

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, SEPTEMBER 22, 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, September 22, 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 special called budget work session of August 22, 2016, special called work sessions of August 23, 2016, August 25, 2016 and August 29, 2016, work session of August 30, 2016, budget work session of August 31, 2016; regular council meeting of September 1, 2016 and special called budget work sessions of September 8, 2016 and September 9, 2016.  
**The minutes of the City Council special called budget work session of August 22, 2016, special called work sessions of August 12, 2016, August 25, 2016 and August 29, 2016, work session of August 30, 2016, budget work session of August 31, 2016, regular council meeting of September 1, 2016 and special called budget work sessions of September 8, 2016 and September 9, 2016 were approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
2. Approve an ordinance amending the Fiscal Year 2015-2016 Council Operating Budget (Ordinance No. 20150908-001) as requested to direct funds from council offices to other city departments for municipal purposes.  
**Ordinance No. 20160922-002 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
3. Authorize negotiation and execution of a competitive sealed proposal agreement with IE2 CONSTRUCTION, LTD, for the expansion and renovation of the Austin Shelter for Women and Children project in an amount not to exceed \$5,376,528. (District 1) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of good faith efforts with 1.36% MBE and .65% WBE participation.)

**The motion authorizing negotiation and execution of a competitive sealed proposal agreement with IE2 Construction, Ltd. was approved on consent on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Casar was off the dais. Council Member Troxclair was absent.**

**Items 4, 5 and 6 were pulled for discussion.**

7. Authorize negotiation and execution of a design and commission agreement with New American Public Art for artwork at the Green Water Treatment Plant Redevelopment Project for a total contract amount not to exceed \$327,000. (District 9)  
**The motion authorizing negotiation and execution of an agreement with New American Public Art was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**
8. Authorize negotiation and execution of a design and commission agreement with Josef Kristofoletti for artwork at the Austin Convention Center 2nd Street Garage Project at 2nd Street and Brazos Street for a total contract amount not to exceed \$74,000. (District 9)  
**The motion authorizing negotiation and execution of an agreement with Josef Kristofoletti was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**

**Item 9 was pulled for discussion.**

10. Authorize negotiation and execution of a Family Business Loan Program loan in an amount not to exceed \$477,760, funded with proceeds of a U.S. Department of Housing and Urban Development Section 108 loan to the City, to JOSE LUIS SALON DOMAIN LLC to finance machinery, working capital, and soft costs associated with the lease space located at 3100 Esperanza Crossing, Suite 124, Austin, Texas.  
**The motion authorizing negotiation and execution of a Family Business Loan Program loan to Jose Luis Salon Domain LLC was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**
11. Approve an amendment to an interlocal agreement with the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to purchase human immunodeficiency virus medication as part of the Ryan White Part A HIV Emergency Relief Project grant, for a six-month term from January 1, 2017 through June 30, 2017, in an amount not to exceed \$400,000, for a total contract amount not to exceed \$800,000.  
**The motion approving an amendment to an agreement with the Texas Department of State Health Services was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Casar was off the dais. Council Member Troxclair was absent.**
12. Approve the negotiation and execution of Amendment No. 14 to a contract with AIDS SERVICES OF AUSTIN, INC. to increase funding for HIV services under the Ryan White Part A HIV Emergency Relief Program in an amount not to exceed \$85,340.

**The motion approving the negotiation and execution of Amendment number 14 to a contract with AIDS Services of Austin, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Casar was off the dais. Council Member Troxclair was absent**

13. Approve negotiation and execution of Amendment No. 4 to a contract with FOUNDATION COMMUNITIES to provide permanent supportive housing services and add one twelve-month extension option beginning September 30, 2016, in an amount not to exceed \$106,000.  
**The motion approving negotiation and execution of Amendment number 14 to a contract with Foundation Communities was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**
14. Approve negotiation and execution of Amendment No. 5 to the contract with FRONT STEPS, INC to add one twelve-month extension option to provide permanent supportive housing services beginning September 30, 2016, in an amount not to exceed \$106,000.  
**The motion approving negotiation and execution of Amendment number five to the contract with Front Steps, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**
15. Authorize negotiation and execution of a 24-month interlocal agreement with the Health And Human Services Commission for the Community Partner Program, to assist citizens apply for benefits electronically at six neighborhood centers and one outreach location.  
**The motion authorizing negotiation and execution of an interlocal agreement with the Health and Human Services Commission was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Casar was off the dais. Council Member Troxclair was absent.**
16. Authorize negotiation and execution of an amendment to an interlocal agreement with Travis County to exercise the third of four renewal options and to update the cost model and work statements for the City's provision of public health services in exchange for Travis County's payment of \$4,034,822, for a 12-month period beginning October 1, 2016.  
**The motion authorizing negotiation and execution of an amendment to an interlocal agreement with Travis County was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
17. Approve negotiation and execution of an interlocal agreement with the University of Texas at Austin to evaluate the youth and young adult programming under the Peer-to-Peer Project in high schools, community centers and organizations, for a total contract amount not to exceed \$60,000.  
**The motion approving negotiation and execution of an interlocal agreement with the University of Texas at Austin was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**

**Item 18 was pulled for discussion.**

19. Approve an ordinance authorizing acceptance of \$9,500 in grant funds from the Texas State Library and Archives Commission; and amending the Fiscal Year 2015-2016 Austin Public Library Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to appropriate these funds for the Interlibrary Loan Lending Reimbursement Program.  
**Ordinance No. 20160922-019 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
20. Approve a resolution creating the Austin/Travis County Sobriety Center Local Government Corporation under Subchapter D, Chapter 431, Texas Transportation Code; approving and adopting the corporation's Articles of Incorporation and Bylaws; and appointing initial directors.  
**Resolution No. 20160922-020 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Casar was off the dais. Council Member Troxclair was absent.**

