



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, NOVEMBER 10, 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, November 10, 2016 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:15 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 November 1, 2016 and regular meeting of November 3, 2016.
The minutes from the City Council work session of November 1, 2016 and regular meeting of November 3, 2016 were approved on consent on Council Member Renteria's motion, Council Member Pool's second on an 11-0 vote.

Item 2 was pulled for discussion.

3. Approve a resolution to nominate Samsung Austin Semiconductor, LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Chapter 2303 of the Texas Government Code.
Resolution No. 20161110-003 was approved on consent on Council Member Renteria's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.
4. Approve the negotiation and execution of an agreement with Latino Healthcare Forum to implement community health improvement strategies for an 11-month term from November 1, 2016 through September 30, 2017, in an amount not to exceed \$175,000, for a total contract amount not to exceed \$175,000.
The motion approving the negotiation and execution of an agreement with Latino Healthcare Forum was approved on consent on Council Member Renteria's motion, Council Member Pool's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.
5. Authorize negotiation and execution of a legal services contract with the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. in an amount not to exceed \$700,000.00, to represent the

City in the rate case filed with the Public Utility Commission by Shady Hollow MUD appealing wholesale water and wastewater rates.

The motion authorizing negotiation and execution of a contract with Lloyd Gosselink Rochelle and Townsend, P.C. was approved on consent on Council Member Renteria's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayo Adler, Mayor Pro Tem Tovo, Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

Item 6 pulled for discussion.

7. Approve an ordinance setting the council meeting schedule for calendar year 2017.
The motion to approve the ordinance was made by Council Member Renteria and seconded by Council Member Pool.

A motion to amend the ordinance was made by Council Member Gallo. The motion was accepted without objection. The amendment was to cancel the March 7, 2017 work session, March 8, 2017 budget work session and March 9, 2017 regular meeting.

Ordinance No. 20161110-007 was approved as amended above on consent on Council Member Renteria's motion, Council Member Pool's second on an 11-0 vote.

Item 8 was pulled for discussion.

9. Amend Ordinance No. 20090827-078 to correct a reference to zoning for property described in zoning file C14-2009-0055.
Ordinance No. 20161110-009 was approved on consent on Council Member Renteria's motion, Council Member Pool's second on an 11-0 vote.

10. Approve an ordinance amending City Code Chapter 9-2 relating to the requirements for non-peak hour concrete installation within portions of the Central Business District (CBD) and Public (P) zoning districts.
A motion to approve the ordinance was made by Council Member Renteria and seconded by Council Member Pool.

A motion to revise the ordinance was made without objection. The amendment was to:

- **Revise § 9-2-21 (B) (1) (a) to read: Maximum sound level: 83 decibels unless further restricted by the sound management plan.**
- **Revise § 9-2-21 (B) (2) (a) to read: Maximum sound level: 78 decibels unless further restricted by the sound management plan.**
- **Revise § 9-2-21 (B) (5) to read: If a neighbor adjacent to a site with an active permit under this section alleges a violation of the applicable decibel limit, the accountable official shall deploy sound monitoring equipment to the site and document whether or not the applicable decibel restriction has been violated. The sound data provided by the sound monitoring equipment will be made available in real time if possible.**
- **Revise § 9-2-21 (E) (1) (b) to read: provided to representatives of property owners and residents within 600 feet.**

Ordinance No. 20161110-010 was approved as amended above on consent on Council Member Renteria's motion, Council Member Pool's second on an 11-0 vote.

11. Authorize a negotiation and execution of an agreement with Aero Solutions LLC, for professional services related to licensing right-of-way and city property for small cell antenna, for an amount not to exceed \$205,200. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.) **The motion authorizing negotiation and execution of an agreement with Aero Solutions LLC was approved on consent on Council Member Renteria’s motion, Council Member Pool’s second on a 10-0 vote. Council Member Troxclair abstained.**

12. Approve an ordinance amending Exhibit A to the Fiscal Year 2016-2017 City of Austin Fee Schedule Ordinance No. 20160914-003 to set administrative fees and rental fees for considering, approving, monitoring, and licensing the use of right of way and transportation infrastructure by wireless service providers for small cell networks. **This item was postponed to December 8, 2016 on consent on Council Member Renteria’s motion, Council Member Pool’s second on an 11-0 vote.**

13. 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 Renteria’s motion, Council Member Pool’s second on an 11-0 vote.**

