



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MARCH 24, 2016

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 24, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:12 a.m. Council Member Gallo was absent.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Council work session of March 1, 2016, and the Austin City Council regular meeting of March 3, 2016.
The minutes from the City Council work session of March 1, 2016 and the regular meeting of March 3, 2016 were approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.
2. Approve an ordinance amending the Fiscal Year 2015-2016 City of Austin Fee Schedule (Ordinance No. 20150908-003) to reflect a decrease in the Power Supply Adjustment charge. March 21, 2016- Recommended by the Electric Utility Commission on a vote of 10-0, with Commissioner Norris absent.
Ordinance No. 20160324-002 was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.
3. Approve an ordinance amending Ordinance No. 20151210-050 to correct the address for the property described in zoning case No. C14-2015-0107, located at 2403 East 16th Street (District 1).
Ordinance No. 20160324-003 was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.
4. Approve an ordinance correcting Ordinance No. 20160211-034 to remove general retail services (convenience) from the list of prohibited uses in accordance with City Council's prior approval (District 6).
Ordinance No. 20160324-004 was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo absent.
5. 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, waivers and amendments to board and commission bylaws were approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.

Nominations

Board/Nominee	Nominated by
Building & Fire Code Board of Appeals Alan Schumann	Mayor Adler
Commission on Immigrant Affairs Krystal Gomez	Council Member Renteria
Commission on Seniors Natalie Cagle	Council Member Renteria
Ethics Review Commission Debra Danburg	Council Member Kitchen
Joint Sustainability Committee Roberto Rondero de Mosier	Economic Prosperity Comm
Music Commission Revlynn Lawson	Council Member Houston
Small Area Planning Joint Committee Angela Pineyro De Hoyos	Planning Commission Rep.
Flood Mitigation Task Force Richard Maness	Council Member Renteria

Waivers

There are no waivers at this time.

Approval of Universal Changes to Bylaws for the following Boards:

Commission for Women
Economic Prosperity Commission
Bond Oversight Commission

6. 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)
This item was withdrawn on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.

7. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the International Multicultural Festival sponsored by the International Multicultural Festival which is to be held Saturday, May 21, 2016 at the Oswaldo A.B. Cantu/Pan American Recreation Center. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Gregorio Casar CO 3: Council Member Ora Houston CO 4: Council Member Leslie Pool)
Ordinance No. 20160324-007 was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.
8. Authorize payment or reimbursement of certain costs under City Code Chapter 14-8 for the annual Cesar E. Chavez "Si Se Puede!" March sponsored by the People Organized in Defense of Earth and her Resources which is to be held Saturday, March 26, 2016. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Leslie Pool CO 2: Council Member Delia Garza CO 3: Council Member Gregorio Casar)
The motion authorizing the payment or reimbursement of certain costs under City Code Chapter 14-8 for the annual Cesar E. Chavez "Si Se Puede!" March was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on an 8-0 vote. Council Members Troxclair and Zimmerman abstained. Council Member Gallo was absent.
9. Approve a resolution directing the City Manager to develop a comprehensive plan to address fire response times including recommendations regarding timelines and funding mechanisms for fire stations and technology utilized to control traffic signals. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Ann Kitchen CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Leslie Pool CO 4: Council Member Sheri Gallo)
Resolution No. 20160324-009 was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.
10. Approve an ordinance amending the process for public comment at city council and committee 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)
This item was postponed to April 7, 2016 on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.
11. Approve an ordinance authorizing payment or reimbursement of certain costs for the City co-sponsored 2016 Zilker Park Kite Festival which was held on March 6, 2016 at Zilker Park. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Delia Garza CO 2: Council Member Sabino "Pio" Renteria CO 3: Mayor Steve Adler CO 4: Council Member Leslie Pool)
Ordinance No. 20160324-011 was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.
12. Approve the waiver or reimbursement of certain fees and certain requirements under City Code Chapter 14-8 for the 9th annual 5K and 1K Run/Walk event sponsored by St. James Missionary Baptist Church which is to be held on Saturday, March 26, 2016 beginning and ending at St. James Missionary Baptist Church. (Notes: SPONSOR: Council Member Ora Houston CO 1: Council Member Delia Garza CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Gregorio Casar)

The motion approving the waiver or reimbursement of certain fees and requirements under City Code Chapter 14-8 for the 9th annual 5K and 1K Run/Walk was approved on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.

