal Civil Service rules to strengthen employee protections against discrimination in the workplace. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Delia Garza CO 2: Council Member Leslie Pool CO 3: Council Member Ann Kitchen CO 4: Mayor Steve Adler)

**A request for a time certain of 4:30 p.m. will be requested at the Thursday, February 25, 2016 Council Meeting.**

**Mayor Adler adjourned the meeting at 5:17p.m. without objection.**

**The minutes were approved on this the 3<sup>rd</sup> day of March 2016 on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem was off the dais.**