



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, MAY 12, 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, May 12, 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 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of May 3, 2016, budget work session of May 4, 2016 and regular meeting of May 5, 2016.
The minutes of the City Council work session of May 3, 2016, budget work session of May 4, 2016 and regular meeting of May 5, 2016 were approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Items 2 through 7 were pulled for discussion.

8. Authorize execution of an amendment to a legal services agreement with Lloyd Gosselink Rochelle & Townsend, P.C., for services regarding the public review process for proposed electric rates to be implemented in Fiscal Year 2016-17, in an amount not to exceed \$240,000, for a total amended amount not to exceed \$465,000.
The motion authorizing execution of an amendment to a legal services agreement with Lloyd Gosselink Rochelle & Townsend, P.C. was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 10-1 vote. Council Member Zimmerman voted nay.

Item 9 was pulled for discussion.

10. Approve an ordinance amending City Code Chapter 9-2 relating to requirements for non-peak hour concrete installation within portions of the Central Business District and Public zoning districts.
This item was postponed to May 19, 2016 on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

11. Approve an ordinance amending Ordinance No. 20160211-022, the Rezoning of Lots 1, 2 and 7 of Parmer Place, to correct Part 2 to reflect Council action providing that the Property may be developed and used in accordance with the regulations established for the multi-family residence-medium density (MF-3) district and other applicable requirements of the City Code.
Ordinance No. 20160512-011 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Items 12 through 14 were pulled for discussion.

15. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
The following appointments and certain related waivers were approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

Building & Standards Commission
 Natalya Shedd

Mayor Adler

Community Technology & Telecommunications Commission
 David Alexander

Council Member Casar

Downtown Commission
 David Gomez

Council Member Casar

Land Development Code Advisory Group
 Patricia King

Council Member Garza

Waivers

Approve a waiver under Section 2-1-27(e) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for a person appointed to a City board between December 1, 2015 through January 28, 2016, if the person completed the training required by Section 2-1-23 on or before June 3, 2016.

Board	name	Beginning Date
Community Technology and Telecommunications Commission	Angela Newell	12/17/2015
Arts Commission	Teruko Nimura	1/28/2016
Building and Standards Commission	Julio Carrillo	1/28/2016
Community Technology and Telecommunications Commission	Virgilia Singh	1/28/2016
Mechanical, Plumbing and Solar Board	Michael Lumbley	1/28/2016

Approval of Universal Changes to Bylaws for the following Boards:
 MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee

16. Approve a resolution directing the City Manager to recommend a plan and timeline for adoption and implementation of a Wildland Urban Interface Code; to ensure that all high risk wildfire urban interface areas are assessed regarding the need for a local community wildfire protection plan; to provide a progress report to the Public Safety Committee regarding components of a comprehensive risk assessment plan and to report back to council within 90 days. (Notes: SPONSOR: Council Member Sheri Gallo CO 1: Council Member Ellen Troxclair CO 2: Council Member Delia Garza CO 3: Council Member Don Zimmerman CO 4: Council Member Ora Houston)
Resolution No. 20160512-016 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
17. Approve an ordinance waiving or reimbursing fees for the Homeowners Association Picnic events sponsored by the Spicewood at Bullcreek Homeowner Association which are to be held on May 15, 2016 and October 9, 2016 at the Pickfair Community Center. (Notes: SPONSOR: Council Member Don Zimmerman CO 1: Council Member Sheri Gallo CO 2: Council Member Ora Houston CO 3: Council Member Ellen Troxclair)
Ordinance No. 20160512-017 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair abstained.
18. Approve a resolution directing the City Manager to negotiate and execute an interlocal agreement with Capital Metropolitan Transportation Authority for the use of a wheelchair-accessible vehicle for the Homelessness Outreach Team pilot program. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Delia Garza CO 4: Council Member Leslie Pool)
Resolution No. 20160512-018 was approved on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Council Member Zimmerman abstained.
19. Approve a resolution directing the City Manager to recommend implementation scenarios for the City to assume departments, activities, or functions provided by independent school districts located in the City of Austin if those departments, activities, or functions have a municipal purpose. (Notes: SPONSOR: Mayor Steve Adler CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ora Houston CO 3: Council Member Leslie Pool)
Resolution No. 20160512-019 was approved as amended on consent on Council Member Zimmerman's motion, Council Member Houston's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

Mayor Adler made a friendly amendment to amend the first BE IT RESOLVED to add to the end of the sentence, the phrase: "the scenarios for implementation should also consider the effect on the other school districts that are within the City and measures for equalizing any disparate impact on taxpayers who are within those districts." The motion was accepted without objection.