13. Approve a resolution amending Resolution No. 20150604-044 to change the reporting schedule and expiration date of the Flood Mitigation Task Force. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Delia Garza CO 2: Council Member Leslie Pool CO 3: Council Member Sabino "Pio" Renteria)
Resolution No. 20160324-013 was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.

Items 14 and 15 were pulled for discussion.

16. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Urban Music Festival which is to be held on Friday and Saturday, April 1-2, 2016 at Auditorium Shores. (Notes: SPONSOR: Council Member Ora Houston CO 1: Council Member Don Zimmerman CO 2: Council Member Delia Garza CO 3: Mayor Pro Tem Kathie Tovo)
The motion approving a waiver or reimbursement of certain fees for the Urban Music Festival was approved on consent on Council Member Zimmerman's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Gallo was absent.

Items 18 through 21 were Council Committee Items.

Items 22 and 23 was Zoning Ordinances/Restrictive Covenants (Hearings Closed)

Items 24 through 47 were Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

Item 48 was a Morning Briefing item.

Items 49 through 52 were Executive Session Items.

Item 53 was a public hearing item set for 4:00 p.m.

DISCUSSION ITEMS

48. U.S. Department of Transportation Smart Cities Challenge.
The presentation was made by Rob Spillar, Director of Austin Transportation Department.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

22. NPA-2015-0014.01 – 4501 East St. Elmo Road – District 2 – Approve second and third readings of an ordinance amending Ordinance No. 021010-11, the Southeast Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map on property locally known as 4501 East St. Elmo Road (Williamson Creek Watershed) from Industry and Multifamily land uses to Mixed Use/Office land use. First Reading approved on February 11, 2016. Vote: 11-0. Owner/Applicant: Emilia Linares. Agent: Moncada Enterprises, LLC (Phil Moncada). City Staff: Maureen Meredith, 512-974-2695.

Ordinance No. 20160324-022 for Mixed Use/Office land use was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

23. C14-2015-0142 – 4501 E St. Elmo Rd. Zoning Change – District 2 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4501 East St. Elmo Road (Williamson Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. First Reading approved on February 11, 2016. Vote: 11-0. Owner/Applicant: Emilia Linares. Agent: Moncada Consulting (Phil Moncada). City Staff: Wendy Rhoades, 512-974-7719.

Ordinance No. 20160324-023 for limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

24. NPA-2015-0002.02 - 901 Spence Street - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 19990513-70 the East Cesar Chavez 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 901 Spence Street (Lady Bird Lake Watershed) from Single Family land use to Mixed Use/Office land use. Staff Recommendation: To deny Mixed Use/Office land use. Planning Commission Recommendation: To be reviewed on March 22, 2016. Owner: Estate of Ananias B. Perez (Margot Perez-Greene). Applicant: Rosenthal Properties (Gayle Rosenthal). City Staff: Maureen Meredith, 512-974-2695.

This item was postponed to May 12, 2016 at the request of staff on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

25. C14-2015-0109 - 901 Spence - District 3 -Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 901 Spence Street (Lady Bird Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Staff Recommendation: To deny general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on March 22, 2016. Owner: Estate of Ananias B. Perez (Margot Perez-Greene). Applicant: Rosenthal Properties (Gayle Rosenthal). City Staff: Heather Chaffin, 512- 974-2122.

This item was postponed to May 12, 2016 at the request of staff on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

26. NPA-2015-0005.04 – Lenox Oaks – District 3 – Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6705, 6707, 6709 Ponca Street; 434 Bastrop Highway Southbound; 444, 446, 448, 450, 452, 454, 456 Bastrop Highway Southbound; and 500 Bastrop Highway Southbound (Carson Creek Watershed) from Single Family, Office and Commercial land uses to Mixed Use land use. Staff Recommendation: To grant Mixed Use, Commercial, Mixed Use/Office and Multifamily land uses. Planning Commission Recommendation: To forward to Council without a recommendation. Owner/Applicant: 422 Bastrop Hwy., Ltd; 500 Bastrop Hwy., Ltd., and Chase Equities, Inc. (Jimmy Nassour). Agent:

Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Maureen Meredith, 512-974-2695.

