

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 3, 2016**

Invocation: Reverend Larry Bethune, University Baptist 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, March 3, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of February 23, 2016 and regular meeting of February 25, 2016.
The minutes from the City Council work session of February 23, 2016 and regular meeting of February 25, 2016 were approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem was off the dais.
2. Approve an ordinance amending the Fiscal Year 2015-2016 Economic Development Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the South Congress Preservation and Improvement District, with a beginning balance of \$88,247, revenue of \$112,090, and requirements of \$191,515.
Ordinance No. 20160303-002 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.
3. Approve an ordinance authorizing acceptance of \$90,260 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, AUSTIN, TEXAS, and amending the Fiscal Year 2015-2016 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to authorize the appropriation of \$90,260 for the addition of 1.0 full-time equivalent position for the coordination of HIV medical care services.
Ordinance No. 20160303-003 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.

4. Approve the reappointment of Philip P. Huang, M.D., M.P.H., as the Health Authority and designate Birch Duke Kimbrough M.D. as the Alternate Health Authority for Austin/Travis County Health and Human Services Department.
The motion to approve the reappointment of Philip P. Huang, M.D., M.P.H., was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 8-0 vote. Council Members Troxclair and Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.
5. Authorize execution of an amendment of a legal services agreement with Thompson and Knight for legal representation in Hopkins v. City of Austin et al, Travis County District Court Cause Nos. D-1-GN-15-001711, D-1-GN-15-003115, D-1-GN-15-000927, and D-1-GN-15-004618, including appeals to the Third Court of Appeals. The amount of the increase is \$110,000. This increase would bring the total amount of the professional services contract to \$308,000.
The motion authorizing the execution of an amendment of a legal services agreement with Thompson and Knight was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.
6. Authorize negotiation and execution of a legal services contract with the law firm of Gibbs and Bruns LLP for legal services regarding the existing agreement between the City and Nacogdoches Power LLC for the purchase of biomass-generated electric power, in an amount not to exceed \$325,000.
The motion authorizing the negotiation and execution of a legal services contract with Gibbs and Bruns LLP was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

Item 7 was pulled for discussion.

8. Authorize award and execution of a 36-month contract with CAPITAL AREA OCCUPATIONAL MEDICINE DBA ST. DAVIDS OCCUPATIONAL HEALTH SERVICES, for Invitation for Bid-Best Value EAD0613, to provide inoculations and various medical testing services in an amount not to exceed \$1,396,245, with three 12-month extension options in an amount not to exceed \$465,415 per extension option, for a total contract amount not to exceed \$2,792,490. (Notes: 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 goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing the award and execution of a contract with Capital Area Occupational Medicine doing business as St. David's Occupational Health Services was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.
9. Authorize award and execution of a 36-month contract with AUSTIN EQUIPMENT COMPANY DBA HARD ROCK TRANSPORTATION to provide one-inch river rock to be used in pipeline repair in an amount not to exceed \$606,930, with two 12-month extension options in an amount not to exceed \$202,310 per extension option, for a total contract amount not to exceed \$1,011,550. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program by exceeding the goals with 5.49% MBE and 0.15% WBE participation.)

The motion authorizing the award and execution of a contract with Austin Equipment Company doing business as Hard Rock Transportation was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.

10. Authorize award and execution of a 36-month contract with VISION MACHINE, INC., for the repair of water treatment centrifuges in an amount not to exceed \$379,985 with three 12-month extension options in an amount not to exceed \$178,545 for the first option, \$100,720 for the second option, and \$178,545 for the third option, for a total contract amount not to exceed \$837,795. (Notes: 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 goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing the award and execution of a contract with Vision Machine, Inc. was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

11. Authorize negotiation and execution of a 12-month contract with VERSATERM, INC. to provide software licenses, maintenance, and support services in an amount not to exceed \$635,669, with four 12-month extension options in amounts not to exceed \$468,968 for the first option, \$483,037 for the second option, \$497,528 for the third option, and \$512,454 for the final option, for a total contract amount not to exceed \$2,597,656. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program.)
The motion authorizing the negotiation and execution of a contract with Versaterm, Inc. approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.

12. Authorize negotiation and execution of a contract with ITT GOULDS PUMPS, or one of the other qualified offerors to Request For Proposal NST0406, for the purchase of three condensate pumps and motors for Unit 5A Heat Recovery Steam Generator at the Sand Hill Energy Center, in an amount not to exceed \$495,641. (Notes: 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 and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing the negotiation and execution of a contract with ITT Goulds Pumps was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

Item 13 was pulled for discussion.