Nominations

Board/Nominee

Nominated by

Animal Advisory Commission

Nancy Nemer

Travis County Commissioners Court

Visitor Impact Task Force

Bill Worsham

Public Safety Commission

14. Approve an ordinance waiving or reimbursing certain fees for the Shakespeare in the Park event sponsored by the Something for Nothing Theater which was held October 14-29, 2016 at Ramsay Park. (Notes: SPONSOR: Council Member Sheri Gallo CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ann Kitchen CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Leslie Pool) **Ordinance No. 20161110-014 was approved on consent on Council Member Renteria’s motion, Council Member Pool’s second on an 11-0 vote.**

15. Approve an ordinance waiving or reimbursing certain fees for the Truth be Told fundraising event sponsored by Truth be Told which was held Thursday, October 27th, 2016 at the Asian American Resource Center. (Notes: SPONSOR: Council Member Sheri Gallo CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Gregorio Casar CO 3: Council Member Ora Houston CO 4: Council Member Delia Garza) **Ordinance No. 20161110-015 was approved on consent on Council Member Renteria’s motion, Council Member Pool’s second on a 10-0 vote. Council Member Troxclair abstained.**

Item 16 was pulled for discussion.

17. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Travis Country 5K event sponsored by Travis Country Homeowner's Association which was held May 1, 2016 on Travis Country Circle and Republic of Texas Boulevard. (Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Council Member Ora Houston CO 2: Council Member Sheri Gallo CO 3: Council Member Don Zimmerman)

The motion approving the waiver or reimbursement of certain fees for the Travis Country 5K event was approved on consent on Council Member Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair abstained.

18. Set a public hearing to consider an ordinance regarding floodplain variances for the construction of a new single family residence at 4515 Avenue D as requested by the owner of the property. The property is located in the 25-year and 100-year floodplains of Waller Creek. (District 9) (Suggested date and time: December 8, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street).

The public hearing was set on consent for December 8, 2016 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Renteria's motion, Council Member Pool's second on an 11-0 vote.

Items 19 through 23 were closed for Public Hearings Items.

Items 24 through 32 were Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

Items 33 through 63 were a Zoning and Neighborhood Plan Amendment (Public Hearing and Possible Action).

Items 64 through 66 were Executive Session Items.

Items 67 through 71 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

24. NPA-2016-0010.02 - East Sixth Street Village - District 3 - Approve second and third readings of 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 land use to Mixed Use land use. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair was off the dais. Owner/Applicant: 2422 Hidalgo Street, LP (M. Timothy Clark). Agent: 2422 Hidalgo Street, LP (David Cox). City Staff: Maureen Meredith, 512-974-2695.

This item was postponed to December 8, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

25. C14-2016-0041 - East Sixth Street Village South - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 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. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair

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

This item was postponed to December 8, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

26. C14-2016-0043 - East Sixth Street Village North - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 622 Pedernales Street (Lady Bird Lake Watershed) from limited industrial services-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. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair was off the dais. Owner/Applicant: 2416 East Sixth Street, L.P. (David Cox). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed to December 8, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

27. NPA-2016-0025.01 - Lantana Tract 33 - District 8 - Approve second and third readings 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. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair was off the dais. 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.

This item was postponed to December 8, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

28. C14-2016-0011 - Lantana Tract 33 - District 8 - Approve second and third readings of an ordinance amending City Code Title 25 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. First Reading approved on September 22, 2016. Vote: 10-0, Council Member Troxclair was off the dais. 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 December 8, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

29. NPA-2016-0016.03 – Casa Lara – District 3 – Approve second and third readings of an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace 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 6011 Bolm Road (Boggy Creek Watershed) from Commercial land use to Mixed Use land use. First Reading approved on October 13, 2016. Vote 10-0, Council Member Troxclair was off the dais. Owner/Applicant: Jeanette Lara Lewis. Agent: Oakland Urban (Christopher Oakland). City Staff: Maureen Meredith, 512-974-2695.

Ordinance No. 20161110-029 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

30. C14-2016-0082 - Casa Lara - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6011 Bolm Road (Boggy Creek Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. First Reading approved on October 13, 2016. Vote 10-0, Council Member Troxclair was off the dais. Owner: Jeanette Lara Lewis. Applicant: Oakland Urban (Christopher Oakland). City Staff: Heather Chaffin, 512-974-2122.
Ordinance No. 20161110-030 for community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
31. C14-2016-0037 – Scofield Apartments – District 7 – Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 13121, 13125, 13133, 13139, 13145, 13147 FM 1325 and 3001 Scofield Ridge Parkway (Walnut Creek Watershed) from community commercial (GR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, with conditions. First Reading approved on October 13, 2016. Vote: 9-0, Council Member Renteria and Council Member Troxclair were off the dais. Owner/Applicant: Ringgold Partners II, L.P. (John Bultman, III). Agent: Drenner Group (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.
Ordinance No. 20161110-031 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, with conditions was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Item 32 was pulled for discussion.