This item was postponed to April 14, 2016 at the request of Council Member Renteria on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

27. C14-2015-0104 – Lenox Oaks – District 3 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 434-500 Bastrop Highway Southbound and 6705-6709 Ponca Street (Carson Creek Watershed; Colorado River Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning and single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning for Tract 1 and Tract 2; from general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning for Tract 3; from general commercial services-neighborhood plan (CS-NP) combining district zoning, general office-neighborhood plan (GO-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning and single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning for Tract 4; and from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning for Tract 5. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning for Tract 1 and Tract 2; general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 3; general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning and multifamily residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning for Tract 4; and multifamily residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning for Tract 5. 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.

This item was postponed to April 14, 2016 at the request of Council Member Renteria on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

28. NPA-2015-0023.01 - Boys & Girls Club Legacy Club - District 1 - Boys & Girls Club Legacy Club - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55 of the University Hills/Windsor Park Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 4717 Turner Lane (Walnut Creek Watershed; Little Walnut Creek Watershed) from Higher Density Single Family, Transportation, and Commercial land uses to Civic land use. Staff Recommendation: To grant Civic land use. Planning Commission Recommendation: To grant Civic land use. Owner/Applicant: Boys and

Girls Club of Austin (Chuck Carroll). Agent: Drenner Group (Amanda Swor). City Staff: Maureen Meredith, 512-974-2695.

This item was postponed to April 7, 2016 for 4:30 p.m. time certain at the request of Council Member Houston on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

29. C14-2015-0086 - Boys and Girls - Legacy Club - District 1 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4717 Turner Lane (Walnut Creek Watershed; Little Walnut Creek Watersheds) from family residence-neighborhood plan (SF-3-NP) combining district zoning, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning, and neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Owner: Jimmy Nassour. Agent: Drenner Group (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed to April 7, 2016 for 4:30 p.m. time certain at the request of Council Member Houston on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

30. C14-2015-0117 – Velocity Crossing – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning and rezoning property locally known as 3311 South FM 973 Road and 3326 East SH 71 Eastbound (Onion Creek Watershed; Colorado River Watershed) from interim-rural residence (I-RR) district zoning, development reserve (DR) district zoning and general commercial services-conditional overlay (CS-CO) combining district zoning to limited industrial services-planned development area (LI-PDA) combining district zoning, with conditions. Staff Recommendation: To grant limited industrial services-planned development area (LI-PDA) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial services-planned development area (LI-PDA) combining district zoning. Owner/Applicant: SH 71-130 Holdings, LP (Karl Koebel). Agent: Metcalfe, Wolff, Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was held and the motion to close the public hearing and approve the ordinance on first reading only for limited industrial services-planned development area (LI-PDA) combining district zoning, was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

31. C14-2015-0119 – Neal Mixed Use Zoning – District 9 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1507, 1509, 1511, 1601 and 1603 Shoal Creek Boulevard (Shoal Creek Watershed) from general office (GO) district zoning, limited office (LO) district zoning, and family residence (SF-3) district zoning to general office-mixed use (GO-MU) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Planning Commission Recommendation: To be reviewed on March 22, 2016. Owner/Applicant: F. Scott Holdings, LLC (John Neal). Agent: Site Specifics (John Hussey). City Staff: Victoria Haase, 512-974-7691.

This item was postponed to May 12, 2016 at the request of staff on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

32. C14-2015-0129 - 7804 Cooper Lane - District 5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7804 Cooper Lane (South Boggy Creek Watershed) from single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning to family residence-conditional overlay (SF-3-CO) combining district zoning, as amended. Staff Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Owner/Applicant: Kimo Mortgage Realty Inspection PLLC (Chi-mo Dai). Agent: Rivera Engineering (Michael A. Rivera, P.E.). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was held and the motion to close the public hearing and approve Ordinance No. 20160324-032 with the following additional condition for family residence-conditional overlay (SF-3-CO) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

The additional condition is that the applicant has agreed to limit the property to one driveway approach for motor vehicle access from the property at Dittmar Road.

33. C14-2015-0133A - 1204 San Antonio Street - District 9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 San Antonio Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Owner/Applicant: Texas Association of Counties (Gene Terry). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Victoria Haase, 512-974-7691.

