

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 12, 2017**

Invocation: Pastor Dan Laitinen, Holy Word Lutheran Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, October 12, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:13 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 October 3, 2017, special called meeting of October 4, 2017, and regular meeting of October 5, 2017.
The minutes from the work session of October 3, 2017, special called meeting of October 4, 2017 and regular meeting of October 5, 2017 were approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.
2. Approve an ordinance authorizing the issuance of City of Austin, Water and Wastewater System Revenue Bonds, Series 2017A, in a par amount not to exceed \$45,175,000, and approve related documents.
Ordinance No. 2171012-002 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 10-1 vote. Council Member Troxclair voted nay.
3. Authorize payment for the Department of Aviation's membership in the Airports Council International - North America (ACI-NA) and other programs led by ACI-NA, in an amount not to exceed \$100,000.
The motion authorizing payment for the Department of Aviation's membership in the Airports Council International – North American (ACI-NA) was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on 10-1 vote. Council Member Troxclair voted nay.
4. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Contractual Obligations in the amount of \$1,600,000 for the Austin Resource Recovery vehicles and equipment, and \$165,000 for vehicles and equipment for other City departments.
Resolution No. 20171012-004 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.

5. Authorize award and execution of a construction contract with Dyna Grid Construction Group, LLC, for the Gilleland to Techridge Transmission Line (Circuit 1030) Foundation Installation project, in the amount of \$909,508, plus a \$90,950.80 contingency, for a total contract amount not to exceed \$1,000,458.80. (Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 4.47% MBE and 1.99% WBE participation.). District(s) Affected: District 7.
- The motion authorizing award and execution of a construction contract with Dyna Grid Construction Group, LLC was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.**

Items 6 through 8 were pulled for discussion.

9. Approve an ordinance amending City Code Chapter 2-10 (Municipal Court) to revise and add provisions regarding indigency, fines, alternative sentencing, and commitment.
- This item was postponed to November 9, 2017 on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.**
10. Authorize negotiation and execution of an interlocal agreement with the Austin Independent School District for the Literacy First (formerly ACE: A Community for Education) Program to be offered at Allison, Brooke, Govalle, Metz, Ortega and Zavala Elementary Schools in the amount of \$200,000 for an initial term of two years with three one-year renewals in the amount of \$100,000 each for a total contract not to exceed \$500,000.
- The motion authorizing negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Flannigan and Troxclair.**
11. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments and payment of the related membership fee, in an amount not to exceed \$92,178.10.
- Resolution No. 20171012-011 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.**

Item 12 was pulled for discussion.

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 Pool's motion, Council Member Troxclair's second on an 11-0 vote.**

Nominations

Board/Nominee

Nominated by

Anti-Displacement Task Force
Solveij Rosa Praxis

Council Member Flannigan

Anti-Displacement Task Force
Vincent Limon-Viteritto

Council Member Renteria

14. Approve an ordinance amending City Code Title 2 relating to the Municipal Court, the Downtown Austin Community Court, and the creation of a City Council Judicial Committee. Council Sponsors: Mayor Steve Adler, Council Member Jimmy Flannigan, Council Member Leslie Pool, Council Member Gregorio Casar, Council Member Delia Garza.
Ordinance No. 20171012-014 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.

Item 15 was pulled for discussion.

16. Approve a resolution directing the City Manager to initiate a School-to-Prison Pipeline and Youth Justice Workgroup to create recommendations on non-criminal policies to support youth. Council Sponsors: Council Member Gregorio Casar, Council Member Jimmy Flannigan, Council Member Alison Alter, Council Member Sabino 'Pio' Renteria.
Resolution No. 20171012-016 was approved on consent with the following amendment on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.

An amendment was made by Council Member Casar and accepted without objection to revise the last Be It Further Resolved clause to include the following language: "The workgroup should build upon the work conducted by the City of Austin/Travis County/Austin Independent School District Joint Subcommittee's Judicial Supports Task Force's research and recommendations, the Residential and School Mobility Working Group's Integrated Case Management Pilot, as well as the Neighborhood Conference-Committee School-Based (NCC-SB) Work Group Report."

