

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 15, 2018**

Invocation: Brother Ian Lindsey, First Counselor, Bishopric of Zilker Park Ward, Church of Jesus Christ of Latter-Day Saints

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, February 15, 2018 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:18 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council regular meeting of March 23, 2017, special called of December 19, 2018, work session of January 30, 2018 and regular meeting of February 1, 2018.
The motion approving the minutes of the City Council regular meeting of March 23, 2017, special called of December 19, 2017, work session of January 30, 2018 and regular meeting of February 1, 2018 were approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
2. Authorize recurring expenditures for the renewal of an electronic subscription to E-Source and professional dues and memberships in national and state associations and organizations related to the electric utility industry, in an amount not to exceed \$652,000.
The motion authorizing recurring expenditures for the renewal of an electronic subscription to E-Source and professional dues and memberships was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
3. Authorize the negotiation and execution of an interlocal agreement with the Capital Metro Transportation Authority for an amount not to exceed \$407,500 for costs associated with the removal of overhead electric lines and replacement with underground electrical services associated with the Capital Metro Multimodal Downtown Transit Station located at 401 East 4th Street. District(s) Affected: District 9.
The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Metro Transportation Authority was approved on consent on Council Member

Garza's motion, Council Member Flannigan's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Casar was off the dais.

4. Authorize negotiation and execution of a professional services agreement with Freese and Nichols, Inc. (staff recommendation), or one of the other qualified responders to the Request for Qualifications Solicitation No. CLMP235, to provide engineering services related to the 2018 Reservoir Improvements Program in an amount not to exceed \$6,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 21.25% MBE and 16.00% WBE participation.]

The motion authorizing negotiation and execution of a professional services agreement with Freese and Nichols, Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

5. Authorize negotiation and execution of a professional services agreement with Cobb, Fendley & Associates, Inc. (staff recommendation), or one of the other qualified responders to the Request for Qualifications Solicitation No. CLMP234, to provide distribution engineering and associated design technical services for the Staff Augmentation Services for Electric Distribution project, for an initial one-year term, with three one-year renewal options, for a total contract amount not to exceed \$4,000,000, including all renewals. [Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.00% MBE and 20.00% WBE participation.]

The motion authorizing negotiation and execution of a professional services agreement with Cobb, Fendley & Associates, Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

6. Authorize award and execution of a construction contract with Smith Contracting Co., Inc., for the Slaughter Creek - Sendera and Circle C Pond Rehabilitation project in the amount of \$1,020,352.50 plus a \$102,035.25 contingency, for a total contract amount not to exceed \$1,122,387.75. [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 19.27% MBE and 3.81% WBE participation.] District(s) Affected: District 8.

The motion authorizing award and execution of a construction contract with Smith Contracting Co., Inc., was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

7. Authorize negotiation and execution of an amendment to the professional services agreement with AECOM Technical Services, Inc., Brown & Gay Engineers, Inc., CAS Consulting & Svcs, Inc. (MBE), Doucet & Associates, Inc., Espey Consultants, Inc. dba RPS, Freese and Nichols, Inc., Half Associates, Inc., HDR Engineering, Inc., Jacobs Engineering Group, Inc., Parsons Water & Infrastructure, Inc., S & B Infrastructure, LTD. and Walker Partners, LLC, for engineering services for the 2016 Large Scale General Civil Engineering Services Rotation List, in an amount of \$6,000,000, for a total contract amount not to exceed \$15,600,000 divided among the firms. [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 17.52% MBE and 35.16% WBE.]

The motion authorizing negotiation and execution of an amendment to the professional services agreement with AECOM Technical Services, Inc., Brown & Gay Engineers, Inc.,

CAS Consulting & Svcs, Inc., Doucet & Associates, Inc., Espey Consultants, Inc. doing business as RPS, Freese and Nichols, Inc., Halff Associates, Inc., HDR Engineering, Inc., Jacobs Engineering Group, Inc., Parsons Water & Infrastructure, Inc., S & B Infrastructure, LTD. and Walker Partners, LLC was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