This item was postponed to April 14, 2016 at the request of the neighborhood on consent on Council Member Zimmerman's motion, Council Member Renteria's second on an 8-0 vote. Mayor Adler and Mayor Pro Tem Tovo abstained. Council Member Gallo was absent.

34. C14-2015-0133B - 1205 Nueces Street - District 9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1205 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Owner/Applicant: Texas Association of Counties (Gene Terry). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Victoria Haase, 512-974-7691.

This item was postponed to April 14, 2016 at the request of the neighborhood on consent on Council Member Zimmerman's motion, Council Member Renteria's second on an 8-0 vote. Mayor Adler and Mayor Pro Tem Tovo abstained. Council Member Gallo was absent.

Item 35 was pulled for discussion.

36. C14-2015-0141 - Allwood Condos - District 5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2106 Allwood Drive and 2103 Bluebonnet Lane (West Bouldin Creek Watershed) from family

residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: River City Homes, LLC/Peter Kehle. Agent: Hector Avila. City Staff: Andrew Moore, 512-974-7604.

The public hearing was held and the motion to close the public hearing and approve Ordinance No. 20160324-036 with the following additional conditions for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

The additional conditions are that the applicant has agreed to require guest parking and garbage pickup be provided on the property and not on Allwood and limiting impervious cover to 49%.

37. C14-2015-0153 - Iglesia Filadelfia - District 4 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9015 Capitol Drive (Little Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-neighborhood plan (GR-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) district zoning. Owner/Applicant: Leonel Rangel. City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to May 12, 2016 at the request of Council Member Casar on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

38. C14-2015-0154 – LMLM Investments LLC – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7050 Elroy Road (Dry Creek East Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: LMLM Investments, LLC (Tomas Gunz). Agent: Bury, Inc. (Derek Villamez). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was held and the motion to close the public hearing and approve the ordinance on first reading only with the following additional conditions for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

The additional conditions are that the applicant has agreed to prohibit bed and breakfast group one and group two uses, prohibit residential treatment and prohibit service station uses as permitted uses on the site and the food sales use be a minimum of 5,000 square feet.

39. C14-2015-0157 – North Bluff – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 813 North Bluff Drive (Williamson Creek Watershed) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district

zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Owner/Applicant: Northbluff Land, LP (PSW Homes, LLC - Rachel Hartzler). Agent: South Llano Strategies (Glen Coleman). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was held and the motion to close the public hearing and approve Ordinance No. 20160324-039 for townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

40. C14-2015-0159 – Bluff Springs Rezoning – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 8006 Bluff Springs Road (South Boggy Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Davis Kalogridis Foundation (Mitchell Kalogridis). Agent: Davis Kalogridis Foundation (Susan Bartrum). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was held and the motion to close the public hearing and approve Ordinance No. 20160324-040 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

41. C14-2015-0161 – North Austin Muslim Community Center – District 7 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11900 and 11902 North Lamar Boulevard (Walnut Creek Watershed) from warehouse/limited office (W/LO) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Owner/Applicant: North American Islamic Trust, Inc. (Younes Rahhali). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr.). City Staff: Sherri Sirwaitis, 512-974-3057.

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

42. C14-2015-0165 – South Congress @ Little Texas Lane Commercial – District 3 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5711 South Congress Avenue (Williamson Creek Watershed) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-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 grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner/Applicant: 5711 S. Congress, LLC (Jimmy Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was held and the motion to close the public hearing and approve the ordinance on first reading only with the following additional conditions grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP)

combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

The additional conditions are that the applicant has agreed to prohibit auto repair, the auto repair use as a permitted use and prohibit limited warehouse and distribution services so those two uses prohibited, and that the first floor would be required to have a minimum of 3,000 square feet of retail uses.

43. C14-2015-0166 – Cherry Creek Commercial – District 5 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2716 West William Cannon Drive (Williamson Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning. Owner/Applicant: Anchor Equities, Ltd. (Jimmy J. Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was held and the motion to close the public hearing and approve Ordinance No. 20160324-043 for commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

44. C14-2016-0002 – Rinard Substation – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 11125 Bradshaw Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on April 5, 2016. Owner/Applicant: City of Austin, Austin Energy (Pamela England). Agent: Civil Land Group, LLC (Greg Ulcak). Staff: Wendy Rhoades, 512-974-7719.