14. Authorize award and execution of a 12-month contract through the Texas Local Government Purchasing Cooperative with CASCO INDUSTRIES INC. to provide leather firefighting boots in an amount not to exceed \$162,000. (Notes: This cooperative contract 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 contract, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing the award and execution of a contract with Casco Industries Inc was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

Item 15 was pulled for discussion.

16. Approve a resolution accepting the 2015 disparity study completed by National Economic Research Associates, Inc. regarding the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program (Program), and directing the City Manager to take necessary steps to continue the Program and to develop recommendations for a procurement program for veteran-owned businesses and service-disabled veteran-owned businesses to participate in City contracts.

Resolution No. 20160303-016 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 8-0 vote. Council Members Troxclair and Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.

17. 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 appointment was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

Nominations

Board/Nominee

Nominated by

**African American Resource Advisory Commission
Marissa Jones**

Austin Area Urban League

Items 18 through 21 were pulled for discussion.

22. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the Centex Open Karate Championship to be held Saturday, April 16, 2016 at Oswaldo A.B. Cantu/Pan American Recreation Center. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Delia Garza CO 4: Council Member Houston)

Ordinance No. 20160303-022 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

23. Approve a resolution relating to Council Members' proxy representation on the Capital Area Metropolitan Planning Organization Transportation Policy Board. (Notes: SPONSOR: Council Member Sheri Gallo CO 1: Council Member Delia Garza CO 2: Council Member Ann Kitchen CO 3: Council Member Ellen Troxclair)

This item was postponed to March 31, 2016 on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

Item 24 was pulled for discussion.

25. Set a public hearing to consider an ordinance amending City Code Title 25 and Title 30 of the Land Development Code to change the staff review time for development applications from

calendar days to the equivalent number of business days, modify the life of a site plan or subdivision application from 180 days with an available 180 day extension to one year with no extension provision, establish a stop-clock provision for development application life for related applications that require a public hearing, establish a clear process for the review and approval of subdivision vacation applications, and establish an expiration for subdivision construction plan applications consistent with other development permit applications. (Suggested date and time: March 31, 2016, 4:00 p.m. Austin City Hall, 301 West Second Street, Austin, TX).

The public hearing was set on consent for March 31, 2016 at 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Troxclair's second on a 7-0 vote. Council Members Gallo, Houston and Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.

26. Set a public hearing to consider an ordinance amending City Code Title 25 related to the multifamily residence highest density (MF-6) district zoning regulations. (Suggested date and time: March 31, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for March 31, 2016 at 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Troxclair's second on a 7-0 vote. Council Members Gallo, Houston and Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.
27. Set a public hearing to consider an ordinance amending City Code Title 25 related to the neighborhood plan design tool garage placement standards. (Suggested date and time: March 31, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for March 31, 2016 at 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.
28. Set a public hearing to consider supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family housing development to be called the Bluffs at Cameron Apartments, located at 9201 Cameron Road. (District 1) (Suggested date and time: March 31, 2016 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set on consent for March 31, 2016 at 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.
29. Set public hearings for the full purpose annexation of the Cascades Municipal Utility District No. 1 (approximately 136 acres in southern Travis County east of IH 35 South approximately four tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway; Council District 5.) (Suggested dates and times: April 7, 2016 at 4:00 pm and April 14, 2016 at 4:00 pm, Austin City Hall, Council Chambers, 301 West 2nd Street, Austin, Texas.)
The public hearing was set on consent for March 31, 2016 at 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.

Items 31 through 35 were referred from Council Committees.

Item 37 was a Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

Item 38 was a Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

Items 39 through 42 were Executive Session items.