Item 20 was pulled for discussion.

21. Set a public hearing regarding ATMOS Energy Corporation's proposal to increase customer gas rates. (Suggested date and time May 19, 2016; 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX)

The public hearing was set on consent for May 19, 2016, 4:00 pm at 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Houston's second on a 10-1 vote. Council Member Zimmerman voted nay.

Item 22 was referred from Council Committees.

Items 23 through 26 were Zoning Ordinances/Restrictive Covenants (Hearings Closed)

Items 27 through 45 were Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

Item 46 was an Executive Session Item.

Item 47 was a Briefing Items set for 2:00 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

26. C814-2012-0163 - Sun Chase Planned Unit Development - District 2 - Approve second reading of an ordinance amending City Code Chapter 25-2 by zoning property locally known as 15201, 15810, and 16070 Pearce Lane, and 7910 Wolf Lane (Dry Creek East Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning and interim-single family residence-small lot (I-SF-4A) district zoning to planned unit development (PUD) district zoning. First Reading approved on February 11, 2016. Vote: 8-0-1, Mayor Adler and Council Member Casar off the dais; Council Member Troxclair abstained. Owner/Applicant: Qualico CR, L.P. (Vera Massaro). Agent: Armbrust & Brown, L.L.P. (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719.

The motion to approve the ordinance on second reading only for planned unit development (PUD) district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.

27. 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: Case withdrawn by Applicant. Owner: Estate of Ananias B. Perez (Margot Perez-Greene). Applicant: Rosenthal Properties (Gayle Rosenthal). City Staff: Maureen Meredith, 512-974-2695.

This item was withdrawn at the request of the applicant on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

28. 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: Case withdrawn by

Applicant. Owner: Estate of Ananias B. Perez (Margot Perez-Greene). Applicant: Rosenthal Properties (Gayle Rosenthal). City Staff: Heather Chaffin, 512- 974-2122.

This item was withdrawn at the request of the applicant on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

29. 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.

The item was postponed to June 16, 2016 at the request of Council Member Renteria on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

30. 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-mixed use-conditional overlay-neighborhood plan (GO-MU-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: Smith, Robertson, Elliot & Douglas, LLP (David Hartman). City Staff: Andrew Moore, 512-974-7604.

The item was postponed to June 16, 2016 at the request of Council Member Renteria on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

31. C14-2015-0062 - US 183 & McCall Lane Rezoning - District 2 -Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2900, 3000, and 3024 U.S. Highway 183 South and 3120 McCall Lane (Onion Creek Watershed; Carson Creek Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tract 1, and from limited industrial services-neighborhood plan (LI-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tract 2. Staff Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tracts 1 and 2. Planning Commission Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tracts 1 and 2. Owner/Applicant: Met Center NYCTEX, Phase II, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and Ordinance No. 20160512-031 for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning for Tracts 1 and 2 was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

32. 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 June 14, 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 August 11, 2016 at the request of staff on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

33. 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) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Owner/Applicant: Leonel Rangel. City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the ordinance was approved on first reading only for small-lot single family neighborhood plan (SF-4A-NP) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

34. 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.
The public hearing was conducted and Ordinance No. 20160512-034 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.
35. C14-2015-0162 – Airport Commerce – District 3 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1501 Airport Commerce Drive (Carson Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services- conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Owner: Steve Freche. Applicant: W2 Hill ACP II LP. Agent: Thrower Design (A. Ron Thrower). City Staff: Andrew Moore, 512-974-7604.
The public hearing was conducted and Ordinance No. 20160512-035 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.
36. C14-2015-0167 – Gossett Jones Homes – District 5 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4006 and 4100 Banister Lane (West Bouldin Creek Watershed) from multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1 and multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 2. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1 and multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 2. Planning Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1 and multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 2. Applicant: Banister Cityhomes, LP. Owner: Jared M. Gossett. Agent: Thrower Design (A. Ron Thrower). City Staff: Andrew Moore, 512-974-7604.
The public hearing was conducted and Ordinance No. 20160512-036 for multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1 and multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 2 was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.
37. C14-2016-0001 – Ramirez .69 – District 5 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 10000 Rocking Horse Road (Slaughter Creek Watershed-Barton Springs Zone) from single family residence-standard lot (SF-2) district zoning to neighborhood office (NO) district zoning. Staff Recommendation: To