This item was postponed to June 16, 2016 on the request of staff on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

45. C14-2016-0008 – 7809 Old Bee Cave Road Subdivision – District 8 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7809 Old Bee Cave Road (Williamson Creek Watershed and Barton Springs Zone) from rural residential-neighborhood plan (RR-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Owner/Applicant: Ron McGuire Construction, Ron McGuire. Agent: Southwest Engineers, Matt Dringenberg. City Staff: Andrew Moore, 512-974-7604.

The public hearing was held and the motion to close the public hearing and approve the ordinance on first reading only for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Renteria's second on a 10-0 vote. Council Member Gallo was absent.

Items 46 and 47 were pulled for discussion.

DISCUSSION ITEMS CONTINUED

18. Approve a resolution directing the City Manager to prepare a report about the impact of reducing Austin Energy's transfers to the General Fund and the Economic Development Fund. (Notes: Committee)
Resolution No. 20160324-018 was approved on consent on Council Member Troxclair's motion, Council Member Houston's second on a 6-3 vote. Those voting aye were: Mayor Adler, Council Members Houston, Kitchen, Pool, Troxclair and Zimmerman. Those voting nay were: Council Members Casar, Garza and Renteria. Mayor Pro Tem Tovo and Council Member Gallo were absent.
17. Approve an ordinance amending the Fiscal Year 2015-2016 Operating Budget (Ordinance No. 20150908-001) to re-appropriate funds from non-sworn positions vacant 12 months or longer.
A motion to amend the ordinance to remove an Associate Judge in Municipal Court and Airport Operations Chief in Aviation failed on Council Member Zimmerman's motion, Council Member Troxclair's second on a 2-7 vote. Those voting aye were: Council Members Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Garza, Houston, Kitchen, Pool and Renteria. Those voting aye were: Council Members Troxclair and Zimmerman. Council Members Casar and Gallo were absent.
The motion to reject the ordinance was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Members Casar and Gallo were absent.
21. Approve an ordinance amending City Code Chapter 14-1 relating to the naming or renaming of park facilities. (Notes: Parks and Recreation Department)
A motion to approve the ordinance was made by Council Member Pool and seconded by Council Member Garza.

A motion to amend the ordinance was approved on Council Member Houston's motion, Council Member Pool's second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent. The amendment was to have the ordinance include:

"§ 14-1-37 PARK NAMING POLICY.
(A) Subject to a valid agreement governing the naming of a park facility or park feature, a park feature in a park facility may be dedicated to an individual or group to recognize {a culturally significant contribution, other} valuable contribution,
(B) A park facility may be named for:
(2) an individual or entity that deeds the land to the City for a park facility, contributes the estimated cost of at least 50% of the development of the park facility, and provides an endowment for the estimated 20-year maintenance costs of the park facility as estimated by the director; {or}

{(3) an individual or entity that has provided a culturally significant contribution to the surrounding area or community in which the facility exists. }

§ 14-1-38 - PROCEDURE FOR NAMING A FEATURE.

(B) A nomination for naming a feature must include:

(2) if the nomination is not an individual's name, justification for the suggested name; {or}
{(3) if the basis of the nomination is a culturally significant contribution, a description of the cultural, geographic, or historic significance to the surrounding area or community in which the feature exists.}

§ 14-1-39 - PROCEDURE FOR NAMING OR RENAMING A FACILITY.

(B) A nomination for naming or renaming a facility must include:

(2) if the suggestion is not an individual's name, justification for the suggested name; {or}
{(3) if the basis of the nomination is a culturally significant contribution, a description of the cultural, geographic, or historic significance to the surrounding area or community in which the facility exists.}

(D) {To promote community engagement and input from the stakeholders in the geographic area surrounding the facility prior to referral to the Parks and Recreation Board,} immediately on receipt of notice from the director, the City's public information officer shall take reasonable steps to inform persons who are likely to have an interest in the naming of the facility. The public information officer shall consider the nature and location of the facility and whether a particular community is likely to be especially interested in the process, and disseminate the information to reach those communities. Information disseminated under this subsection shall include a statement of the deadline for submitting nominations.”