8. Authorize negotiation and execution of an amendment to the professional services agreements with MWM Designgroup, Inc. (WBE), HALFF Associates, Inc., McGray & McGray Land Surveyors, Inc. (WBE), Surveying and Mapping, LLC, Jacobs Engineering Group, Inc., Landmark Surveying, LP (WBE), Jones & Carter, Inc. dba Terra Firma Land Surveying, McKim & Creed, Inc., Landesign Services, Inc. (MBE), Pape-Dawson Engineers, Inc., Unintech Consulting Engineers, Inc. (MBE), Cobb Fendley & Associates, Inc., Gorondona & Associates, Inc., and Hejl, Lee & Associates, Inc. (MBE), for surveying services for the 2015 Surveying Services Rotation List in an amount of \$2,800,000, for a total contract amount not to exceed \$5,800,000, divided among the fourteen firms. [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 27.57% MBE and 27.19% WBE.]
The motion authorizing negotiation and execution of an amendment to the professional services agreements with MWM Designgroup, Inc., HALFF Associates, Inc., McGray & McGray Land Surveyors, Inc., Surveying and Mapping, LLC, Jacobs Engineering Group, Inc., Landmark Surveying, LP, Jones & Carter, Inc. dba Terra Firma Land Surveying, McKim & Creed, Inc., Landesign Services, Inc., Pape-Dawson Engineers, Inc., Unintech Consulting Engineers, Inc., Cobb Fendley & Associates, Inc., Gorondona & Associates, Inc., and Hejl, Lee & Associates, Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
9. Authorize negotiation and execution of a professional services agreement with the following six staff recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP236: Terracon Consultants, Inc., Raba Kistner Consultants, Inc., HVJ South Central Texas - M&J (DBE/MA), Inc., Kleinfelder, Inc., Rodriguez Engineering Laboratories LLC (DBE/MH), and Fugro USA Land, Inc., for engineering services for the ABIA Construction Materials, Geotechnical and Forensic Engineering Services Rotation List, for an estimated period of four years, or until financial authorization is expended, with the total amount not to exceed \$15,000,000 divided among the six firms. [Note: This contract will be awarded in compliance with the Disadvantaged Business Enterprise (DBE) Program requirements (49 CFR Part 26) by meeting the goals with 13.42% DBE participation.] District(s) Affected: District 2. February 13, 2018 – Recommended by the Airport Advisory Commission on a vote of 8-0-1-1 with Commissioner Watry recusing and Commissioner Maldonado absent.
The motion authorizing negotiation and execution of a professional services agreement with Terracon Consultants, Inc., Raba Kistner Consultants, Inc., HVJ South Central Texas - M&J, Inc., Kleinfelder, Inc., Rodriguez Engineering Laboratories LLC, and Fugro USA Land, Inc. was approved on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
10. Authorize negotiation and execution of an interlocal agreement with the Greater Austin Area Telecommunications Network for space to build and operate a network operations and control center within the Austin Convention Center facility.
The motion authorizing negotiation and execution of an interlocal agreement with the Greater Austin Area Telecommunications Network was approved on consent on Council

Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

11. Approve an ordinance waiving certain development fees in the amount of \$3,429,573 for construction of Phase II of Community First! Village by Mobile Loaves & Fishes.
This item was withdrawn on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
12. Approve an ordinance authorizing acceptance of an additional \$20,000 in grant funds from the State Homeland Security Grant Program and amending the Fiscal Year 2017-2018 Management Services Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$20,000 to purchase radiological detection equipment for the Austin Fire Department.
Ordinance No. 20180215-012 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Item 13 was pulled for discussion.

14. Approve an ordinance waiving up to \$2,805 in Library Department photo/digital scan reproduction and publication fees for Arcadia Press, Inc., in exchange for royalties for use of Austin History Center historical photos.
Ordinance No. 20180215-014 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
15. Approve a resolution to be submitted to the Texas Department of Housing and Community Affairs by Cambrian East Riverside, LP, or an affiliated entity, supporting an allocation of low income housing tax credits for the proposed new construction, multi-family housing development to be called Cambrian East Riverside Apartments, located on East Riverside Drive, between Grove Boulevard and Clubview Drive, and acknowledging that the development will be located in a census tract that has more than 20 percent Housing Tax Credit Units per total households.
District(s) Affected: District 3.
Resolution No. 20180215-015 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Casar was off the dais.
16. Approve an ordinance waiving the annual license fees and appraisal required under City Code Chapter 14-11, for the duration of the initial 25 year term of the temporary license agreement with Austin Pets Alive to provide animal services to the City. District(s) Affected: District 9.
Ordinance No. 20180215-016 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
17. Approve ratification of an amendment to the interlocal with the Texas Department of Public Safety (DPS) for medical oversight of DPS' Division of Emergency Management programs, including but not limited to its First Responder Organization and its Emergency Care Attendant and Tactical Medic Program, to add an additional one year term, for payment by DPS to the City of an amount not to exceed \$19,916.
The motion approving ratification of an amendment to the interlocal with the Texas Department of Public Safety was approved on consent on Council Member Garza's motion,

Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

18. Approve an ordinance amending City Code Chapter 8-5 to give the Director of the Parks and Recreation Department authority to ban commercial boating on, or recreational use of Bull Creek or Barton Creek during floods, or in anticipation of flood conditions, and changing posting requirements for waterway bans.
Ordinance No. 20180215-018 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
19. Discussion and possible action regarding the potential use of identified city-owned sites, to include underutilized parkland, for a Major League Soccer stadium and practice fields/ancillary uses that could serve an MLS team and the surrounding community.
This item was withdrawn on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
20. Approve an ordinance authorizing acceptance of \$27,771 in grant funds from the Capital Area Food Bank; and amending the Fiscal Year 2017-2018 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$27,771 to provide funding for the Kid's Café meal program. District(s) Affected: District 1, District 2, District 3.
Ordinance No. 20180215-020 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
21. Approve an ordinance authorizing acceptance of \$49,368 in grant funds from the Capital Area Metropolitan Planning Organization; and amending the Fiscal Year 2017-2018 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$49,368 to provide funding for the Enhanced Mobility of Seniors and Individuals with Disabilities Project.
Ordinance No. 20180215-021 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
22. Approve an ordinance authorizing acceptance of \$43,200 in grant funds from the United States Department of the Interior, Historic Preservation Fund's Underrepresented Communities Grant Program and amending the Fiscal Year 2017-2018 Planning and Zoning Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$43,200 for the completion of two National Register historic district nominations in East Austin, community outreach around historic preservation, and community heritage events.
Ordinance No. 20180215-022 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
23. Approve an ordinance amending Ordinance No. 20160811-051 and authorize execution of a Restrictive Covenant Correction Affidavit to correct the lot number in the legal description for the property described in zoning case no. C14-2015-0163 and located at 900 West Slaughter Lane. District(s) Affected: District 5.

Ordinance No. 20180215-023 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

24. Authorize negotiation and execution of an interlocal agreement with the University of Texas Steve Hicks School of Social Work, Institute for Domestic Violence and Sexual Assault, in the amount of \$230,000 for research assistance with the City's Sexual Assault Kit Initiative for a 3-year term.
The motion authorizing negotiation and execution of an interlocal agreement with the University of Texas Steve Hicks School of Social Work, Institute for Domestic Violence and Sexual Assault was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
25. Approve an ordinance accepting \$82,200 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division, BG-Rifle-Resistant Body Armor Grant Program; and amending the Fiscal Year 2017-2018 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$82,200 for the Rifle-Resistant Body Armor Project for the 1-year grant period (January 1, 2018 - December 31, 2018).
Ordinance No. 20180215-025 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
26. Approve a resolution authorizing the acceptance of \$82,200 in grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department Rifle-Resistant Body Armor Project.
Resolution No. 20180215-026 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
27. Authorize negotiation and execution of an interlocal agreement with Travis County for operation of a central booking facility and related services for an initial term of 12 months with up to four optional annual extensions, in a total amount not to exceed \$36,483,023.
The motion authorizing negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Casar was off the dais.
28. Authorize negotiation and execution of Amendment No. 5 to the agreement with Worksource Greater Austin Area Workforce Development Board, dba Workforce Solutions - Capital Area Workforce Board to increase funding for workforce development and education services in an amount not to exceed \$67,963 for the 37-month term ending September 30, 2018, and increase funding for the three extension options in an amount not to exceed \$67,963 per extension option, for a total agreement amount not to exceed \$16,576,900.
This item was postponed to May 10, 2018 on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
29. Authorize negotiation and execution of Amendment No. 3 to the interlocal agreement with Austin Community College to increase funding for childcare quality improvement services in an amount not to exceed \$1,247 for the 12-month period ending September 30, 2018, and increase funding

for the three remaining 12-month extension options in an amount not to exceed \$1,247 per extension option, for a total agreement amount not to exceed \$254,393.