grant neighborhood office (NO) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office (NO) district zoning. Owner/Applicant: Rosa Imelda Ramirez. Agent: Bennett Consulting (Rodney Bennett). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and Ordinance No. 20160512-037 for neighborhood office (NO) district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

38. C14-2016-0009 – Rezoning Comfort Suites – District 6 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning and rezoning property locally known as 13681 North U.S. Highway 183 (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning and community commercial (GR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Owner/Applicant: Anand and Alisha, LP (Anand Patel). Agent: Consort Inc. (Ben Turner). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and Ordinance No. 20160512-038 for community commercial (GR) district zoning was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

39. C14-2016-0014 – 211 Canyon Ridge Drive Hotel – District 7 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 211 Canyon Ridge Drive (Walnut Creek Watershed) from limited industrial services (LI) district zoning to limited industrial services-planned development area (LI-PDA) district zoning. Staff Recommendation: To grant limited industrial-planned development area (LI-PDA) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To forward to City Council without a recommendation (Due to lack of an affirmative vote). Owner/Applicant: Tech Ridge Phase IV of Tech Ridge GP, LLC (Paul M. Juarez, VP Tech Ridge GP, LLC). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to June 16, 2016 at the request of the applicant on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

40. C14-2016-0015 – Burleson – District 2 – Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 by zoning property locally known as 8219 Burleson Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial services (LI) district zoning. Staff Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant limited industrial services-conditional overlay (LI-CO) combining district zoning, with conditions. Owner/Applicant: Sundberg Farm Limited Partnership (Jean Hancock Chernosky); Bauman Grandchildren's 2012 Trust (Edwin R. Bauman, II); Sundberg C&C Partners, Ltd. (George M. Mealy); Joan Elaine Frensley Smith; Robert Carl Wolter; and La Familia Partnership, Ltd. (John P. Schneider, M.D. and Eleanor Schneider). Agent: Armbrust & Brown, PLLC (Eric deYoung). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the ordinance was approved on first reading only for limited industrial services-conditional overlay (LI-CO) combining district zoning with conditions was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

41. C14-2016-0018 – Augusta Rezoning – 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 710 Augusta Avenue (Lady Bird Lake Watershed) from single family residence-small lot-

conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant 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: Chris Roberts. Agent: Land Answers (Jim Wittliff). City Staff: Victoria Haase, 512-974-7691.

This item was postponed to June 16, 2016 at the request of the applicant on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

42. C14-2016-0026 – Pleasant Valley – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5411 East William Cannon Drive and 6709 South Pleasant Valley Road (Onion Creek Watershed) from warehouse/limited office-conditional overlay (W/LO-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Owner/Applicant: Kalogridis & Kalogridis Development LLC. Agent: Bill Faust. City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the ordinance was approved on first reading only for general commercial services-conditional overlay (CS-CO) combining district zoning with conditions was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

45. C14-03-0116.03 – 3101 Metlink Drive Rezoning – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3101 Metlink Drive (Carson Creek Watershed; Onion Creek Watershed) from limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change a condition of zoning. Owner/Applicant: Met Center NYCTEX, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and Ordinance No. 20160512-045 for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change a condition of zoning was approved on consent on Council Member Zimmerman's motion, Council Member Kitchen's second on an 11-0 vote.

DISCUSSION ITEMS

The following items were acted on by one motion.

2. Authorize the use of the Competitive Sealed Proposal method for solicitation of maintenance, inspection, warranty, and construction work consisting of dewatering, providing access, and removal of sedimentation in support of the Waller Creek Tunnel Project. (Notes: MBE/WBE goals will be established for this solicitation before issuance.)