Ordinance No. 20160324-021 was approved with the amendment listed above on Council Member Pool’s motion, Council Member Garza’s second on a 9-0 vote. Council Member Zimmerman abstained. Council Member Gallo was absent.

CITIZENS COMMUNICATIONS: GENERAL

Karen Flanagan - Flooding in Angus Valley.

Laura Arbilla - Angus Valley flooding.

Sylvia Mendoza - Various topics.

Tim Tobin - How does a classified indigent person specified by our court system pay the cost of a police report when he is the victim?

Thomas Reames - City commitment to upgrade Angus Valley. **Not present.**

Nailah Sankofa - Fashion boot camp program and Fashion industry initiative. **Not present.**

Susana Almanza - Invite public to Cesar Chavez march on Saturday, March 26th at 10 AM.

John Moore - City award given to Houston McCoy many years ago.

Michael Fossum – Animal issues.

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.

49. 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.
50. Evaluate the performance of, and consider compensation and benefits for the City Clerk (Personnel matters – Section 551.074 of the Government Code).
This item was withdrawn without objection.
51. Evaluate the performance of, and consider compensation and benefits for the City Auditor (Personnel matters – Section 551.074 of the Government Code).
This item was withdrawn without objection.
52. Evaluate the performance of, and consider compensation and benefits for the Clerk of the Austin Municipal Court (Personnel matters – Section 551.074 of the Government Code).
This item was withdrawn without objection.

Mayor Adler announced that Items 14 & 15 would be discussed in executive session.

14. Approve a resolution concerning ways to strengthen protections for city employees from workplace discrimination, harassment, and retaliation. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ann Kitchen CO 2: Council Member Delia Garza CO 3: Council Member Leslie Pool CO 4: Mayor Steve Adler)
15. Approve an ordinance amending Ordinance No. 030508-031 regarding adopted wages to be paid on city projects. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Delia Garza CO 3: Council Member Ann Kitchen)

Executive Session ended and Mayor Pro Tem Tovo called the Council meeting back to order at 1:55 p.m.

DISCUSSION ITEMS CONTINUED

35. C14-2015-0139 - New Office/Retail Space - District 6 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 11812 Millwright Parkway (Lake Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Owner/Applicant: NZ Lands, Inc. (Zulfiqar Ali Prasla and Nizar Ali Prasla). City Staff: Sherri Sirwaitis, 512-974-3057.
The public hearing was held and the motion to close the public hearing was approved and Ordinance No. 20160324-035 limited office-mixed use (LO-MU) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Pool's second on a 9-0 vote. Council Members Casar was off the dais. Council Member Gallo was absent.

The additional condition is that the applicant has agreed to prohibit medical office use.

EXECUTIVE SESSION

Mayor Adler announced that Items 46 & 47 would be discussed in executive session.

Mayor Adler recessed the Council Meeting to go into Executive Session at 3:36 p.m.

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.

46. C14-91-0038(RCA) - 507 W 23rd Street - District 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by amending a restrictive covenant as it relates to property locally known as 507 West 23rd Street (Shoal Creek Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To grant the restrictive covenant amendment. Owner/Applicant: Austin City Realty LLC (David Kanne). Agent: Mike McHone Real Estate (Mike McHone). City Staff: Victoria Haase, 512-974-7691.
47. C14H-2015-0007 - Clyde and Henrietta Littlefield House - District 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 903 Shoal Cliff Court from multifamily residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning to multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454.

Executive Session ended and Mayor Adler called the Council meeting back to order at 4:05 p.m.

DISCUSSION ITEMS CONTINUED

Items 46 & 47 were acted upon in one motion.

46. C14-91-0038(RCA) - 507 W 23rd Street - District 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by amending a restrictive covenant as it relates to property locally known as 507 West 23rd Street (Shoal Creek Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To grant the restrictive covenant amendment. Owner/Applicant: Austin City Realty LLC (David Kanne). Agent: Mike McHone Real Estate (Mike McHone). City Staff: Victoria Haase, 512-974-7691.

The public hearing was held and the motion to close the public hearing and postpone the item to March 31, 2016 was approved on Council Member Pool's motion, Council Member Houston's second on an 8-0 vote. Council Member Zimmerman abstained. Council Members Casar was off the dais. Council Member Gallo was absent.