Item 43 was public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

32. Approve an ordinance amending City Code Sections 2-1-170 and 1-2-206 to change the name of the Sustainable Food Policy Board. (Notes: Committee)
Ordinance No. 20160303-032 was approved on Council Member Pool's motion, Council Member Kitchen's second on a 9-0 vote. Council Member Zimmerman abstained. Mayor Pro Tem Tovo was off the dais.
33. Approve an ordinance amending City Code Section 2-1-182 relating to the Zero Waste Advisory Commission. (Notes: Committee)
Ordinance No. 20160303-033 was approved on Council Member Pool's motion, Council Member Kitchen's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Houston abstained. Mayor Pro Tem Tovo was off the dais.
31. Approve amendments to the City Auditor's Fiscal Year 2016 Audit Plan to accommodate an affordability review project. (Notes: City Auditor's Office)
The motion to approve amendments to the City Auditor's Fiscal Year 2016 Audit Plan was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.
34. Approve an ordinance amending City Code Chapter 2-1 relating to the vote necessary for certain large City boards to take action. (Notes: Committee)
Ordinance No. 20160303-034 was approved on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Member Troxclair abstained. Mayor Pro Tem Tovo was off the dais.
35. Approve an ordinance amending City Code Section 2-1-144 relating to the Environmental Commission. (Notes: Committee)
This item was postponed indefinitely without objection.
30. Approve a resolution regarding the renaming of the Austin Tennis Center, located at 7800 Johnny Morris Road.
This item was postponed indefinitely on Council Member Pool's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Pro Tem Tovo was off the dais.
- Direction was given to staff to hold any future park naming requests until after a renaming policy has been adopted.**
15. Authorize negotiation and execution of a contract with CAPITOL MARKET RESEARCH for an economic impact study of transportation corridor development areas, in an amount not to exceed \$250,000. (Notes: This contract is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing the negotiation and execution of a contract with Capitol Market Research was approved on Council Member Kitchen's motion, Council Member Renteria's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained. Mayor Pro Tem was off the dais.

19. Approve a resolution directing the City Manager to conduct a comprehensive review of the City's music and creative ecosystem, and return to City Council in ninety days with options and needed resources, such as development changes, financial partnerships and research to address the continued and future success of all aspects of the City's music and creative ecosystem. (Notes: SPONSOR: Mayor Steve Adler CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Gregorio Casar CO 3: Council Member Sabino "Pio" Renteria)
Resolution No. 20160303-019 was approved as amended below on Mayor Adler's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Mayor Pro Tem was off the dais.

A friendly amendment was made by Council Member Kitchen to revise the "Be It Resolved" to read:

"The City Council directs the City Manager to explore options for implementation of the goals and objectives described in this resolution and its Exhibits A and B, referred to as the Music and Creative Ecosystem Omnibus Resolution, including options for consideration of protections for existing studio spaces in the zoning and development process in order to maintain existing spaces. The City Manager is directed to consider and bring forth the items addressed in the Resolution to the City Council in ninety (90) days for a plan of action to address the item related to this Resolution. This plan of action should also include any necessary resources required such as third party consultant(s) or business services." The amendment was accepted by the make of the motion and Council Member Pool who seconded the motion.

A friendly amendment to replace the language "small business" with "local and small businesses" in the resolution was made by Council Member Pool. The amendment was accepted by the make of the motion and Council Member Pool who seconded the motion.

A friendly amendment to include the language "Develop a strategy to integrate Austin's music diversity 'through genres, subgenres, including different ethnicities and communities' through the development of a business support infrastructure that invests in new markets and promotes new emerging talent." to Exhibit A Objective (3rd paragraph) was made by Council Member Houston. The amendment was accepted by the make of the motion and Council Member Pool who seconded the motion.

A friendly amendment to revise Exhibit A to include the following language was made by Council Member Renteria. The amendment was accepted by the make of the motion and Council Member Pool who seconded the motion.

The language was: "Review the feasibility of a code amendment that would create an entertainment license for businesses that host music or other entertainment through and by amplification. Seek stakeholder feedback on the proposed code amendment and identify sufficient staffing to regulate the entertainment licenses.

Review feasibility of synchronizing all City of Austin required permit renewal periods."

A friendly amendment to include "Austin Independent Business Alliance" to the representatives in Exhibit B was made by Council Member Pool. The amendment was accepted by the make of the motion and Council Member Pool who seconded the motion.

A friendly amendment to include “All Chambers of Commerce” to the representatives in Exhibit B was made by Council Member Gallo. The amendment was accepted by the make of the motion and Council Member Pool who seconded the motion.

37. C14-2015-0112 – 4517 Triangle Avenue – District 9 – Approve second and third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4517 Triangle Avenue (Waller Creek Watershed) from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to multifamily residence-highest density-conditional overlay (MF-6-CO) combining district zoning. First Reading approved on December 10, 2015. Vote: 10-0, Mayor Adler was absent. Owner/Applicant: SV Triangle LP (R. Warren Walters). Agent: McLean & Howard, LLP (Jeff Howard). City Staff: Victoria Haase, 512-974-7691.