**Item 21 was pulled for discussion.**

22. Authorize execution of a 12-month interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT to fund and administer the CDBG Teen Parent Services Program in an amount not to exceed \$179,644, with three 12-month extension options in amounts not to exceed \$179,644 per extension option, for a total amount not to exceed \$718,576.  
**The motion authorizing execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**
23. Authorize negotiation and execution of a 12-month interlocal agreement with AUSTIN TRAVIS COUNTY INTEGRAL CARE to fund and administer the CDBG Youth Services Program in an amount not to exceed \$203,700, with three 12-month extension options in amounts not to exceed \$203,700 per extension option, for a total contract amount not to exceed \$814,800.  
**The motion authorizing negotiation and execution of an interlocal agreement with Austin Travis County Integral Care was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**
24. Authorize negotiation and execution of a 12-month social services contract with CHILD, INC. to fund and administer the Early Head Start Child Care Program in an amount not to exceed \$84,928, with three 12-month extension options in amounts not to exceed \$84,928 per extension option, for a total contract amount not to exceed \$339,712.  
**The motion authorizing negotiation and execution of a contract with Child, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**
25. Authorize negotiation and execution of a 12-month social services contract with GENERATIONS CHILD DEVELOPMENT to fund and administer the Teen Parent Child Care Program in an amount not to exceed \$102,156, with three 12-month extension options in amounts not to exceed \$102,156 per extension option, for a total contract amount not to exceed \$408,624.  
**The motion authorizing negotiation and execution of a contract with Generations Child Development was approved on consent on Council Member Zimmerman's motion, Council**

**Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**

26. Authorize negotiation and execution of a 12-month social services contract with YOUNG WOMEN'S CHRISTIAN ASSOCIATION GREATER AUSTIN to fund and administer the Child Care Voucher Services Program in an amount not to exceed \$283,272, with three 12-month extension options in amounts not to exceed \$283,272 per extension option, for a total contract amount not to exceed \$1,133,088.

**The motion authorizing negotiation and execution of a contract with Young Women's Christian Association Greater Austin was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**

**Item 27 was pulled for discussion.**

28. Authorize the negotiation and execution of a one-year contract with FAMILY ELDERCARE, INC. to fund and administer the Senior Services Program in an amount not to exceed \$134,000.

**The motion authorizing negotiation and execution of a contract with Family Eldercare, Inc. was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**

29. Authorize negotiation and execution of a 12-month contract with PEOPLEFUND to fund and administer the Community Development Bank program, to support job creation and expansion of small businesses by providing loan services, in an amount not to exceed \$150,000.

**The motion authorizing negotiation and execution of a contract with Peoplefund was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**

30. Authorize negotiation and execution of an encroachment agreement with John Coleman Horton, III, for the encroachment of right-of-way by a portion of an existing structure located at 500 Congress Avenue (District 9).

**The motion authorizing negotiation and execution of an agreement with John Coleman Horton III was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

31. Authorize negotiation and execution of a 3-year interlocal agreement with Austin Community College for equipment maintenance, and buildout of up to 7,500 square feet of facility space and small business services for a fashion incubator, located at 6101 Airport Boulevard, Austin, Travis County, Texas, in an amount not to exceed \$355,000. (District 4)

**The motion authorizing negotiation and execution of an agreement with Austin Community College was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Council Member Casar was off the dais. Council Member Troxclair was absent.**

32. Authorize the amendment of Resolution No. 20151015-035 to repeal portions related to the Trail of Lights event entrance fees and to authorize the City Manager to negotiate and execute an

amendment to the agreement with the Trail of Lights Foundation related to fees and maintenance of funding.

**Resolution No. 20160922-032 was approved on consent on Council Member Zimmerman’s motion, Council Member Gallo’s second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Casar was off the dais. Council Member Troxclair was absent.**

- 33. Approve a resolution authorizing the application for up to \$500,000 in grant funding from the Texas Parks and Wildlife Department’s Local Park Urban Indoor Grant Program for the Dove Springs Recreation Center Expansion.

**Resolution No. 20160922-033 was approved on consent on Council Member Zimmerman’s motion, Council Member Gallo’s second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

- 34. Approve a resolution authorizing the application for up to \$1,000,000 in grant funding from the Texas Parks and Wildlife Department’s Local Park Urban Outdoor Grant Program for the Emma Long Metropolitan Park Redevelopment.

**Resolution No. 20160922-034 was approved on consent on Council Member Zimmerman’s motion, Council Member Gallo’s second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

- 35. Approve the execution of an amendment to an interlocal agreement regarding the release of extraterritorial jurisdiction to the City of Bee Cave.

**The motion approving the execution of an amendment to an interlocal agreement with the City of Bee Cave was approved on consent on Council Member Zimmerman’s motion, Council Member Gallo’s second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

- 36. Approve a resolution authorizing the acceptance of \$521,145.35 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Victim Crisis Intervention Project.