47. C14H-2015-0007 - Clyde and Henrietta Littlefield House - District 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 903 Shoal Cliff Court from multifamily residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning to multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant multifamily residence-moderate-high density-historic landmark-conditional overlay-neighborhood plan (MF-4-H-CO-NP) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454.

The public hearing was held and the motion to close the public hearing and postpone the item to March 31, 2016 was approved on Council Member Pool's motion, Council Member Houston's second on an 8-0 vote. Council Member Zimmerman abstained. Council Members Casar was off the dais. Council Member Gallo was absent.

53. Conduct a public hearing and consider a resolution for the use of dedicated parkland, known as Lady Bird Lake at Auditorium Shores Park, Butler Park, Shoal Beach Park, Duncan Park, and Republic Square Park (District 9), for approximately 18,456 square feet of permanent reclaimed water transmission and distribution main use, approximately 38,836 square feet of temporary working space use, and approximately 6,502 square feet of temporary staging area and materials storage site use, to construct, use, maintain, repair, and replace reclaimed water transmission and distribution mains for construction of a portion of the Main to Junction 420 (Downtown Area) project, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.

The public hearing was held and the motion to close the public hearing was approved on Council Member Pool's motion, Council Member Zimmerman's second on a 9-0 vote. Council Members Casar was off the dais. Council Member Gallo was absent.

Resolution No. 20160324-053 was approved on Council Member Zimmerman's motion, Council Member Troxclair's second on a 7-0 vote. Council Members Casar, Pool and Renteria were off the dais. Council Member Gallo was absent.

Mayor Adler recessed the Council Meeting at 4:12 p.m.

Mayor Adler reconvened the meeting at 4:45 p.m.

DISCUSSION ITEMS CONTINUED

14. Approve a resolution concerning ways to strengthen protections for city employees from workplace discrimination, harassment, and retaliation. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ann Kitchen CO 2: Council Member Delia Garza CO 3: Council Member Leslie Pool CO 4: Mayor Steve Adler)

A motion to divide the question and approve all WHEREAS clauses, the BE IT RESOLVED clause and first BE IT FURTHER RESOLVED clause was approved on Council Member Troxclair's motion on a 10-0 vote. Council Member Gallo was absent.

A motion to approve the remaining three BE IT FURTHER RESOLVED clauses was approved on Mayor Pro Tem Tovo's motion, Council Member Kitchen's second on an 8-1

vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained. Council Member Gallo was absent.

15. Approve an ordinance amending Ordinance No. 030508-031 regarding adopted wages to be paid on city projects. (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Delia Garza CO 3: Council Member Ann Kitchen)
Ordinance No. 20160324-013 was approved on consent on Council Member Casar's motion, Council Member Pool's second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Gallo was absent.
20. Approve a resolution adopting a living wage policy to apply to City non-construction procurement agreements. (Notes: Committee)
Resolution No. 20160324-020 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Gallo was absent.

Mayor Adler recessed the Council Meeting at 7:05 p.m.

Mayor Adler reconvened the meeting at 7:58 p.m.

19. Approve an ordinance establishing fair chance hiring standards in the City of Austin, creating a civil penalty, and creating an offense. (Notes: Committee)
A motion was made to strike “§4-15-2 DEFINITIONS (2) a corporation wholly owned by the government on the United States” and failed on Council Member Zimmerman's motion, Council Member Troxclair's second on a 2-7 vote. Those voting aye were: Council Members Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Kitchen, Pool and Renteria. Council Member Houston abstained. Council Member Gallo was absent.

Ordinance No. 20160324-019 was approved as amended below on Council Member Casar's motion, Council Member Pool's second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Gallo was absent.

The amendments to the ordinance read:

“§4-15-2. DEFINITIONS.