The motion authorizing the use of the competitive sealed proposal method for solicitation of maintenance, inspection, warranty, and construction work in support of the Waller Creek

Tunnel Project was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

3. Authorize additional contingency funding for the construction contract with OSCAR RENDA CONTRACTING for the Waller Creek Inlet Facility at Waterloo Park project in the amount of \$5,000,000, for a total contract amount not to exceed \$39,781,250. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.40% MBE and 2.43% WBE participation.)

The motion authorizing additional contingency funding for the construction contact with Oscar Renda Contracting was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

4. Authorize additional contingency funding for the construction contract with SJ LOUIS CONSTRUCTION OF TEXAS for the Waller Creek Tunnel Main Tunnel and 4th Street Creek Side Inlet project in the amount of \$500,000, for a total contract amount not to exceed \$50,400,500. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 7.83% MBE and 1.41% WBE participation.)

The motion authorizing additional contingency funding for the construction contact with SJ Louis Construction of Texas was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

5. Authorize additional contingency funding for the construction contract with OSCAR RENDA CONTRACTING for the Waller Creek Tunnel 8th Street Creek Side Inlet Facility project in the amount of \$1,500,000 for a total contract amount not to exceed \$6,974,052. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.27% MBE and 1.92% WBE participation.)

The motion authorizing additional contingency funding for the construction contact with Oscar Renda Contracting was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

9. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire a temporary construction easement, totaling approximately 14,458 square feet, for the Waller Creek Tunnel Project, located at 701-703 East 9th Street, Austin, Travis County, Texas, from ASHLAND EQUITIES COMPANY LLC, A NEW YORK LIMITED LIABILITY COMPANY, in an amount not to exceed \$119,221 (District 9).

The motion authorizing negotiation and execution of all documents and instruments necessary or desirable to acquire a temporary construction easement from Ashland Equities Company LLC, A New York Limited Liability Company was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor

Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

14. Approve a resolution declaring the City's official intent to reimburse itself from Certificates of Obligation to be issued for expenditures related to the Waller Creek Tunnel Project in the total amount of \$7,500,000. Related to Item #13.
Resolution No. 20160512-014 was approved on Mayor Pro Tem Tovo'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, Gallo, Garza, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Houston abstained.
13. Approve an ordinance amending the Fiscal Year 2015-2016 Watershed Protection Department Capital Budget (Ordinance No. 20150908-002) to increase appropriations by \$7,500,000 for the Waller Creek Tunnel Project. Related to Item #14.
Ordinance No. 20160512-013 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman. Council Member Houston abstained. Council Member Kitchen was off the dais but later requested the record show her support of the item.
6. Approve ratification of an amendment to an interlocal agreement with TRAVIS COUNTY and the AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER for the Austin Travis County Integral Care Substance Abuse Management Service Organization to provide mental health, public health and substance abuse services for indigent citizens and other eligible clients within the Downtown Austin Community Court, in an amount not to exceed \$175,000, with three 12-month renewal options, in an amount not to exceed \$175,000 per renewal term for a total amended amount not to exceed \$700,000.
The motion approving the ratification of an amendment to an interlocal agreement with Travis County and the Austin Travis County Mental Health Retardation Center was approved on Council Member Pool's motion, Council Member Troxclair's second on a 10-1 vote. Council Member Zimmerman voted nay.
7. Authorize negotiation and execution of an amendment to an interlocal agreement with TRAVIS COUNTY and the AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER for the Austin Travis County Integral Care Road To Recovery Program to provide mental health, public health and substance abuse services for indigent citizens and other eligible clients within the Downtown Austin Community Court, in an amount not to exceed \$543,427, with three 12-month renewal options, in an amount not to exceed \$543,427 per renewal term, for a total amended amount not to exceed \$2,173,708.
The motion authorizing negotiation and execution of an amendment to an interlocal agreement with Travis County and the Austin Travis County Mental Health Mental Retardation Center was approved on Council Member Pool's motion, Council Member Troxclair's second on a 10-1 vote. Council Member Zimmerman voted nay.
12. Authorize negotiation and execution of a 36-month contract with AUS-TEX TOWING AND RECOVERY LLC, to provide towing of City vehicles in an amount not to exceed \$1,483,646, with three 12-month extension options in an amount not to exceed \$494,549 per extension option, for a total contract amount not to exceed \$2,967,292.