The motion authorizing negotiation and execution of amendment number three to the interlocal agreement with Austin Community College was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

30. Approve an ordinance amending the Fiscal Year 2017-2018 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 201709013-001) to add five full-time equivalent grant positions for the 1115 Medicaid Waiver program.
Ordinance No. 20180215-030 was approved on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
31. Approve an ordinance authorizing acceptance of \$131,981 in grant funds from the U.S. Department of Health and Human Services, Health Resources and Services Administration, and amending the Fiscal Year 2017-2018 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20170913-001) to appropriate \$131,981 for the Ryan White HIV/AIDS Treatment Program that provides medical and supportive services to people with the human immunodeficiency virus.
Ordinance No. 20180215-031 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
32. Authorize negotiation and execution of Amendment No. 2 to an interlocal agreement with the Texas Department of State Health Services to purchase human immunodeficiency virus medication for eligible clients as part of the Ryan White HIV/AIDS Treatment Program, for a seven-month term from January 1, 2018 through July 31, 2018 for a contract amount not to exceed \$400,000 with two twelve-month renewal options in an amount not to exceed \$400,000 per renewal option, for a total contract amount not to exceed \$1,200,000.
The motion authorizing negotiation and execution of amendment number two to an interlocal agreement with the Texas Department of State Health Services was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
33. Authorize negotiation and execution of Amendment No. 4 to the interlocal agreement with Worksource Greater Austin Area Workforce Board dba Workforce Solutions - Capital Area Workforce Board to increase funding for the provision of early childhood services in an amount not to exceed \$22,728 for a 12-month period ending September 30, 2018, and increase funding for the three remaining 12-month extension options in an amount not to exceed \$22,728 per extension option, for a total agreement amount not to exceed \$4,636,482.
The motion authorizing negotiation and execution of amendment number four to the interlocal agreement with Worksource Greater Austin Area Workforce Board doing business as Workforce Solutions - Capital Area Workforce Board was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Casar was off the dais.
34. Authorize negotiation and execution of Amendment No. 6 to the interlocal agreement with Austin Independent School District to increase funding for mentoring services in an amount not to exceed \$407 for the 12-month period ending September 30, 2018, and increase funding for the three 12-month extension options in an amount not to exceed \$407 per extension option, for a total agreement amount not to exceed \$98,858.

The motion authorizing negotiation and execution of amendment number six to the interlocal agreement with Austin Independent School District was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

35. Authorize the negotiation and execution of Amendment No. 2 to a contract with AIDS Services of Austin, Inc., to increase funding for the provision of HIV services in an amount not to exceed \$150,831, for a revised current 12-month term amount not to exceed \$1,613,715 and a revised total contract amount not to exceed \$4,841,145.

The motion authorizing the negotiation and execution of amendment number two to a contract with AIDS Services of Austin, Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 9-0 vote. Council Member Troxclair abstained. Council Member Casar was off the dais.

36. Authorize negotiation and execution of Amendment No. 7 to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center dba Integral Care to increase funding for community collaboration and reporting through the Community Advancement Network in an amount not to exceed \$2,458 for the 12-month period beginning October 1, 2017, and increase funding for the two remaining extension options in an amount not to exceed \$2,458 per extension option, for a total agreement amount not to exceed \$587,545.

The motion authorizing negotiation and execution of amendment number seven to the interlocal agreement with Austin Travis County Mental Health Retardation Center doing business as Integral Care was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Item 37 was pulled for discussion.

38. Authorize negotiation and execution of multi-term contracts through the General Services Administration, Houston-Galveston Area Council, National Joint Powers Alliance, Texas Association of School Boards, and Texas Multiple Award Schedule cooperative purchase programs with Caldwell Country Chevrolet, Chastang Enterprises, Inc., Cooper Equipment Co., Inc., Creative Bus Sales, Inc., Doggett Freightliner of South Texas, LLC, RDO Equipment Co., Santex Truck Center, LTD., Siddens-Martin Emergency Group, LLC, Silsbee Ford, Inc., and various other contractors, to provide vehicles and equipment, each for up to three years for total contract amounts not to exceed a total of \$128,330,000 divided among the contractors. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing negotiation and execution of multi-term contracts through the General Services Administration, Houston-Galveston Area Council, National Joint Powers Alliance, Texas Association of School Boards, and Texas Multiple Award Schedule cooperative purchase programs with Caldwell Country Chevrolet, Chastang Enterprises, Inc., Cooper Equipment Co., Inc., Creative Bus Sales, Inc., Doggett Freightliner of South Texas, LLC, RDO Equipment Co., Santex Truck Center, LTD., Siddens-Martin Emergency Group, LLC, Silsbee Ford, Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Casar was off the dais.