- (C) CONDITIONAL EMPLOYMENT OFFER means an oral or written offer by an employer to employ an individual in a job, or placement in a staffing agency's staffing pool, that is conditioned solely on the employer's evaluation of the individual's criminal history, and may be conditioned on any pre-employment medical examinations authorized under the Americans with Disabilities Act (ADA).**
- (F) (3) a bona fide private membership club (other than a labor organization) that is exempt from taxation under Section 501(c) of the Internal Revenue Code;**

- (G) **INDIVIDUALIZED ASSESSMENT** means an evaluation of the criminal history of an individual that includes, at a minimum, the following factors;
 - (1) the nature and gravity of any offenses in the individual's criminal history;
 - (2) the length of time since the offense and completion of the sentence; and
 - (3) the nature and duties of the job for which the individual has applied.
- (H) **JOB** means an employment position with an employer for which the employer has solicited or accepted applications and which the employer is currently attempting to fill.
- (I) **STAFFING AGENCY** means an employer that:
 - (1) assigns individuals employed by it to perform work for another employer; and
 - (2) retains the obligation to pay such individuals for the work performed for the other employer.
- (J) **STAFFING POOL** means a list of individuals retained by a staffing agency before the assignment of a specific job to perform for another employer

§4-15-3. APPLICABILITY.

- (B) This chapter does not apply to a job for which a federal, state, or local law, or compliance with legally mandated insurance or bond requirement disqualifies an individual based on criminal history.
- (C) Nothing in this chapter limits an employer's authority to withdraw a conditional offer of employment for any lawful reason, including the determination that an individual is unsuitable for the job based on an individualized assessment of the individual's criminal history.

§4-15-4. FAIR CHANCE HIRING PRACTICES.

- (C) An employer may not solicit criminal history information about an individual or consider an individual's criminal history unless the employer has first made a conditional employment offer to the individual. This does not preclude an employer from explaining to applicants, in writing, the individualized assessment system that the employer uses to consider criminal history.
- (D) An employer may not refuse to consider employing an individual-in a job covered by this chapter because the individual did not provide criminal history information before the individual received a conditional employment offer.
- (E) An employer may not take adverse action against an individual because of the individual's criminal history unless the employer has determined that the individual is unsuitable for the job based on an individualized assessment conducted by the employer.
- (F) An employer who takes adverse action against an individual based on the individual's criminal history must inform the individual in writing that the adverse action was based on the individual's criminal history.

- (G) Notwithstanding any other part of this chapter, a staffing agency may solicit criminal history information about an individual and make an individualized assessment of an individual's criminal history when the staffing agency has identified a job to which the individual will be employed, or placed in a staffing pool.

§4-15-6. ADMINISTRATION.

- (A) (2) receive and investigate complaints, including anonymous complaints, alleging a violation of this chapter;
- (B) To be considered by the Equal Employment/Fair Housing Office, a complaint alleging a violation of this chapter must be filed with the Equal Employment/Fair Housing Office no later than the 90th calendar day after the individual receives knowledge of the alleged violation, but in no event later than one year from the date of the alleged violation.
- (C) If the Equal Employment/Fair Housing Office finds that a violation of this ordinance has occurred, and voluntary compliance cannot be obtained, the Equal Employment/Fair Housing Office may assess a civil penalty and provide notice to the employer as provided in §4-15-8.

§4-15-7. INVESTIGATION OF COMPLAINTS.

§4-15-8. CIVIL PENALTY.

- (A) An employer who fails to cease a violation of this chapter by the end of the 10th business day after the day the employer receives written notice of the violation from the City is liable to the City for a civil penalty of up to \$500 for that violation. For a first-time violation, the City may instead issue a warning if the employer attends an appropriate training session about compliance with this chapter.

Part 2. The Equal Employment/Fair Housing Office may not assess a civil penalty under section 4-15-8 for a violation of Chapter 4-15 that occurs before the first anniversary of the effective date of this ordinance.

Part 3. For a violation of Chapter 4-15 that occurs after the effective date of this ordinance but before the first anniversary of the effective date of this ordinance, the Equal Employment/Fair Housing Office shall issue a written warning to the employer found to be in violation informing the employer that a civil penalty may be assessed for a violation that occurs after the first-anniversary of the effective date of this ordinance.

Part 4. The council directs the city manager to design and provide a public education campaign to inform employers and residents of the requirements of Chapter 4-15, including a website with best practices for employers.

Part 5. Except as provided in Part 2, this ordinance takes effect on April 4, 2016.”

Mayor Adler adjourned the meeting at 10:03 p.m. without objection.

The minutes were approved on this the 31st day of March 2016 on Council Member Garza's motion, Council Member Kitchen's second on a 10-0 vote. Mayor Adler was absent.