33. 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 December 8, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
34. NPA-2015-0015.03 - 5010 & 5012 Heflin Lane - District 1 - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11 the East MLK 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 5010 and 5012 Heflin Lane (Fort Branch Creek Watershed) from Single Family land use to High Density Single Family land use. Staff Recommendation: Not applicable; Case withdrawn by Applicant. Planning Commission Recommendation: Not applicable; Case withdrawn by Applicant. Owner: Heflin Phase I, LLC and Shirley Green (Lynn Yuan). Applicant: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Kathleen Fox, 512-974-787.
This item was withdrawn without objection.

35. C14-2015-0114 - 5010 & 5012 Heflin Lane - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5010 and 5012 Heflin Lane (Fort Branch Creek Watershed) from single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: Not applicable; Case withdrawn by Applicant. Planning Commission Recommendation: Not applicable; Case withdrawn by Applicant. Owner: Heflin Phase I, LLC and Shirley Green (Lynn Yuan). Applicant: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Heather Chaffin, 512- 974-2122.

This item was withdrawn without objection.

Item 36 and 37 were pulled for discussion.

38. NPA-2016-0013.01 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20020533-32, the Bouldin Creek 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 908, 1000, & 1002 South 2nd Street (East Bouldin Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To grant Higher Density Single Family land use. Owner/Applicant: PSW Homes, LLC (Jarrod Corbell). City Staff: Maureen Meredith, (512) 974-2695.

This item was postponed to December 1, 2016 at the request of the applicant on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Mayor Pro Tem Tovo recused herself.

39. C14-2016-0077 – Bouldin Courts – District 9 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 900, 904, 908, 1000 & 1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and 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-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Agent: PSW Homes (Jarred Corbell). Owner: 1st Street Highlands LP (PSW Homes). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to December 1, 2016 at the request of the applicant on Council Member Zimmerman's motion, Council Member Houston's second on a 10-0 vote. Mayor Pro Tem Tovo recused herself.

40. NPA-2016-0021.01 - Ben White Zoning - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf 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 5016 ½ E. Ben White Blvd. (Country Club West/Carson Creek Watershed) from Commercial land use to Mixed Use land use. Staff Recommendation: To grant Commercial land use and Mixed Use land use. Planning Commission Recommendation: To grant Commercial land use and Mixed Use land use. Owner/Applicant: Ashley Gibson). Agent: Brown and Gay Engineers (Steven Buffum, P.E.). City Staff: Maureen Meredith, 512-974-2695.

This item was postponed to December 8, 2016 at the request of the applicant on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

41. C14-2016-0069 - Ben White Zoning - District 3 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 5016 ½ East Ben White Boulevard (West Country Club and Carson Creek Watersheds) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 1 and from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay -neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 2. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning for Tract 2 and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU- CO-NP) combining district zoning for Tract 3. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 1 and community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 2. Applicant: Brown & Gay Engineers (Steven Buffum). Owner: Azur Property Investment. City Staff: Andrew Moore, 512-974-7604.

This item was postponed to December 8, 2016 at the request of the applicant on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Items 42 and 43 were pulled for discussion.

44. C14-2016-0020 - Lantana IV - District 8 - Conduct a public hearing and approve an ordinance amending City Code Title 25 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 December 13, 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 December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

45. C14-2016-0021 - Double Creek Residences - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 420 East FM 1626 Road (Onion Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning, and community commercial (GR-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on December 6, 2016. Owner/Applicant: Riddell Family Limited Partnership (Jim Henry). Agent: Walters Southwest (Amanda Swor). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed to December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Item 46 was pulled for discussion.