The motion authorizing negotiation and execution of a contract with Aus-Tex Towing and Recovery LLC was approved on Council Member Pool's motion, Council Member Renteria's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Garza abstained. Council Member Troxclair was off the dais.

20. Approve a resolution directing the City Manager to reduce admission fees to City pools for honorably discharged veterans and service-connected disabled veterans with a Department of Veterans Affairs Disability Rating of at least 10 percent. (Notes: SPONSOR: Council Member Sheri Gallo CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Ann Kitchen CO 4: Council Member Sabino "Pio" Renteria)
Resolution No. 20160512-020 was approved on Council Member Gallo's motion, Council Member Garza's second on a 9-0 vote. Council Member Zimmerman voted nay. Council Member Troxclair was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

25. C14-2015-0133A – 1204 San Antonio Street – District 9 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1204 San Antonio Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First Reading approved on April 14, 2016. Vote: 7-0-1-1 (Council Members Troxclair and Gallo off the dais. Mayor Adler-Abstained; Mayor Pro Tem Tovo-Recused). Owner/Applicant: Texas Association of Counties (Gene Terry). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Victoria Haase, 512-974-7691.
The motion to approve the ordinance on second reading only for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Council Member Renteria's motion, Council Member Garza's second on a 6-0 vote. Council Members Gallo and Zimmerman abstained. Mayor Adler and Mayor Pro Tem Tovo recused. Council Member Troxclair was off the dais.

There was an amendment made by Council Member Zimmerman to increase the height to 90 feet. The amendment failed for lack of a second.

CITIZENS COMMUNICATIONS: GENERAL

Ross Silvey - Austin Code Department.

Pinaki Ghosh - One city one IT.

Dale Flatt - Austin Code Department.

Kathy Collins-Flatt - Austin Code Department.

Laura Luna - Austin Code Department.

Steve Simmons - Austin Code Department.

Jenn Lee - Austin Code Department.

Ruben Rodriguez - Austin Code Department.

Susana Almanza - Increased property taxes equals increased gentrification.

Dani Tristan - Code enforcement.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

44. C14-85-027(RCA) -2102 Rio Grande Street - District 9 - Conduct a public hearing to amend a restrictive covenant on property locally known as 2102 Rio Grande Street (Shoal Creek Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To grant the restrictive covenant amendment. Owner/Applicant: McElroy Ralph Company Inc. (Ryan McElroy). Agent: Drenner Group (Amanda Swor). City Staff: Victoria Haase, 512-974-7691.

The public hearing was conducted and the motion to amend the restrictive covenant was approved on Council Member Pool's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Tovo recused.

Mayor Adler recessed the Council Meeting at 12:50 p.m.

Mayor Adler reconvened the meeting at 2:13 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.

46. 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.

DISCUSSION ITEMS CONTINUED

22. Approve an ordinance amending City Code Section 2-1-144 relating to the Environmental Commission. (Notes: Committee)
A motion to approve the ordinance was made by Council Member Pool and seconded by Mayor Pro Tem Tovo.

A motion to amend the Part 1 Section D of the ordinance from three members to five members failed on Council Member Gallo's motion, Council Member Zimmerman's second on a 4-7 vote. Those voting aye were: Council Member Gallo, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen and Pool.

Ordinance No. 20160512-022 was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem

Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

23. NPA-2015-0023.01 – Boys and Girls – Legacy Club – District 1 – Approve second and third readings of 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. First Reading approved on April 7, 2016. Vote: 11-0. Owner/Applicant: Boys and Girls Club of Austin (Chuck Carroll). Agent: Drenner Group (Jewels Watson). City Staff: Maureen Meredith, 512-974-2695.

The motion to deny the request to change the future land use designation on the future land use map (FLUM) was approved on Council Member Houston’s motion, Council Member Troxclair’s second on an 11-0 vote.

24. C14-2015-0086 – Boys and Girls – Legacy Club – District 1 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4717 Turner Lane (Walnut Creek Watershed; Little Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 1, from townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 2, and from 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 for Tract 3. First Reading approved on April 7, 2016. Vote: 11-0. Owner: Jimmy Nassour. Agent: Drenner Group (Jewels Watson). City Staff: Heather Chaffin, 512-974-2122.