**Resolution No. 20160922-036 was approved on consent on Council Member Zimmerman’s motion, Council Member Gallo’s second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

- 37. 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 Gallo’s second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

**Removal of Board Member**

Animal Advisory Commission  
Larry Tucker

Council Member Casar

**Nominations**

**Board/Nominee**

**Nominated by**

Animal Advisory Commission

Larry Tucker	Travis County Commissioners Court
Building & Fire Code Board of Appeals Joseph Babb	Council Member Gallo
Commission on Immigrant Affairs Glenn Rosales	Council Member Kitchen
Community Development Commission Ana Villalobos	Montopolis Neighborhood Rep.
MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee D. Diane Harrison	Council Member Kitchen
Resource Management Commission Natasha Madison	Mayor Adler
Bond Election Advisory Task Force Bruce Evans	Zoning & Platting Commission
Bond Election Advisory Task Force John McNabb	Council Member Kitchen
Visitor Impact Task Force James Russell	Parkland Events Task Force
Sobriety Center Local Government Corporation Deborah Hiser	Austin-Travis County Sobriety Center Intergovernmental Working Group
Sobriety Center Local Government Corporation Christopher Ziebell	Austin-Travis County Sobriety Center Intergovernmental Working Group
Sobriety Center Local Government Corporation Douglas Smith	Austin-Travis County Sobriety Center Intergovernmental Working Group
Sobriety Center Local Government Corporation Stephen Strakowski	Austin-Travis County Sobriety Center Intergovernmental Working Group
Sobriety Center Local Government Corporation Andrew Brown (joint member)	Austin-Travis County Sobriety Center Intergovernmental Working Group

**Waivers**

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Joseph Babb. The waiver allows his simultaneous service on the Urban Renewal Board and Building & Fire Code Board of Appeals.

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 on or before May

13, 2016, if the person completed the training required by Section 2-1-23 on or before October 13, 2016.

Downtown Commission

Wendy Tita

38. Approve a resolution initiating an amendment to City Code Title 25 regarding out-of-cycle neighborhood plan amendments. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Sheri Gallo CO 3: Council Member Ann Kitchen)  
**Resolution No. 20160922-038 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
39. Approve a resolution extending the due date in Resolution No. 20160609-047 for the City Manager to present options for the preservation of the historical significance of Rosewood Courts. (Notes: SPONSOR: Council Member Ora Houston CO 1: Council Member Ann Kitchen CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Leslie Pool)  
**Resolution No. 20160922-039 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
40. Approve an ordinance amending Ordinance No. 20160623-072, amended by Ordinance No. 20160811-029, to waive or reimburse additional fees for the Annual Garden Party sponsored by the Umlauf Sculpture Garden and Museum which took place Thursday, April 28, 2016 at the Umlauf Sculpture Garden and Museum. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Leslie Pool CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Delia Garza)  
**Ordinance No. 20160922-040 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
41. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Onion Creek Homeowner's Association July 4th Independence Day Parade sponsored by Onion Creek Homeowner's Association which was held on Monday, July 4, 2016 on the streets of the Onion Creek neighborhood. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Leslie Pool CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Delia Garza)  
**The motion approving the waiver or reimbursement of certain fees for the Onion Creek Homeowner's Association July 4<sup>th</sup> Independence Day Parade was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
42. Approve an ordinance proclaiming Wednesday, September 28, 2016 as Barton Springs University Day and waiving admission fees to Barton Springs on that date. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Leslie Pool CO 2: Council Member Ann Kitchen CO 3: Mayor Steve Adler CO 4: Council Member Gregorio Casar)  
**Ordinance No. 20160922-042 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on an 8-0 vote. Council Member Zimmerman abstained. Council Member Casar was off the dais. Council Member Troxclair was absent.**
43. Approve an ordinance amending Ordinance No. 20160901-027 to authorize waiving or reimbursing additional fees for the Cristo Rey Jamaica 2016 event sponsored by Cristo Rey

Parish which was held Sunday, June 12 at the Cristo Rey Church. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Ann Kitchen CO 2: Council Member Delia Garza CO 3: Council Member Sheri Gallo)

**Ordinance No. 20160922-043 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

44. Approve an ordinance waiving or reimbursing fees for the AIA-LIA Roundtable Discussion which will take place at the Blackbox Theater at the Emma S. Barrientos – Mexican American Cultural Center on September 29, 2016. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Ora Houston CO 3: Mayor Pro Tem Kathie Tovo)
- Ordinance No. 20160922-044 was approved on consent on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

**Item 45 was pulled for discussion.**

46. Set a public hearing to consider a resolution regarding a request by Kyle Hill (Martin, Frost & Hill) for Snarf's Sandwiches, located at 1404 S. 1st St., for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school. (Suggested date and time: October 20, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
- The public hearing was set on consent for October 20, 2016 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**
47. Set public hearings for the full purpose annexation of the Wildhorse/Webb Tract annexation area (approximately 103 acres in eastern Travis County at the northeastern corner of the intersection of Decker Lane and Lindell Lane; contiguous to District 1) (Suggested dates and times: November 3, 2016, 4:00 p.m. and November 10, 2016 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).
- The public hearing was set on consent for November 3, 2016 4:00 p.m. and November 10, 2016 at 301 W. Second Street, Austin, TX on Council Member Zimmerman's motion, Council Member Gallo's second on a 9-0 vote. Council Member Casar was off the dais. Council Member Troxclair was absent.**

Item 49 was a non-consent item with the Public Hearing Closed.

Items 50 through 52 were Zoning Ordinances/ Restrictive Covenants (Hearings Closed)

Items 53 through 73 were Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action).

Items 74 through 76 were Executive Session Items

Item 77 was Austin Housing Finance Corporation

Items 78 through 81 were public hearing items set for 4:00 p.m.

**DISCUSSION ITEMS**

4. Authorize negotiation and execution of an amendment to the professional services agreement with OPTICOS DESIGN, INC., for additional architectural, urban design, planning, and engineering services for Phase III of the CodeNEXT, the Land Development Code revision project, in the amount of \$1,296,858 for a total contract amount not to exceed \$4,621,858. (Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE participation.)