17. Approve a resolution initiating amendments to the regulating plan for the Plaza Saltillo Transit-Oriented Development Station Area, by extending its boundaries to include the Housing Authority of the City of Austin Chalmers Courts location. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Delia Garza, Council Member Gregorio Casar.
This item was withdrawn on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.

Items 18 and 29 were pulled for discussion.

30. Approve an ordinance establishing classifications and positions in the classified service of the Austin Fire Department; creating and eliminating certain positions; establishing pay rates; repealing Ordinance No. 20170913-003 relating to Fire Department classifications and positions; and declaring an emergency.
Ordinance No. 20171012-030 was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.
31. Authorize amendments to prior Council action authorizing negotiation and execution of an encroachment agreement with Austin Convention Enterprises, Inc. for an aerial walkway bridge and surface and subsurface piers within the East 4th Street, located at 400 1/2 Neches Street to correct the square footage of aerial and subsurface encroachments. District(s) Affected: District 9.
The motion authorizing amendments to prior Council action authorizing negotiation and execution of an encroachment agreement with Austin Convention Enterprises, Inc. was approved on consent on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.

Item 19 was a Council Committee Item.

Items 20 and 21 were Executive Session Items.

Items 22 and 23 were Zoning Ordinance/Restrictive Covenant (HEARING CLOSED) Item.

Items 24 and 25 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Items 26 through 28 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

6. 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 CodeNEXT, the comprehensive Land Development Code revision, in the amount of \$2,275,000 to complete Phase 5 of CodeNEXT and Phase 2 of the Austin Strategic Mobility Plan for a total contract amount not to exceed \$8,466,520.60. (Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 4.84% MBE and 5.59% WBE.) District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10.

The motion authorizing negotiation and execution of an amendment to the professional services agreement with Opticos Design, Inc. with the following direction to staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Council Members Alter, Houston and Pool.

On Council Member Pool's motion, direction was given to staff to quickly bring back for Council consideration another appropriate vehicle, that would include a scope of work creating additional opportunities for CodeNEXT outreach and engagement in our minority community that would be executed in compliance with our minority and women owned business ordinances.

Additional direction was given to staff to ensure that Opticos Design work with city staff to ensure, using best efforts, that the following deliverables are completed and provided to City Council, the Planning Commission, and the Zoning and Platting Commission at least two weeks prior to the release of the third draft of the CodeNEXT proposals; and directing staff to enforce and implement the contract according to the intent of the following:

- **The final proposals for Watershed Protection Department currently missing or incomplete components of the CodeNEXT drafts, such as the Functional Green requirements, site plan requirements for middle housing, signage regulations, and the process for small-area planning.**
- **Standard processes to help meet the existing goal of responding to Council Q&A portal questions within five business days (or indicating if additional time will be needed).**
- **Informational material comparing existing code and the newest draft, including:**

- A comparison document that identifies changes between the existing code and the newest draft, highlighting any proposed policy changes.
- A chart comparing the zone standards and permitted uses in existing zoning districts (both McMansion and non-McMansion versions of existing zoning districts) with those in the newest draft.
- Impact analyses of how CodeNEXT would affect localized flooding and the city's ability to meet its Fair Housing goals.
- 'Community feedback reports' that summarize the spectrum of comments received on the prior draft and explain whether those comments resulted in proposed changes or not (and include an appendix showing the comments received)."

CITIZENS COMMUNICATIONS: GENERAL

Tony Farmer – Campaign Finance

Teri McCaffrey – Amending Noise Ordinance

Sylvia Mendoza – TBA

John Goldstone – AISD 2.1 million dollar transfer and bond

Barbara Szalay – Sparking Interest: Fire wise and ark skies

Carlos Leon – 1) God, Jesus Christ and the Holy Spirit are right and light; 2)No alien chemtrail poisons here – Austin airspace must be clean and healthy for HUMANITY; 3)Losing our marbles Vol. 3, Part V