Ordinance No. 20160303-037 was approved on Council Member Zimmerman’s motion, Council Member Troxclair’s second on a 10-0 vote. Mayor Pro Tem was off the dais.

CITIZENS COMMUNICATIONS: GENERAL

Paul Robbins - City and Budget issues.

Carlos León - 1) God, Jesus Christ, and the Holy Ghost are the best, brightest, and greatest.
2) Clean Austin air requires zero chemtrails.
3) Losing your marbles - Vol. 2, Part I

David Russell - Not enough lighting on streets - can't see at night. – Not Present.

Linh Tu - Concerns for future healthcare in Austin. – Not Present.

Robin Saxton - Eminent Domain.

Akwasi Evans - Economic racism in Austin.

Mayor Adler recessed the Council Meeting at 12:13 p.m.

Mayor Adler reconvened the meeting at 1:53 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.

39. 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.
40. Discuss legal issues related to Brian Rodgers v. City of Austin, Cause No. D-1-GN-16-000615 in the 345th District Court, Travis County (Private consultation with legal counsel--Section 551.071 of the Government Code).
This item was withdrawn without objection.

41. Discuss legal issues related to a potential recall petition (Private consultation with legal counsel- 552.071).
This item was withdrawn without objection.
42. 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.

DISCUSSION ITEMS CONTINUED

13. Authorize negotiation and execution of a one-time contract with MATRIX CONSULTING GROUP, or one of the other qualified offerors to Request for Qualification Statements EAD0301, for a community policing consultant for a total contract amount not to exceed \$200,000. (Notes: 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 goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing the negotiation and execution of a contract with Matrix Consulting Group was approved on Council Member Pool's motion, Council Member Houston's second on a 10-1 vote. Council Member Zimmerman voted nay.
21. Approve a resolution directing the City Manager to amend the schedule for the Austin Energy rate case. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Council Member Delia Garza CO 4: Mayor Pro Tem Kathie Tovo)
Resolution No. 20160303-021 was approved as amended below on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

The amendment was to revise items 2 and 3 of the BE IT RESOLVED clause to read:

"BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

- 2. Establish a deadline to file Party Presentations that is no earlier than two months from March 3, 2016, and adjust all other rate case deadlines accordingly; and**
- 3. Establish a timeline in which new electric rates will be set for City Council action no earlier than August 31, 2016.**

A motion to replace "August 31, 2016" to "August 29, 2016" was made by Council Member Gallo and approved without objection.

A motion to amend the language to include Option 4 provided by staff was made on Mayor Pro Tem Tovo's motion, Council Member Pool's second on an 11-0 vote. Option 4 includes the following dates and staff is directed to plan around Council's schedule and incorporate the dates listed in option 4 which are:

- Austin Energy Committee on August 8, 2016 and August 15, 2016**
- Austin Energy Rate Public Hearing on August 22, 2016 and August 25, 2016**
- Council decision on rate proposal on August 29, 2016**
- Adopt the rate ordinance for August 29, 2016 decision on September 14, 2016**
- Adopt amendment to City budget for new rates on September 29, 2016)**

20. Approve a resolution directing the City Manager to develop recommendations for addressing food access issues and incorporate food access as one of the focus areas for the City of Austin Equity Office. (Notes: SPONSOR: Council Member Delia Garza CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Leslie Pool CO 3: Mayor Steve Adler CO 4: Council Member Gregorio Casar)

Resolution No. 20160303-020 was approved with the amendment listed below on Council Member Garza's motion, Council Member Pool's second on a 10-1 vote. Council Member Zimmerman voted nay.

A motion to revise the last Be It Resolved clause to include the word "consider" failed on a 3-7 vote. Those voting aye were: Council Members Gallo, Houston and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Kitchen, Pool and Renteria. Council Member Troxclair abstained.

A motion was made by Council Member Troxclair to revise the first Be It Further Resolved clause to read: "The City Manager is further directed to develop a status update of current SNAP enrollment efforts including regional data within the City of Austin and recommendations for how to effectively continue efforts to enroll qualified families in SNAP." The motion was approved without objection.