47. C14-2016-0050 - Plaza Saltillo Tract 1/2/3 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 901, 1011, and 1109 E. 5th Street (Waller Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 8, 2016. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed to December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
48. C14-2016-0049 - Plaza Saltillo Tract 4/5 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1211 and 1301 E. 5th Street (Waller Creek Watershed; Lady Bird Lake Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 8, 2016. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed to December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
49. C14-2016-0051 - Plaza Saltillo Tract 6 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 413 Navasota Street (Lady Bird Lake Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 8, 2016. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed to December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
50. C14-2016-0063.SH - Villas at Vinson Oak Rezone - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 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 December 13, 2016. The ordinance may include waiver of fees. 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 December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

51. C14-2016-0065 - Pioneer Bank on W. 38th St. - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 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 December 13, 2016. Owner: Pioneer Bank, SSB (Brian May). Applicant: Doucet & Associates (Ted McConaghy). City Staff: Heather Chaffin, 512- 974-2122.

This item was postponed to December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

52. C14-2016-0068 - 1308 E. Braker Lane Rezoning - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1308 East Braker Lane (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to multifamily residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multifamily residence-low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence-low density (MF-2) district zoning. Owner: Sinh Trong Le. Applicant: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 512-974-2122.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-052 as amended for multifamily residence-low density (MF-2-CO) with a conditional overlay prohibiting multi-family residential uses, allowing all other permitted uses under multi-family residence-low density (MF-2-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

Item 53 was pulled for discussion.

54. C14-2016-0078 – 1114 Kramer Lane Rezoning – District 4 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1114 Kramer Lane and 11107 Plains Trail and 11109 Plains Trail (Little Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and neighborhood office (NO) district zoning to multifamily residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multifamily residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence-medium density-conditional overlay (MF-3-CO) combining district zoning. Owner/Applicant: Octavian Herescu. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-054 for multifamily residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

55. C14-2016-0086 – La Mexicana Supermercado Rezoning – District 2 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2004 East William Cannon Drive (Williamson Creek Watershed) from neighborhood commercial

(LR) district zoning and multifamily residence-medium density (MF-3) district zoning to neighborhood commercial (LR) district zoning for Tract 1 and multifamily residence-medium density (MF-3) district zoning for Tract 2. Staff Recommendation: To grant neighborhood commercial (LR) district zoning for Tract 1 and multifamily residence-medium density (MF-3) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning for Tract 1 and multifamily residence-medium density (MF-3) district zoning for Tract 2. Owner/Applicant: TATI Investments Group, LLC (Zulfiqar Maknojia). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr.). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed to December 15, 2016 at the request of the neighborhood on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

56. C14-2016-0091 – ACS/Bearcreek Properties – District 5 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4001 S. Lamar Boulevard (Williamson Creek Watershed; Barton Creek Watershed-Barton Springs Zone) from general commercial services-vertical mixed use building (CS-V) combining district zoning to commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-vertical mixed use building-conditional overlay (CS-1-V-CO) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-vertical mixed use building-conditional overlay (CS-1-V-CO) combining district zoning. Agent: Thrower Design (Ron Thrower). Owner: ACS/Bearcreek Properties Ltd. (Manny Frahani). 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 only for commercial-liquor sales-vertical mixed use building-conditional overlay (CS-1-V-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

57. C14-2016-0095 – Completion of Lot 6 Zoning – District 8 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9100 West State Highway 71 (Williamson Creek Watershed-Barton Springs Zone) from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-neighborhood plan (GO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-neighborhood plan (GO-NP) combining district zoning. Owner/Applicant: River City Partners Management Ltd. (Lee Raines). Agent: Sprouse Shrader Smith, PLLC (Terrence Irion). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-057 for general office-neighborhood plan (GO-NP) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

58. C14-2016-0096 – 7901 Ranch Road 2222 – District 10 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7901 Ranch to Market Road 2222 (West Bull Creek Watershed) from limited office-conditional overlay (LO-CO) combining 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. Zoning and Platting Commission Recommendation: To be reviewed on November 15, 2016. Owner/Applicant: Malamae/Dentastic, LP (James V. Potter). Agent: John Stinson. City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to December 15, 2016 at the request of staff on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