**The motion authorizing negotiation and execution of an amendment to the professional services agreement with Opticos Design, Inc. was approved on Council Member Pool's motion, Council Member Kitchen's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.**

**ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

49. C14-2016-0032 – Smithers RV Storage – District 4 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 10400 North Lamar Boulevard (Little Walnut Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. First Reading approved on August 11 2016. Vote: 11-0. Owner/Applicant: Ben F. Smithers. City Staff: Sherri Sirwaitis, 512-974-3057.

**Ordinance No. 20160922-049 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

50. C14-2016-0046 – 7720 & 7800 South 1st St – District 2 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7720 and 7800 South 1st Street (South Boggy Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, to change conditions of zoning. First Reading approved on August 11, 2016. Vote: 11-0. Owner/Applicant: Adam Diaz. City Staff: Wendy Rhoades, 512-974-7719.

**The motion to approve the ordinance on second reading only for general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 2, to change conditions of zoning with the following conditions was approved on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent. The conditions were:**

- No outdoor amplified sound device within 100 feet of any property line.
- Outdoor entertainment hours on Sunday – Thursday until 9 pm
- Outdoor entertainment hours on Friday – Saturday until 11 pm

**The following prohibited uses adopted on the first reading of the ordinance were removed:**

- Theater
- Indoor recreation
- Limitation on the number of driveways

51. C14-2016-0058 – KKG2 Rezoning – District 9 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1911 ½ University Avenue (Waller Creek Watershed) from multifamily residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. First reading approved on August 11 2016. Vote: 11-0. Owner/Applicant: House Association of Beta XI Chapter of Kappa Kappa Gamma (Ellen Morrison). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.

**Ordinance No. 20160922-051 for general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

52. C14-2016-0059 – KKG1 Rezoning – District 9 – Approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2001 University Avenue (Waller Creek Watershed) from multifamily residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning to general office-historic landmark-conditional overlay-neighborhood plan (GO-H-CO-NP) combining district zoning. First reading approved on August 11 2016. Vote: 11-0. Owner/Applicant: House Association of Beta XI Chapter of Kappa Kappa Gamma (Ellen Morrison). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.

**Ordinance No. 20160922-052 for general office-historic landmark-conditional overlay-neighborhood plan (GO-H-CO-NP) combining district zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 53 and 54 was pulled for discussion.**

55. NPA-2016-0010.02 - East Sixth Street Village - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-43, the Holly 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 622 Pedernales Street (Lady Bird Lake Watershed) from Industry to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: 2422 Hidalgo Street, LP (M. Timothy Clark). Agent: 2422 Hidalgo Street, LP (David Cox). City Staff: Maureen Meredith, (512) 974-2695.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for Mixed Use land use was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

56. C14-2016-0041 - East Sixth Street Village South - District 3 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2416 East Sixth Street (Lady Bird Lake Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district

zoning. Owner/Applicant: 2416 East Sixth Street, L.P. (David Cox). City Staff: Heather Chaffin, 512- 974-2122.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

57. C14-2016-0043 - East Sixth Street Village North - District 3 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 622 Pedernales Street (Lady Bird Lake Watershed) from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner/Applicant: 2416 East Sixth Street, L.P. (David Cox). City Staff: Heather Chaffin, 512- 974-2122.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

58. NPA-2016-0025.01 – Lantana Tract 33 – District 8 – Conduct a public hearing and consider approval of an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6701, 6825-½, and 7045-½ Rialto Boulevard (Barton Creek Watershed; Williamson Creek Watershed-Barton Springs Zone) from Office land use to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To grant Multifamily land use. Owner/Applicant: Lantana Tract 33, L.P. (Barry P. Marcus). Agent: Smith, Robertson, Elliott & Douglas, LLP (Mary Stratmann). City Staff: Maureen Meredith, 512-974-2695.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading for Multifamily land use was approved on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

59. C14-85-288.8 (RCA3) – Lantana Tract 33 – District 8 – Conduct a public hearing to amend a restrictive covenant on property locally known as 6701, 6825-½, and 7045-½ Rialto Boulevard (Barton Creek Watershed; Williamson Creek Watershed-Barton Springs Zone). Staff Recommendation: To grant the amendment to remove net leasable square footage and floor-to-area ratio restriction, reduce the allowable impervious cover and require on-site water quality controls. Planning Commission Recommendation: To grant the amendment to remove net leasable square footage and floor-to-area ratio restriction, reduce the allowable impervious cover and require on-site water quality controls. Owner/Applicant: Lantana Tract 33, LP (Barry P. Marcus). Agent: Smith, Robertson, Elliott & Douglas, LLP (David Hartman). City Staff: Andrew Moore, 512-974-7604.

**This item was postponed to October 13, 2016 on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

60. C14-2016-0011 – Lantana Tract 33 – District 8 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 6701, 6825-½, and 7045-½ Rialto Boulevard (Barton Creek Watershed; Williamson Creek Watershed-Barton Springs Zone) from general office-neighborhood plan (GO-NP) combining district zoning to multifamily residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) district zoning. Owner/Applicant: Lantana Tract 33, LP (Barry P. Marcus). Agent: Smith, Robertson, Elliott & Douglas, LLP (David Hartman). City Staff: Andrew Moore, 512-974-7604.
- The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading for multifamily residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) district zoning was approved on consent on Council Member Houston’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 61 was pulled for discussion.**