43. Conduct a public hearing and consider a resolution for the use of dedicated parkland, known as Metz Park (District 3), for approximately 2,049 square feet of permanent access for operation and control of the Pedernales Substation as part of the Holly Street Power Plant Decommissioning and Demolition Project, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.
This item was withdrawn without objection.

18. Approve a resolution directing the City Manager to initiate amendments to the affordable housing and fee waiver portion of the Pilot Knob Planned Unit Development zoning ordinance (Ordinance No. 20151217-080). (Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Council Member Don Zimmerman CO 2: Council Member Ora Houston CO 3: Council Member Leslie Pool)

Resolution No. 20160303-018 was approved with the amendments and direction listed below on Council Member Troxclair's motion, Council Member Houston's second on a 10-1 vote. Council Member Zimmerman voted nay.

A motion was made by Mayor Adler and seconded by Council Member Garza to have the Resolution read:

"BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council directs the City Manager to initiate amendments to Part 8 of the Pilot Knob Planned Unit Development zoning ordinance (Ordinance No. 20151217-0808, "PUD Ordinance") to clarify the City Council's intent that:

- (1) as will be provided in the Development Agreement executed pursuant to Part 8(E) of the PUD Ordinance: 10% of the owner-occupied residential housing units within Pilot Knob PUD must be permanently affordable, as described in Part 8 of the PUD Ordinance, or must be otherwise affordable as described in the Pilot Knob MUD Consent Agreement;**
- (2) within the Pilot Knob PUD, the City has the option, but not the obligation, to use all or a portion of the funds deposited by the Landowner under Part 8, C 1 of the PUD Ordinance for permanent affordable housing or other activities to support affordable**

- housing in any fiscal year, unless the 10% affordable housing requirement has already been reached as provided in section (1) above;
- (3) the City has the flexibility to appropriate for any lawful municipal purpose, either during budget adoption or by budget amendment, all or a portion of the funds deposited by the Landowner under Part 8, C 1 of the PUD Ordinance; and
- (4) The PUD Ordinance as amended pursuant to the direction in this resolution does not diminish or expand the City's or the Landowner's rights and obligations contained in the Pilot Knob MUD Consent Agreement.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to:

- (1) include any other provisions in the amended PUD ordinance that are necessary to achieve the goals established in this resolution; and
- (2) return to Council for approval of the agreement required in Part 8 E of the PUD Ordinance."

The motion was approved on Mayor Adler's motion, Council Member Garza's second on a 10-1 vote. Council Member Zimmerman voted nay.

A motion was made by Council Member Pool to revise the first paragraph to read: "The City Council directs the City Manager to initiate amendments to the affordable housing and fee waiver portion, to effect the following: Part 8 of the Pilot Knob Planned Unit Development zoning ordinance (Ordinance No. 20151217-0808, "PUD Ordinance") to clarify the City Council's intent that:..." The motion was approved without objection.

Direction to staff was given that the development agreement will come back at the same time Council considers the ordinance amendments.

36. Approve second and third reading of an ordinance amending City Code Title 25 to limit the ability of using small lot amnesty to disaggregate contiguous substandard lots to create a site that is smaller than the minimum lot area requirement. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON FEBRUARY 11, 2016).

Ordinance No. 20160303-036 was approved on Council Member Houston's motion, Mayor Pro Tem Tovo's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Gallo, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Casar, Garza, Troxclair and Zimmerman.

A motion to approve the ordinance on second reading failed on Council Member Casar's motion, Council Member Zimmerman's second on a 4-7 vote. Those voting aye were: Council Members Casar, Garza, Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Gallo, Houston, Kitchen, Pool and Renteria.

Mayor Adler recessed the meeting at 5:35 p.m. for Live Music and Proclamations.

LIVE MUSIC

Jon Dee Graham

PROCLAMATIONS

Proclamation - City of Austin Combined Charities Campaign Wrap-Up - To be presented by Mayor Steve Adler and to be accepted by Rosie Truelove, COACCC Chair

Distinguished Service Award - Al Bastidas - To be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation - Women's Veteran Appreciation Month - To be presented by Mayor Steve Adler and to be accepted by TBA

Proclamation - National Week of Prayer for the Healing of AIDS - To be presented by Council Member Ora Houston and to be accepted by Stephanie Hayden

Proclamation - Rodeo Austin Day - To be presented by Council Member Sheri Gallo and to be accepted by Bucky Lamb and Rodeo Austin Executive Committee members

Proclamation - Supply Management Month - To be presented by Mayor Steve Adler and to be accepted by Jerry Binder, Institute for Supply Management Austin Affiliate President

Mayor Adler called the Council Meeting back to order at 7:05 p.m.