59. C14-2016-0101 – 3900 Pearce Road – District 10 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3900 Pearce Road (Lake Austin Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: Luxor Custom Homes (Denise Perry). Owner: Luxor Custom Homes (Blair Drenner). City Staff: Andrew Moore, 512-974-7604.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-059 for single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
60. C14-2016-0102 – 3906 Pearce Road – District 10 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3906 Pearce Road (Lake Austin Watershed) from development reserve (DR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: Luxor Custom Homes (Denise Perry). Owner: Luxor Custom Homes (Blair Drenner). City Staff: Andrew Moore, 512-974-7604.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-060 for single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
61. C814-2012-0128.01.SH – thinkEAST Austin – District 1 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1141 Shady Lane and 5300 Jain Lane (Boggy Creek Watershed) from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. The ordinance may include modification of city regulations. Owner/Applicant: thinkEAST Austin Management, LLC (Richard deVarga). City Staff: Heather Chaffin, 512-974-2122.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-061 for planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning was approved on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.
62. C814-2014-0120 - Austin Oaks PUD - District 10 - Conduct a public hearing and approve an ordinance amending City Code Chapter Title 25 by rezoning property locally known as 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724, and 3737 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive (Shoal Creek Watershed) from community commercial (GR) district zoning, neighborhood commercial (LR) district zoning, limited office (LO) district zoning and family residence (SF-3) 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. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Applicant: Graves Dougherty Hearon & Moody (Michael Whellan). Owner: Twelve Lakes LLC, Jon Ruff. City Staff: Andrew Moore, 512-974-7604.

This item was postponed to December 15, 2016 at the request of the neighborhood on Council Member Zimmerman's motion, Council Member Houston's second on an 11-0 vote.

63. C814-2015-0074 – The Grove at Shoal Creek PUD – District 10 – Conduct a public hearing and approve second reading of an ordinance amending City Code Title 25 by rezoning property locally known as 4205 Bull Creek Road (Shoal Creek Watershed) from unzoned (UNZ) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved on October 20, 2016. Vote: 8-2, Council Member Houston and Mayor Pro Tem Tovo voted nay; Council Member Troxclair was off the dais. Owner/Applicant: ARG Bull Creek, Ltd. (Garrett Martin). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to December 6, 2016 at the request of Council on Council Member Zimmerman's motion, Council Member Houston's second on a 9-2 vote. Those voting aye were: Mayor Adler, Council Members Casar, Gallo, Houston, Kitchen, Pool, Renteria, Troxclair, and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Member Garza.

DISCUSSION ITEM

21. C7a-2016-0006 – Mooreland Addition – Approve an ordinance to annex the Mooreland Addition annexation area for full purposes (approximately 34 acres in southwestern Travis County east of the intersection of Manchaca Road and Mooreland Drive; contiguous to District 5). THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON OCTOBER 6 AND 13, 2016.

The motion to deny the annexation request was approved on Council Member Kitchen's motion, Council Member Renteria's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Houston, Kitchen, Pool, Renteria, Troxclair, and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo, Council Members Casar, Garza, and Pool.

Mayor Adler recessed the meeting at 11:27 a.m.

Mayor Pro Tem Tovo reconvened the meeting at 12:07 p.m.

CITIZENS COMMUNICATIONS: GENERAL

Carlos León - 1) God, Jesus Christ, and the Holy Spirit are the most high and mighty; 2) Eradicate Austin's alien chemtrails; 3) Losing your marbles Vol. II, Part ?

Gus Peña - 1) Happy Veterans Day to all my Military veterans. Veterans Day is Nov. 11, 2016. We veterans gave it our all. 2) You all will have the day off. Many of our veterans are homeless or unemployed. Please thank a veteran for his or her service to our country's freedom, safety and democracy and for other countries freedom, safety, and democracy. 3) Especially recognize, thank, and support our female veterans for their service to our country, and other countries

freedom safety and democracy. November 10, 2016 is my United States Marine Corps Birthday. We (our U.S.M.C.) is 241 years old Semper Fi to all my fellow Marines. We gave it our all. 4) My dad Lucio WWI vet. my step brother Lucio World War II , Pilar, Edward, me Gus, United States Marines, Gilbert, Lucio III Navy, Jesse Air Force. Peña family well represented and fought for our country USA.

CAROLANNE ROSE KENNEDY - BLACKCHRISTMAS. – **Not Present.**

Asad Halai - Tax Property purchase - previous lien payout.

Moses Saldana - Pledge of Allegiance.

Sara Black - Oral response to Citizen survey.

Lisa Hinley - Restore Rundberg final report.

Zenobia Joseph - Public Information Requests, Greater Austin Black Chamber of Commerce-\$171K Accountability, FY 2017 Budget Recommendation.

Kyle Hoskins - TBA. – **Not Present.**

Reedy Spigner - East Austin Land Survey

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:32 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.

64. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
65. Discuss legal issues related to the application of anti-lobbying regulations to Request For Proposals CDL2003, for the management of biosolids reuse and Request For Proposals JXP0501, for the sale and removal of compost material. (Private consultation with legal counsel - Section 551.071 of the Government Code)
66. Discuss legal issues related to Chapter 245 of the Texas Local Government Code and proposed approval of a Project Consent Agreement for property located at 2636 Bliss Spillar Road and 12501 Hewitt Lane. (Private consultation with legal counsel - Section 551.071 of the Government Code)

Mayor Adler reconvened the meeting at 2:55 p.m.

DISCUSSION ITEMS CONTINUED

16. Approve a resolution initiating historic zoning for the property located at 1618 Palma Plaza and initiating an amendment to City Code Chapter 25-11 relating to the release of certain demolition permits. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ora Houston CO 2: Council Member Ann Kitchen CO 3: Council Member Leslie Pool)
The motion to approve the item failed on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 3-8 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Houston and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Gallo, Garza, Kitchen, Renteria, Troxclair, and Zimmerman,

8. Authorize the execution of an Affordable Housing Agreement for the Pilot Knob Planned Unit Development. (District 2). Related to Item #32

No action was taken on this item.

32. C814-2012-0152 - Pilot Knob Planned Unit Development - District 2 - Approve third reading of an ordinance amending City Code Title 25 by zoning property locally known as east and southeast of the intersection of East William Cannon Drive and McKinney Falls Parkway, and west of South U.S. Highway 183 and FM 1625 (Cottonmouth Creek Watershed; North Fork Creek Watershed; South Fork Creek Watershed) from interim-rural residence (I-RR) district zoning and interim-single family residence-standard lot (SF-4A) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved on October 8, 2015. Vote: 10-0, Council Member Pool was off the dais. Second Reading approved on November 19, 2015. Vote: 11-0. Owner/Applicant: Carma Easton, Inc. (Logan Kimble). Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley). City Staff: Wendy Rhoades, 512-974-7719. Related to Item #8

A motion was made by Mayor Adler and seconded by Council Member Garza to approve the ordinance with the following amendments:

To revise Part 8 (B) to read:

B. Owner-occupied Housing.

At least 10 percent of the total number of units sold as owner-occupied residential housing units located within the Pilot Knob PUD will be made permanently available at a price affordable to households with incomes at 80 percent of or below the median family income in the Austin metropolitan statistical area ("Affordable Ownership Unit(s)") (collectively, the "Ownership Affordability Requirement").

In addition the Landowner agrees to comply with the following:

- 1. The City and Landowner will enter into an Affordable Housing Agreement, approved by City Council, to document how permanent affordability will be implemented.**
- 2. All lots transferred by the Landowner to AHFC, or other entity designated by the City, are subject to approval by AHFC or other entity designated by the City. The lots must be fully developed, buildable, and the subdivision accepted by the City of Austin, and integrated throughout the Pilot Knob PUD.**
- 3. The Affordable Ownership Units constructed on any lot shall have substantially similar architectural design and restrictions as other residential units offered for sale to the general public.**
- 4. Affordable Ownership units must:**
 - a. Be sold to an income eligible household at 80 percent of or below median family income in the Austin metropolitan statistical area;**

- b. **Include resale restrictions that require that resale of the affordable units must be to a household at 80 percent of or below median family income in the Austin metropolitan statistical area;**
- c. **Contain restrictions that will cap the equity that can be achieved upon resale of the affordable unit. Equity will be capped at the lesser of fair market value or 2 percent annually based on the original affordable sales price; and**
- d. **Contain a Right of First Refusal to AHFC or other entity designated by the City. If AHFC or other entity designated by the City does not exercise the right of first refusal, then Affordable Ownership units must be sold to income eligible purchasers.**

The funding mechanism necessary to achieve the permanently affordable owner-occupied housing will be adopted by separate ordinance or other action and may include:

- 1. **Waiver of all or a portion of fees of any kind;**
- 2. **A monetary contribution by the landowner if the property or development is of a type that is exempt from capital recovery or other fees that would otherwise have been paid under the existing MUD Consent Agreements (either under existing or future ordinance); and**
- 3. **Another affordable housing funding mechanism identified and established by the City Council.**

If a funding mechanism for owner-occupied affordable housing is not approved by City Council in subsequent action, no agreement is reached with the Landowner, or an adopted mechanism disallowed by a court or any other reason, then the Affordable Ownership Units will be priced, at the time of their initial offering for sale, at a price that is affordable to a household with an income level of 80 percent of the median family income in the Austin metropolitan statistical area, as specified in Exhibit L of the Consent Agreements.

To delete Part 12 (H) (2).