62. C14-2016-0013 – Foremost Zoning – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 135 Foremost Drive (South Boggy Creek Watershed) from community commercial (GR) district zoning to multifamily residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Owner/Applicant: Foremost Partners, Ltd. (John McCormack). Agent: Coats Rose (John M. Joseph). City Staff: Wendy Rhoades, 512-974-7719.
- The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20160922-062 for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on consent on Council Member Houston’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.**
63. C14-2016-0017 – Driveway Austin – District 1 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8400 and 8401 Delwau Lane (Colorado River Watershed) from general office (GO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Planning Commission Recommendation: To grant community commercial (GR) district zoning. Owner: Interest Partners, LLC (William Dollahite). Applicant: Coats Rose (John Joseph). City Staff: Heather Chaffin, 512- 974-2122.
- The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading for community commercial (GR) district zoning was approved on consent on Council Member Houston’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.**
64. C14-2016-0020 – Lantana IV – District 8 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7717 Southwest Parkway (Williamson Creek Watershed-Barton Springs Zone) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to community commercial-mixed use-

neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 11, 2016. Owner/Applicant: JDI Holding LLC (Douglas Ivey). Agent: Permit Partners LLC (David Cancialosi). City Staff: Andrew Moore, 512-974-7604.

**This item was postponed to November 10, 2016 at the request of staff on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 65 was pulled for discussion.**

66. C14-2016-0037 – Scofield Apartments – District 7 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 13121, 13125, 13133, 13139, 13145, 13147 FM 1325 and 3001 Scofield Farms Drive (Walnut Creek Watershed) from community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 20, 2016. Owner/Applicant: Ringgold Partners II, L.P. (John Bultman, III). Agent: Drenner Group (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.

**This item was postponed to October 13, 2016 at the request of staff on consent on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

67. C14-2016-0038 – ATCIC Braker – District 1 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1120 E. Braker Lane (Walnut Creek Watershed) from townhouse and condominium residence (SF-6) district zoning to limited office (LO) district zoning. Staff Recommendation: Not applicable; Case withdrawn by the Applicant. Zoning and Platting Commission Recommendation: Not applicable; Case withdrawn by the Applicant. Owner: Tran Group, LLC. (David Tran). Applicant: Southwest Strategies Group (Lawson Pedder). City Staff: Heather Chaffin, 512- 974-2122.

**This item was withdrawn without objection at the request of the applicant.**

68. C14-2016-0057 – Ross Road Homes – District 2 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the 6101 Ross Road (Dry Creek East Watershed) from development reserve (DR) district zoning to mobile home residence (MH) district zoning. Staff Recommendation: To grant mobile home residence (MH) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-small lot (SF-4A) district zoning. Owner/Applicant: Najib F. Wehbe. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

**The motion to approve the ordinance on first reading only for single family residence-small lot (SF-4A) district zoning was approved on Council Member Houston's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

69. C14-2016-0063.SH – Villas at Vinson Oak Rezone – District 3 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4507 and 4511 Vinson Drive (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-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 be reviewed October 25, 2016.

Owner/Applicant: Notigius LLC – Series Vinson (Antonio Giustino). Agent: Perales Engineering, LLC (Jerry Perales, P.E.). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to November 10, 2016 at the request of staff on consent on Council Member Houston’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.**

70. C14-2016-0065 – Pioneer Bank on W. 38th St. – District 9 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 623 West 38th Street (Waller Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To be reviewed October 11, 2016. Owner: Pioneer Bank, SSB (Brian May). Applicant: Doucet & Associates (Ted McConaghy). City Staff: Heather Chaffin, 512- 974-2122.

**This item was postponed to November 10, 2016 at the request of staff on consent on Council Member Houston’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.**

71. C14-2016-0074 - Element Hotel - District 7 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 10728 Burnet Road (Walnut Creek Watershed) from major industry-planned development area (MI-PDA) combining district zoning to major industry-planned development area (MI-PDA) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant major industry-planned development area (MI-PDA) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant major industry-planned development area (MI-PDA) combining district zoning, to change a condition of zoning. Owner/Applicant: DBG Austin Domain, LLC. Agent: Bennett Consulting (Rodney Bennett). City Staff: Sherri Sirwaitis, 512-974-3057.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20160922-071 for major industry-planned development area (MI-PDA) combining district zoning, to change a condition of zoning was approved on consent on Council Member Houston’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.**

72. C14-79-065(RCT) - Earl M. McClure - District 9 - Conduct a public hearing to amend a restrictive covenant on property locally known as 80 Red River Street (Waller Creek Watershed). Staff Recommendation: To grant termination of the restrictive covenant. Planning Commission Recommendation: To grant termination of the restrictive covenant. Owner/Applicant: Villas of Town Lake HOA (Gary L. Johnson). Agent: Consort, Inc. (Ben Turner). City Staff: Wendy Rhoades, 512-974-7719.

**This item was postponed to October 13, 2016 at the request of the neighborhood on consent on Council Member Houston’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 73 was pulled for discussion.**

**DISCUSSION ITEMS CONTINUED**

5. Approve second and third readings of an ordinance repealing and replacing City Code Chapter 4-8 relating to the regulation of lobbyists, setting fees related to the regulation of lobbyists, amending City Code Chapter 2-7 relating to the Ethics Review Commission, and amending City Code Section 2-2-62 relating to funding for the Austin Fair Campaign Finance Fund.