DISCUSSION ITEMS CONTINUED

7. Approve a settlement in City of Austin v. NAHC Cross Creek Apartments, LLC et al, Cause No. D-1-GN-15-005870 in the 53rd Judicial District of Travis County.
The motion to settle the above-referenced lawsuit, by authorizing the City to accept an amount not to exceed \$2,065,000 was approved on Council Member Casar's motion, Council Member Alter's second on an 11-0 vote.
12. Approve the second reading of an ordinance granting a franchise agreement to Oncor Electric Delivery Company LLC for use of the City's rights-of-way for placing facilities or equipment to provide electric utility services within Oncor's certificated area.
The motion approving the ordinance on second reading only was approved as amended below on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

An amendment was made by Council Member Garza and accepted without objection to revise the following sections of the ordinance to include the following language:

"2.2 Comply with all applicable State laws, including Chapter 26 of the Texas Parks and Wildlife Code, and with all applicable valid and enforceable regulations of the City.

- 6.1 The City shall be liable to the Company only for any damage to the Company's lines, equipment or appurtenances of the Company, the producing cause of which is the negligence of the City or its employees.
- 7.1 Provided the City, except in cases of emergency, gives Company at least ninety (90) days advance notice, Company shall relocate Company Facilities...."

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:30 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.

8. Approve a settlement in City of Austin v. Walter Olenick et al, Cause No. D-1-GN-004108 in the 53rd Judicial District of Travis County.
20. Discuss legal issues related to open government matters (Private consultation with legal counsel Section 551.071 of the Government Code).
This item was withdrawn.
21. Discuss legal issues related to amendments to City Code Chapter 2-10 (Municipal Court) to revise and add provisions regarding indigency, fines, alternative sentencing, and commitment (Private consultation with legal counsel - Section 551.071 of the Government Code).

Executive Session ended and Mayor Adler reconvened the meeting at 1:45 p.m.

DISCUSSION ITEMS CONTINUED

15. Approve a resolution relating to the contract for services at the Austin Resource Center for Homelessness. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Leslie Pool, Council Member Ann Kitchen.
Resolution No. 20171012-015 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Kitchen was off the dais.
8. Approve a settlement in City of Austin v. Walter Olenick et al, Cause No. D-1-GN-004108 in the 53rd Judicial District of Travis County.
The motion to settle the above-referenced lawsuit, by authorizing the City to pay an amount not to exceed \$150,000 failed on Council Member Houston's motion, Council Member Flannigan's second on a 3-7 vote. Those voting aye were: Council Members Houston, Flannigan and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Pool and Renteria. Council Member Kitchen was off the dais.
18. Approve a resolution initiating amendments to the regulating plan for the Plaza Saltillo Transit-Oriented Development Station Area, initiating neighborhood plan amendments and rezoning of the Housing Authority of the City of Austin Chalmers Courts property from multifamily residence moderate-high density (MF-4) district to transit-oriented district (TOD), and directing

staff to assign the appropriate TOD subdistrict to bring back to council for action. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Delia Garza, Council Member Gregorio Casar.

Resolution No. 20171012-018 was approved as amended below on Council Member Renteria's motion, Council Member Flannigan's second on an 11-0 vote.

An amendment striking the following language in the second Be It Further Resolved clause "directs staff" and replace it with "directs the City Manager..." was made by Council Member Flannigan. The amendment was accepted without objection.

19. Approve an audit plan for the City Auditor for Fiscal Year 2018. Council Sponsors: Audit and Finance Committee.
This item was postponed to October 19, 2017 on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

22. C14-2016-0096 - 7901 Ranch Road 2222 - District 10 - Approve second reading of an ordinance City Code Title 25 by zoning property locally known as 7901 Ranch to Market Road 2222 (West Bull Creek Watershed). Applicant's Request: To rezone from limited office-conditional overlay (LO-CO) combining district zoning to general office-mixed use (GO-MU) combining district zoning, with conditions. First reading approved on January 26 2017. Vote: 7-4. Owner: Malamae/Dentastic, LP (James V. Potter). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 10.
The motion approving the ordinance on second reading only for to limited office mixed use conditional overlay (LO-MU-CO) combining district zoning, with conditions was approved on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.