Ordinance No. 20161110-032 for planned unit development (PUD) district zoning as amended above was approved on Mayor Adler's motion, Council Member Garza's second on a 9-1 vote. Council Member Zimmerman voted nay. Council Member Troxclair abstained.

- 19. C7a-2016-0003 – Entrada – Approve an ordinance to annex the Entrada annexation area for full purposes (approximately 246 acres in northeastern Travis County south of Wells Branch Parkway at the intersection of Immanuel Road and Crystal Bend Drive; contiguous to District 1). THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON OCTOBER 6 AND 13, 2016.

The motion to approve the ordinance on first reading only and to direct staff to bring back the ordinance for second and third readings at the January 26, 2017 Council meeting was approved on Council Member Houston's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

Items 20, 22, and 23 were acted on in a combined motion.

20. C7a-2016-0005 – Malone Preliminary Plan – Approve an ordinance to annex the Malone Preliminary Plan annexation area for full purposes (approximately 40.48 acres in southwestern Travis County one-half mile south of the intersection of West Slaughter Lane and Slaughter Creek Drive between Slaughter Creek Drive and Bilbrook Place; contiguous to District 5). THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON OCTOBER 6 AND 13, 2016.
Ordinance No. 20161110-020 was approved on Council Member Houston’s motion 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.
22. C7a-2016-0007 – Smithfield/Frate Barker – Approve an ordinance to annex the Smithfield/Frate Barker annexation area for full purposes (approximately 46 acres in southwestern Travis County at the intersection of Frate Barker Road and Manchaca Road; contiguous to District 5). THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON OCTOBER 6 AND 13, 2016.
Ordinance No. 20161110-022 was approved on Council Member Houston’s motion 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.
23. C7a-2016-0008 – Upper East End Subdivision – Approve an ordinance to annex the Upper East End Subdivision annexation area for full purposes (approximately 29 acres in northeastern Travis County on East Howard Lane, approximately two tenths of a mile west of East Howard Lane and Cantarra Drive; contiguous to District 1). THE PUBLIC HEARINGS FOR THESE ITEMS WERE HELD AND CLOSED ON OCTOBER 6 AND 13, 2016.
Ordinance No. 20161110-023 was approved on Council Member Houston’s motion 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.
2. Approve an ordinance amending City Section Code 3-1-29 (Sterilization) related to the sterilization of animals at the Austin Animal Shelter.
This item was postponed to December 8, 2016 at the request of council on Council Member Houston’s motion, Council Member Zimmerman’s second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Houston, Kitchen, Renteria, Troxclair, and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo, Council Members Gallo, Garza, and Pool.
42. C14-2015-0052 – Removal of Historic (H) overlay and removal of Conditional Overlay (CO) – District 9 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 507 West 23rd Street (Shoal Creek Watershed) from general office-conditional overlay-historic-neighborhood plan (GO-CO-H-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-neighborhood plan (GO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-neighborhood plan (GO-NP) combining district zoning. Owner: 23 ueces LLC (Edward Johnson). Applicant: Mike McHone Real Estate (Mike McHone). 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 office-neighborhood plan (GO-NP) combining

district zoning was approved on Council Member Renteria's motion, Council Member Garza's second on an 11-0 vote.

53. C14-2016-0072 – 39th Street Apartments – District 9 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 405-407 West 39th Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to multifamily residence-moderate-high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence-moderate-high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning. Owner: 405 West 39th Street LLC. Applicant: Mike McHone Real Estate (Mike McHone). City Staff: Heather Chaffin, 512-974-2122.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-053 for multifamily residence-moderate-high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Zimmerman's second on an 11-0 vote.

Items 6 and 43 were acted on in a combined motion.

6. Approve second and third reading of 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 #43 **Ordinance No. 20161110-006 was approved on Council Member Zimmerman's motion, Council Member Casar's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Renteria, Troxclair, and Zimmerman. Those voting nay were: Council Members Gallo, Houston, Kitchen, and Pool.**
43. C14-2015-0160 - Champions Tract #3 - District 10 - Conduct a public hearing and approve third reading of an ordinance amending City Code Title 25 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 multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. First Reading approved on June 23, 2016. Vote: 11-0. Second Reading approved on September 22, 2016. Vote: 9-0, Council Member Pool abstained; Council Member Troxclair was off the dais. 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 #6
- The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-043 for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on Council Member Zimmerman's motion, Council Member Casar's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Renteria, Troxclair, and Zimmerman. Those voting nay were: Council Members Gallo, Houston, Kitchen, and Pool.**