**A motion to approve the revised draft ordinance listed in backup as Council Member Pool's amendments was made by Council Member Pool and seconded by Council Member Houston.**

**A motion to revise the ordinance as follows was made by Mayor Adler. The motion was accepted without objection. The amendment was to:**

- **Revise §4-8-1 to read: "The council declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any city officials their opinions on pending municipal questions and on current issues. Further to preserve and maintain the integrity of the governmental decision-making process in the city, it is necessary that the identity, expenditures, and activities of certain persons who are engaged in efforts to influence a City official on matters within their official jurisdictions, either by direct communication to the official, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed."**
- **Revise §4-8-5(A) to read: "(A) A person who meets a threshold under §4-8-3 (Registration Requirement) shall register not later than the fifth working day after the person first directly communicates with a City official to lobby."**
- **Revise §4-8-5(E) to read: "If there is a change in the information reported on a registrant's registration form, including a new client or municipal matter, the registrant shall provide a written update to the information reported in the registrant's registration form not later than the tenth working day after the date the person first directly communicates with a City official to lobby on a new municipal question or for a new client."**

**A motion to revise Part 6 to set the fee for the Annual Lobby Registration Fee at \$300 was approved on Council Member Garza motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.**

**A motion to revise §4-8-8 (C) was made by Council Member Casar. The motion was accepted without objection. The amendment was to have §4-8-8 (C) read: "(C) A person who communicates in person with a City official for compensation on behalf of another person during a scheduled meeting on a municipal question shall disclose in writing to the city department, or office:**

- (1) the name and address of the person;**
- (2) the name of the City official with whom they are meeting;**
- (3) the name of the client or person on whose behalf the appearance or contact is made; and**
- (4) a statement regarding whether the person has received or expects to receive compensation for the appearance or contact."**

**Ordinance No. 20160922-005 was approved as amended on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Zimmerman voted nay. Council Member Troxclair absent.**

**CITIZENS COMMUNICATIONS: GENERAL**

Karen Flanagan - Continuing neighborhood issues in District 6.

Dani Tristan - Tenant Relocation Ordinance.

Robert Corbin - Animal subsidies, Barf - Barf.

Volma Overton III - Traffic solutions.

Lillian Young - Improving Downtown. – **Not present.**

Rakiem Rashad Henderson Stuckey - Treatment and or rights civilly without discrimination due to poverty and or race of a well know ethnic background and or petitioning rights. – Not present.

Frank Harren - Affordability/Code NEXT.

Latreese Cooke - Being Black. – **Not present.**

Renee Fuqua - To rename Vic Mathias Auditorium Shores for Stevie Ray Vaughan.

Karen Steines - No Kill Austin.

**Mayor Adler recessed the Council Meeting at 12:26 p.m.**

**Mayor Adler reconvened the meeting at 1:22 p.m.**

9. Approve a resolution authorizing the City Manager to award, negotiate and execute cultural arts services contracts for Fiscal Year 2016-2017 in an amount not to exceed \$7,906,244, and authorizing payment in the amount of \$60,000 for Zachary Scott Theatre Center maintenance required under a separate operations agreement.

**The motion to adopt the resolution was made by Council Member Kitchen and seconded by Council Member Houston.**

**A motion to amend the resolution as follows was approved on Council Member Kitchen's motion, Council Member Houston's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.**

**The amendments were to:**

**Revise the fifth Whereas clause to read: "Whereas, the Commission and the Division have recommended the cultural arts services contracts for Fiscal Year 2016-2017 to be funded in the amounts shown in Exhibits "A" and "B" and forwarded their recommendation for City Council approval as required by the August 18, 2005 Council action; and"**

**Add two new Whereas clauses to read: "WHEREAS, the Council finds it is important to ensure workers and employees are allowed to organize in accordance with applicable state and federal law; and WHEREAS, whenever contractors propose to use City property, the City has a significant interest in ensuring continuity of services provided and avoiding labor disputes or work stoppages on its property; and"**

Revise the first Be It Resolved clause to read: **“The City Council approves the award of contracts for cultural arts services for Fiscal Year 2016-2017 to the contractors listed in the attached Exhibit “A” and Exhibit “B”, and authorizes the City Manager to negotiate and execute these contracts, excluding those contractors receiving organizational support core funding and proposing to use City property as listed in Exhibit “B”, with terms and conditions as may be favorable, necessary, or required; and”**

**Add a new Be It Further Resolved clause to read: “The City Manager is authorized to negotiate contracts with the contractors listed in the attached Exhibit “B” with terms and conditions as may be favorable, necessary, or required, including terms and conditions related to employers’ compliance with applicable state and federal labor laws related to employees’ rights to organize and consideration for agreements between contractors and employees that avoid potential uncertainties and disruptions arising from labor disputes; and return to Council with the proposed contract form for authorization to execute at the October 6, 2016 meeting; and”**

The following amendment was approved on Mayor Pro Tem Tovo’s motion, Council Member Kitchen’s second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent. The amendment was to add a new Be It Resolved clause to read: **“WHEREAS in reviewing guidelines for the capacity building grants, the Arts Commission should consider the pros and cons of the following potential guidelines and report back to Council the recommendations from the Arts Commission:**

- **Reserve grants for organizations that have not received cultural arts contracts**
- **Limit organizations to one grant per year in range of about \$10,000**
- **Consider whether fiscal sponsorship is essential for Level III or Level IV organizations”**

**Resolution No. 20160922-009 was approved as amended above on a 9-1 vote. Council Member Zimmerman voted nay. Mayor Pro Tem Tovo recused herself on the portion of the contract relating to Creative Action. Council Member Troxclair was absent.**

61. C14-2015-0160 - Champions Tract #3 - District 10 - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 6409 City Park Road (West Bull Creek Watershed) from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading approved for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning on June 23, 2016. Vote: 11-0. Owner/Applicant: Champion Assets LTD & Champion Legacy Partners LP (Josie Ellen Champion, Alma Juanita Champion Meier, Margaret Jo Roberson Duff). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Jerry Rusthoven, 512-974-3207. (Related to Item #18)

**The public hearing was conducted and a motion to approve the ordinance on second reading only for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 9-0 vote. Council Member Pool abstained. Council Member Troxclair was absent.**

18. Approve an ordinance amending Ordinance No. 960613-J and authorizing execution of the first amendment to a settlement agreement relating to the development of property located at 6409 City Park Road (Champion Tract). (Related to Item # 61)

The motion approving the ordinance on first reading only was approved on Council Member Gallo's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Pool abstained. Council Member Troxclair was absent.