Ordinance No. 20160512-024 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 1, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 2 and community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning for track 3 was approved as amended below on Council Member Houston’s motion, Council Member Zimmerman’s second on an 11-0 vote.

A motion to amend Sections H, I, L and M of the ordinance was made by Council Member Houston’s motion, Council Member Zimmerman’s second and approved without objection. The amendment was:

H.	Art gallery	Alternative financial services
	Automotive rentals	Art workshop
	Automotive sales	Automotive repair services
	Bail bond services	Automotive washing (of any type)
	Business support services	Business or trade school
	Communications services	Commercial off-street parking
	Consumer repair services	Consumer convenience services
	Financial services	Exterminating services

Food sales
 General retail sales
 (convenience)
 Hotel-motel
 Off-site accessory parking
 Pawn shop services
 Personal improvement services
 Pet services
 Retirement housing (large site)
 Community recreation (private)
 Cultural services
 Day care services (general)
 Private primary educational
 facilities
 Safety services

Food preparation
 Funeral Services

 General retail sales (general)
 Indoor entertainment
 Outdoor entertainment
 Pedicab storage and dispatch
 Personal services
 College and university facilities
 Community recreation (public)
 Day care services (commercial)
 Private secondary educational
 facilities

I. The following uses are conditional uses for Tract 1 and 2:

Retirement housing (large site)	College and university facilities
Community recreation (private)	Community recreation (public)
Cultural services	Day care services (commercial)
Day care services (general)	Group home, class I (general)
Private primary educational facilities	Private secondary educational facilities
Safety services	

L. The following uses are not permitted uses for Tract 3:

Automotive rentals	Automotive repairs services
Automotive sales	Automotive washing (of any type)
Bail bond services	Business or trade school
Business support services	Commercial off-street parking
Communications services	Exterminating services
Food preparation	Funeral Services
Hotel-motel	Indoor entertainment
Outdoor entertainment	Pawn shop services
Research services	Service station
Theater	Group home, class II
Hospital services (general)	Drop-off recycling collection facility
<u>Hospital services (limited)</u>	<u>Congregate living</u>
<u>Medical offices – exceeding 5,000 sq. ft. gross floor area</u>	<u>Residential treatment</u>

M. The following uses are conditional uses for Tract 3:

Community recreation (public)	Community recreation (private)
Hospital services (limited)	Congregate living
Medical offices – exceeding 5,000 sq. ft. gross floor area	Residential treatment

A motion to replace Part 2C of the ordinance with the following language: “At the time of the site plan development of the Property shall include a 40-foot wide public access easement to Manor Road at Turner Lane. The access easement shall include a minimum of

24 feet of paved surface. The access easement agreement shall be subject to review and approval by the city of Austin development services prior to recordation.” and amend Part 2D of the ordinance with the following language: “A minimum 6-foot-high solid fence shall be provided on the southern Property line.” was approved on Council Member Houston’s motion, Council Member Zimmerman’s second without objection.

DISCUSSION ITEMS CONTINUED

47. Briefing on the Project Assessment Report for the Cascades I at Onion Creek Planned Unit Development, also known as Cascades Municipal Utility District No. 1, located at 11601, 11809, 11811, and 11819 South IH-35 Service Road Northbound, within the Onion Creek Watershed (CD-2015-0017).

This item was postponed to June 17, 2016 for a 10:00 am time certain on Council Member Kitchen’s motion, Council Member Zimmerman’s second on an 11-0 vote.

43. C14-2016-0027 – WhichCraft Beer Store – District 5 – Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2110 South Lamar Boulevard, Suite F (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Planning Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: City of Austin. Owner: Charles Tames. City Staff: Andrew Moore, 512-974-7604.

The public hearing was conducted and a motion to approve the ordinance on first reading only for commercial-liquor sales (CS-1) district zoning was approved on Council Member Kitchen’s motion, Council Member Zimmerman’s second on an 11-0 vote.

Mayor Adler adjourned the meeting at 3:36 p.m. without objection.

The minutes were approved on this the 19th day of May 2016 on Council Member Zimmerman’s motion, Council Member Kitchen’s second on a 10-0 vote. Council Member Casar was absent.