The conditions are:

- **Prohibit all LO district uses that are not permitted in the NO zoning district except Medical Office uses.**
 - **Prohibit Art Workshop, Communication Services and Cultural Services uses.**
 - **Multifamily Residential use shall be limited to a maximum of eight (8) units.**
 - **Include a 35-foot building set back from the south property line where it abuts a residential property.**
 - **Require a 24-foot vegetative setback within the compatibility buffer along the south property line.**
 - **Require that an eight (8) foot high fence be constructed and maintained along the south property line that abuts a residential property.**
 - **The maximum height for a building or structure shall be limited to 28 feet from ground level and may not exceed two stories in height.**
 - **Include a 35-foot building setback/vegetative buffer from the west property line.**
24. C14-2017-0110 - 7505 Wynne Lane - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7505 Wynne Lane (South Boggy Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: La Picharow, LLC (Glenn Latta). Agent: Talia, Inc. (Hachem Dadouch). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.

The item was postponed to November 2, 2017 at the request of staff on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.

23. C14-2017-0040 - Creastle .43 - District 5 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 9618 Manchaca Road (Slaughter Creek Watershed). Applicant request: To rezone from single family residence-standard lot (SF-2) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions. First Reading approved on June 8, 2017. Vote: 9-0, Council Members Garza and Kitchen were off the dais. Owner/Applicant: Creastle Enterprises, Inc. (Rahim Sadrudin). Agent: Bennett Consulting (Rodney Bennett). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.
Ordinance No. 20171012-023 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning, with conditions was approved on Council Member Kitchen's motion, Council Member Alter's second on a 10-1 vote. Council Member Flannigan voted nay.
25. C14-2017-0085 - Charles Ford Rezoning - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12101 ½ Conrad Road (Walnut Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner/Applicant: Charles Ford. City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.
The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for family residence (SF-3) district zoning was approved on Council Member Flannigan's motion, Council Member Garza's second on a 10-1 vote. Council Member Pool voted nay.
29. Approve a resolution adopting the Austin Convention and Visitors Bureau (doing business as Visit Austin) 2017-2018 Marketing Plan and Proposed Budget; setting the contract payment as required by the Chapter 351 of the Texas Tax Code; and authorizing the City Manager to file the approved documents with the City Clerk's Office as required by the Texas Tax Code.
Resolution No. 20171012-029 was approved as amended on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

Mayor Adler recessed the meeting at 3:42 p.m.

Mayor Adler reconvened the meeting at 4:00 p.m.

PUBLIC HEARINGS

Items 26 and 27 were acted on in one combined motion.

26. Conduct a public hearing for the full-purpose annexation of the River Place Outparcels annexation area (approximately 212 acres in northwestern Travis County adjacent to the boundary of the River Place Municipal Utility District and the City's full-purpose jurisdiction; contiguous to District 6). District(s) Affected: District 6.
The public hearing was conducted and a motion to close the public hearing was approved on Council Member Flannigan's motion, Council Member Renteria's second on a 10-0 vote. Council Member Kitchen was off the dais.

28. Conduct a public hearing for the full purpose annexation of the HOLT CAT Subdivision annexation area (approximately 27 acres in southern Travis County along IH-35 approximately three-tenths of a mile south of Slaughter Lane; contiguous to District 5). District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing was approved on Council Member Flannigan's motion, Council Member Renteria's second on a 10-0 vote. Council Member Kitchen was off the dais.

27. Conduct a public hearing for the full-purpose annexation of the Mooreland Addition annexation area (approximately 34 acres in southwestern Travis County east of the intersection of Manchaca Road and Mooreland Drive; contiguous to District 5). District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing was approved on Council Member Flannigan's motion, Council Member Troxclair's second on an 11-0 vote.

Direction was given to staff to provide Council with a cost analysis for conducting an election relating to annexations.

Mayor Adler adjourned the meeting at 4:27 p.m. without objection.

LIVE MUSIC

James Mays, Founder, Band Aid School of Music

PROCLAMATIONS

Ronald McDonald House Charities of Change Day - To be presented by Mayor Pro Tem Kathie Tovo

Pro Bono Week - To be presented by Mayor Steve Adler

The minutes were approved on this the 19 day of October 2017 on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.