6. Approve a resolution adopting the Austin Convention and Visitors Bureau 2016-2017 marketing plan and proposed budget of \$19,282,933, setting the contract payment in an amount not to exceed \$16,467,574; and authorizing the City Manager to file the approved documents with the City Clerk's Office as required by the Texas Tax Code.

**The motion to approve the resolution was made to adopt the adopting the Austin Convention and Visitors Bureau 2016-17 marketing plan and budget; setting the city's contract payment amount of \$14,773,733 with direction to allocate the additional \$300,000 as outlined below understanding that the final two bullet points, five and six are to come back as budget amendments; and authorizing the City Manager to file the approved documents with the City Clerk.**

1. **The Austin Convention and Visitors Bureau will coordinate with the appropriate personnel at the Parks and Recreation Department on the following:**
  - **Allocate \$300,000 of the Tourism and Promotion Fund to expand Heritage Tourism and Marketing grants and to include educational programs and tours with a strong emphasis on historic civic buildings and spaces**
  - **Create a coordinated marketing plan and tours for city-owned historic resources (including historic golf courses, cemeteries, museums, historic parks, and other civic city assets).**
  - **Identify other assets that could be eligible for Hotel Occupancy Tax funds such as Waller Creek Park District, Zilker Botanical Gardens, Hancock Golf Course, Umlauf Sculpture Gardens, Austin Nature and Science Center, and other similar sites that attract tourists.**
2. **The Austin Convention Visitors Bureau will work with Economic Development Department to explore HOT funding opportunities for existing or future heritage districts (such as Red River and the African American Cultural Heritage Districts) to stabilize historic resources within these areas that serve as tourist attractions.**
3. **The Austin Convention Visitors Bureau will provide a semi-annual update to the Audit and Finance Committee of the Council and Mayor and Council to determine that the spending priorities as set forth by the City Council are being met, as well as to provide notice to Austin Convention Visitors Bureau regarding future budget priorities and funding allocations.**
4. **The City Manager is directed to work with PARD to identify projects in the Parks and Recreation Department Capital Improvement Project plan that meet the criteria for funding through the Hotel Occupancy Tax.**
5. **The City Manager shall set aside \$200,000 for community grants to fund projects that meet the criteria for funding according to the state tax code.**
6. **The City Manager is directed to create a separate historic preservation fund designation under the Tourism and Promotion Fund for high priority preservation projects identified and approved by the City Council. The remainder of funds should be deposited into this fund.**

**A motion was made by Mayor Pro Tem Tovo to take half of \$1,999,211 and give to the Austin Convention and Visitors Bureau budget, recognizing it is going to require \$1,000,000 in budget adjustments. Take the \$1 million and hold that in reserve pending the work of the commission. The motion was accepted without objection.**

**Resolution No. 20160922-006 was approved as amended above on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 9-1 vote. Council Member Zimmerman abstained. Council Member Troxclair was absent.**

45. Discussion and action on the compensation, benefits and transition plan for the interim City Manager and City Manager. (Notes: SPONSOR: Mayor Steve Adler CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Gregorio Casar CO 3: Council Member Ora Houston)  
**A motion to approve was approved as amended below on Mayor Adler's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was absent.**

**The amendments were to:**

**Revise the first Be It Resolved clause to read: "The City Council appoints Elaine Hart as Interim City Manager of the City of Austin, effective October 1, 2016, with full power, authority, and responsibilities of the office of the City Manager as prescribed by the City Charter, ordinances, and policies of the City of Austin, and will serve until a new City Manager is appointed and serving, or Council takes other action inconsistent with this Resolution."**

**Revise the first Be It Further Resolved clause to read: "From October 1, 2016 through October 30, 2016, City Manager Marc A. Ott will relinquish his authority as the City Manager and remain on paid leave in a consulting role to the Interim City Manager."**

**Revise the second Be It Further Resolved clause to read: "The City Council establishes the following compensation and benefits for Interim City Manager Elaine Hart, to become effective on the first day of her official appointment and continues until a new City Manager is appointed and serving:**

- 1. Annual acting salary of \$269,937.20, paid in accordance with normal payroll practices;**
- 2. Deferred compensation contributions equal to \$24,000.00 annually, paid in accordance with normal payroll practices;**
- 3. Executive allowance equivalent to \$7,200.00 annually, subject to applicable taxes and paid in accordance with normal payroll practices;**
- 4. Cell phone and data allowance equivalent to \$1,845.00 annually, plus an annual \$225.00 device allowance, subject to applicable taxes and paid in accordance with normal payroll practices; and**
- 5. All other benefits allowable under City Personnel and benefit policies."**

21. Authorize negotiation and execution of a one-year service agreement with the AUSTIN HOUSING FINANCE CORPORATION to manage and operate various housing programs on the City's behalf during Fiscal Year 2016 -2017 using funds received by the City from the U.S. Department of Housing and Urban Development, in addition to local City funds, in an amount not to exceed \$23,554,297.