PUBLIC HEARINGS

69. 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 December 15, 2016 at the request of staff on Mayor Pro Tem Tovo's motion, Council Member Houston's second on an 11-0 vote.
70. 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 December 1, 2016 at the request of staff on Mayor Pro Tem Tovo's motion, Council Member Gallo's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

36. NPA-2015-0005.04 – Lenox Oaks – District 3 – Conduct a public hearing and approve second and third reading of 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, Commercial, Mixed Use/Office and Multifamily land uses. First Reading approved on September 22, 2016. Vote: 9-1, Mayor Pro Tem Tovo voted nay; Council Member Troxclair was off the dais. 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 close the public hearing and approve Ordinance No. 20161110-036 to change the land use designation on the future land use map (FLUM) to Mixed Use, Commercial, Mixed Use/Office and Multifamily land uses was approved for on Council Member Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.
37. C14-2015-0104 – Lenox Oaks – District 3 – Conduct a public hearing and approve second and third reading of 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. First Reading approved on September 22, 2016. Vote 9-1, Mayor Pro Tem Tovo voted nay; Council Member Troxclair was off the dais. Owner/Applicant: UT Land Company, Ltd. (Jimmy Nassour). 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 as amended below for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, for Tract 1; general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 2; neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning for Tract 3; General Office-Mixed Use (GO-MU) 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 made by Council Member Renteria and seconded by Council Member Pool.

A motion to separate the question and vote separately on the Ponca Road extension question was approved without objection at Council Member Garza's request.

A motion to exclude the Ponca Road extension was approved on Council Member Renteria's motion, Council Member Pool's second on a 9-1 vote. Council Member Garza voted nay. Council Member Troxclair was off the dais.

The motion to close the public hearing and approve Ordinance 20161110-037 as amended above was approved on Council Member Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.

PUBLIC HEARINGS CONTINUED

68. Conduct a public hearing for the full purpose annexation of the Wildhorse/Webb Tract annexation area (approximately 104 acres in eastern Travis County at the northeastern corner of the intersection of Decker Lane and Lindell Lane; contiguous to District 1).
The public hearing was conducted and a motion to close the public hearing was approved on Mayor Pro Tem Tovo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Troxclair was off the dais.

DISCUSSION ITEMS CONTINUED

46. C14-2016-0039 - Thornton II - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2413 Thornton Road (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Staff Recommendation: To grant multifamily residence-low density (MF-2) district zoning. Planning Commission Recommendation: To grant multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Applicant: South Llano Strategies (Glen Coleman). Owner: John & Susan Hoberman. City Staff: Andrew Moore, 512-974-7604.
The motion approve the ordinance for multifamily residence-low density (MF-2) district zoning and keep the public hearing open was approved on Council Member Kitchen's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.

Mayor Adler recessed the meeting at 7:23 p.m.

Mayor Adler reconvened the meeting at 8:02 p.m.

PUBLIC HEARINGS CONTINUED

67. Conduct a public hearing and consider an ordinance regarding floodplain variances for construction of a commercial building and associated parking at 1000 N. Lamar Blvd within the 25-year and 100-year floodplains of Shoal Creek. (District 9)
This item was postponed to December 8, 2016 on Mayor Adler's motion, Council Member Zimmerman's second on an 8-0 vote. Council Members Gallo, Garza and Troxclair were off the dais.
71. Conduct a public hearing and consider second and third readings of 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.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20161110-071 with the findings of fact listed below was approved on Council Member Kitchen's motion, Council Member Houston's second on an 8-2 vote. Those voting aye were: Mayor Adler and Council Members Casar, Gallo, Houston, Kitchen, Pool and Renteria. Those voting nay were Mayor Pro Tem Tovo and Council Member Garza. Council Member Troxclair was off the dais.

The Findings of Fact that have been agreed upon were:

- 1. Language that both the applicant and affected neighbors will enter into an agreement to ensure that the lighting will not spill beyond the parcel.**
- 2. Language that addresses noise ordinance restrictions to ensure that if there are gas pumps they are not the type with loud video or audio.**
- 3. Language addressing enhanced landscaping buffers at the edges of the parcel to mitigate light and views from the development and surrounding residences.**

Mayor Adler adjourned the meeting at 8:16 p.m. without objection.

The minutes were approved on this the 1st day of December 2016 on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Adler, Council Members Renteria and Troxclair were absent.