DISCUSSION ITEMS CONTINUED

7. Approve an ordinance amending Ordinance No. 20140320-062 related to dwelling occupancy limit to repeal the expiration date and report requirement.
Ordinance No. 20160303-007 was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.
38. C14-2015-0047 - 2303 & 2309 Thornton Road - District 5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2303 and 2309 Thornton Road (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to general commercial services-mixed use-vertical mixed use building-(CS-MU-V) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. Owner/Applicant: UT Land Company, Ltd./Jimmy Nassour. Agent: Alice Glasco Consulting/Alice Glasco. City Staff: Andrew Moore, 512-974-7604.
The public hearing was conducted and a motion to deny the ordinance was approved on Council Member Kitchen's motion, Council Member Renteria's second on a 10-1 vote. Council Member Zimmerman voted nay.
44. Approve the appointment of one individual to fill an unexpired term on the Municipal Civil Service Commission.
A motion to approve the appointment and fill an unexpired term on the Municipal Civil Service Commission was made on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on an 11-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was requested at 10:04 p.m. and was approved on Council Member Casar's motion, Council Member Garza's second on a 7-4 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Pool,

Houston and Renteria. Those voting nay: Council Members Gallo, Kitchen, Troxclair and Zimmerman.

24. Approve an ordinance amending City Code Chapter 2-5 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 CO 4: Council Member Leslie Pool)

Ordinance No. 20160303-024 was approved as amended on Council Member Casar's motion, Council Member Pool's second on an 8-3 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Kitchen, Pool and Renteria. Those voting nay: Council Members Houston, Troxclair and Zimmerman.

A motion to amend section 2-5-26 was made by Council Member Houston and was accepted by the maker of the motion. The amendment is as follows:

2-5-26 (B): "(2) the item has been reviewed by a council committee with an accompanying recommendation that the item be placed on a future council agenda; or (3) the item is sponsored by four council members;"

A motion to amend section 2-5-104 (B) was made by Council Member Houston and was accepted by the maker. The amendment is as follows:

(2) preparing and posting the agenda "to include the identification of items that are district specific;"

A motion to amend section 2-5-105 was made by Council Member Houston and accepted by the maker. The amendment was to: strike the existing (D) and revise existing (E) to read: "The chair of a committee may allow the chair of a City board to provide context and/or history regarding an item which was reviewed by that City board."

A proposal to approve the provision of the draft requiring two members of a committee to place an item on the agenda was approved on an 8-3 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Tovo, Council members Casar, Gallo, Garza, Kitchen, Pool and Renteria. Those voting nay: Council Members Houston, Troxclair and Zimmerman.

A proposal to amend Section 2-5-104 (B) was made by Council Member Houston to read as follows: (B) The city manager and city clerk shall each appoint a staff liaison for each committee "to assist the chair with the consent of the committee." The proposal was accepted without objection.

A proposal to amend Section 2-5-104 (B)(4)(d) was made by Council Member Casar to read as follows: "any other information requested by a committee member, provided that, if an information request by a committee member will take substantial time or resources, the request must be approved by a vote of the committee or council, as the manager determines appropriate." The proposal was accepted without objection.

A motion to amend the draft ordinance by restoring Section 2-5-105 (E)(1) and (E)(2) was made by Council member Troxclair and seconded by Council Member Gallo, with the provision that the word "prepare" would be changed to "set." The Mayor added "provided that a chair must provide a reasonable setting for an item that qualifies under §2-5-106" to

(E)(2). The motion was approved on Council Member Troxclair's motion, Council Member Gallo's second on a 7-4 vote. Those voting aye: Council members Gallo, Houston, Kitchen, Pool, Renteria, Troxclair and Zimmerman. Those voting nay: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar and Garza. The Mayor clarified that the phrase "and, in consultation with other committee members and with the assistance of staff, shall" in (E) was also restored.

A motion to amend section 2-5-105 was made by Council Member Houston and accepted by the maker. The amendment was to: strike the existing (D) and revise existing (E) to read: "The chair of a committee may allow the chair of a City board to provide context and/or history regarding an item which was reviewed by that City board."

Mayor Adler adjourned the meeting at 10:58 p.m.

The minutes were approved on this the 24th day of March 2016 on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.