**The motion authorizing negotiation and execution of an agreement with Austin Housing Finance Corporation was approved on Council Member Pool's motion, Council Member Gallo's second on an 8-1 vote. Council Member Zimmerman voted nay. Mayor Adler was off the dais. Council Member Troxclair was absent.**

## **PUBLIC HEARINGS**

**The following items were acted on in a combined motion.**

78. Conduct a public hearing and consider an appeal of an Outdoor Music Venue permit, approved by the Development Services Department, for the Scoot Inn at 1308 E. 4th Street.  
**This item was postponed to October 20, 2016 on Council Member Garza's motion, Council Member Zimmerman's second on a 9-0 vote. Mayor Adler was off the dais. Council Member Troxclair was absent.**
79. Conduct a public hearing and consider an ordinance amending City Code Title 25 to require Historic Landmark Commission review of demolition applications for structures that are fifty years or older and dedicated to certain civic uses.  
**This item was postponed to October 13, 2016 on Council Member Garza's motion, Council Member Zimmerman's second on a 9-0 vote. Mayor Adler was off the dais. Council Member Troxclair was absent.**
81. Conduct a public hearing and consider an ordinance approving a Project Consent Agreement waiving provisions of City Code Title 25 to incentivize preservation of a 41.04 acre tract of land at 2636 Bliss Spillar Road located within the Barton Springs Zone and allowing construction of commercial development of a 12.08 acre tract of land located at 12501 Hewitt Lane in the City's Desired Development Zone.  
**This item was postponed to October 6, 2016 on Council Member Garza's motion, Council Member Zimmerman's second on a 9-0 vote. Mayor Adler was off the dais. Council Member Troxclair was absent.**

#### **DISCUSSION ITEMS CONTINUED**

27. Authorize negotiation and execution of a one-year contract with AUSTIN TENANTS' COUNCIL to fund and administer the Tenants' Rights Assistance Program for community education and information about tenant protection laws in an amount not to exceed \$288,729.  
**The motion authorizing negotiation and execution of a contract with Austin Tenants' Council was approved on Council Member Renteria's motion, Council Member Garza's second on an 8-1 vote. Council Member Zimmerman voted nay. Mayor Adler was off the dais. Council Member Troxclair was absent.**
48. Approve second and third readings of an ordinance amending City Code Chapters 25-2, 25-8, and 30-5 relating to development regulations for boat docks and lake front development. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON JUNE 23, 2016.)  
**Ordinance No. 20160922-048 was approved on Council Member Renteria's motion, Council Member Pool's second on an 8-0 vote. Mayor Adler and Council Member Casar were off the dais. Council Member Troxclair was absent.**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:57 p.m. See separate minutes.**

**Mayor Adler called the Council Meeting back to order at 4:59 p.m.**

#### **PUBLIC HEARINGS CONTINUED**

80. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to require properties zoned historic landmark (H) combining district or historic area (HD) combining district to comply with the City's compatibility standards.

The public hearing was conducted and the motion to close the public hearing and approved Ordinance 20160922-080 was approved on Council Member Pool's motion, Council Member Houston's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair was absent.

Mayor Adler recessed the Council Meeting at 5:09 p.m.

Mayor Adler reconvened the meeting at 6:29 p.m.

#### DISCUSSION ITEMS CONTINUED

The following items were acted on in a combined motion.

53. 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 public hearing was conducted and a motion to approve the ordinance on first reading only to change the land use designation on the future land use map (FLUM) to Mixed Use land, Commercial, Mixed Use/Office and Multifamily land uses use was approved on Council Member Renteria's motion, Council Member Garza's second on a 9-1 vote. Mayor Pro Tem Tovo voted nay. Council Member Troxclair was absent.**

54. 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 public hearing was conducted and a motion to approve the ordinance on first reading only for 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 was approved on Council Member Renteria's motion, Council Member Garza's second on a 9-1 vote. Mayor Pro Tem Tovo voted nay. Council Member Troxclair was absent.**

65. C14-2016-0025 - St. James Missionary Baptist Church - District 1 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3417 East Martin Luther King, Jr. Boulevard (Tannehill Branch Watershed) from family residence-neighborhood plan (SF-3-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-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Owner: St. James Missionary Baptist Church (Thomas J. Owens). Applicant: Urban Design Group (Laura Touns). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20160922-065 for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning with the amendment below was approved on Council Member Houston's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Garza abstained. Council Member Troxclair was absent.**

The amendment was to revise the density cap in Part 2 (A) to read: “PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Development of the Property shall not exceed 72 residential units.
- B. The public roadway connection from the Property to East 17<sup>th</sup> Street shall be limited to emergency vehicle access by a standard traffic management device.

#### **AFTER 10:00 P.M.**

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Zimmerman’s motion on a 10-0 vote. Council Member Troxclair was absent.

73. C814-2015-0074 - The Grove at Shoal Creek PUD - District 10 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 4205 Bull Creek Road (Shoal Creek Watershed) from unzoned (UNZ) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Owner/Applicant: ARG Bull Creek, Ltd. (Garrett Martin). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.

**The public hearing was conducted and a motion to postpone the item to October 20, 2016 was approved on a 10-0 vote. Council Member Troxclair was absent.**

#### **EXECUTIVE SESSION**

74. 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.**

75. Discuss legal issues related to Utility Associates, Inc. v. City of Austin et al, Texas, Cause No. D-1-GN-16-002931 in the 126th Judicial District for Travis County, Texas (lawsuit related to the City's purchase of body-worn cameras for the Austin Police Department) (Private consultation with legal counsel - Section 551.071).

**This item was withdrawn without objection.**

76. Discuss the compensation and benefits for the Interim City Manager and the City Manager (Personnel matters - Section 551.074 of the Government Code).

**This item was withdrawn without objection.**

**Mayor Adler adjourned the meeting at 12:28 a.m. without objection.**

**The minutes were approved on this the 20<sup>th</sup> day of October 2016 on Council Member Zimmerman’s motion, Council Member Gallo’s second on a 10-0 vote. Council Member Troxclair was absent.**