39. Authorize award and execution of a multi-term contract with Priester-Mell & Nicholson Inc., to provide backfill polyurethane foam kits, for up to five years for a total contract amount not to exceed \$446,735. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).
The motion authorizing award and execution of a multi-term contract with Priester-Mell & Nicholson Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
40. Authorize negotiation and execution of a multi-term contract with Resource Action Programs Inc., or one of the other qualified offerors to Request For Proposals 1100 RMJ0313 REBID, to develop a school-based energy conservation program, for up to five years for a total contract amount not to exceed \$1,000,000. (Note: This solicitation was reviewed in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The recommended contractor provided sufficient evidence of Good Faith Efforts and the resulting contract will include 6.00% WBE participation).
The motion authorizing negotiation and execution of a multi-term contract with Resource Action Programs Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Casar was off the dais.
41. Authorize ratification of a contract with Knox Associates Inc., to provide the purchase of lock boxes, keys, and related equipment and services, in an amount not to exceed \$300,000. (Note: Public Health and Safety contracts are exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).
The motion authorizing ratification of a contract with Knox Associates Inc. was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Item 42 was pulled for discussion.

43. Authorize an amendment to an existing contract with Sorenson Forensics, LLC, to provide continued services for the sexual assault backlog elimination program, for an increase in an amount of \$220,250 and to increase the term by six months, for a revised contract amount not to exceed \$1,450,250. (Note: This contract was awarded in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. There were insufficient subcontracting opportunities and an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established).
The motion authorizing an amendment to an existing contract with Sorenson Forensics, LLC was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Item 44 was pulled for discussion.

45. Approve an ordinance waiving or reimbursing certain fees for the Annual Friendship and Dialogue Dinner event sponsored by the Dialogue Institute to be held Thursday, March 1, 2018 at the Asian American Resource Center. Council Sponsors: Mayor Steve Adler, Council Member

Jimmy Flannigan, Council Member Leslie Pool, Mayor Pro Tem Kathie Tovo, Council Member Ora Houston.

Ordinance No. 20180215-045 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Direction was given to staff without objection to include an additional \$100 towards the fee waiver by Council Member Alter.

46. Approve the waiver or reimbursement of certain fees and requirements for the Centex Open Karate Championship event sponsored by New Era Martial Arts to be held Saturday, April 14, 2018 at the Gus Garcia Recreation Center. Council Sponsors: Mayor Steve Adler, Council Member Leslie Pool, Council Member Gregorio Casar, Council Member Sabino 'Pio' Renteria.
The motion approving the waiver or reimbursement of certain fees and requirements for the Centex Open Karate Championship was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Item 47 was pulled for discussion.

48. Approve a resolution directing the City Manager to identify sites for the relocation of the Austin Municipal Court and Downtown Austin Community Court. Council Sponsors: Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Gregorio Casar, Council Member Leslie Pool.
Resolution No. 20180215-048 was approved on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Items 49 and 50 were pulled for discussion.

51. Approve a resolution directing the City Manager to analyze City resources and develop next step strategies to enhance stability, preservation, and creation of creative arts cultural spaces throughout the city. Council Sponsors: Council Member Ann Kitchen, Mayor Steve Adler, Council Member Leslie Pool, Council Member Alison Alter.
This item was withdrawn on consent on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
52. Approve a resolution concerning the appointment of executive level employees in the City of Austin. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Alison Alter, Council Member Delia Garza, Council Member Ora Houston.
Resolution No. 20180215-052 was approved on consent with the following amendment on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

A friendly amendment was made by Mayor Pro Tem Tovo and accepted without objection to revise the last Be It Further Resolved clause to read: "The City Manager is directed to review the City's process for appointing executive level employees and make any process changes the City Manager deems appropriate to bring the City's practices in line with best practices. Council recommends that City Manager use City resources such as that Equity Office and Human Resource Department to assist with the review."

Items 53 through 54 were pulled for discussion.

55. Set a public hearing to consider an ordinance amending the Regulating Plan for the Plaza Saltillo Transit Oriented Development Station Area Plan to amend provisions regarding an additional density bonus program applicable to 1409 and 1411 East 4th Street. (Suggested date and time, March 8, 2018, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). District(s) Affected: District 3.
The public hearing was set on consent for March 8, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
56. Set a public hearing to be conducted in accordance with Texas Parks and Wildlife Code Section 26.001, et seq., to consider a resolution authorizing a change in use of dedicated parkland for an approximately 49,184 square feet permanent wastewater line and approximately 22,024 square feet temporary staging area, to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Southland Oaks Waste Water Improvements Project through dedicated parkland known as Bauerle Ranch at Slaughter Creek Greenbelt. (Suggested date and time: March 22, 2018 at 4:00 p.m., Austin City Hall, Council Chambers, 301 West Second Street, Austin, TX). District(s) Affected: District 5.
The public hearing was set on consent for March 22, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.
81. Approve an ordinance amending Ordinance No. 20171214-019 relating to specialized functions, certifications, assignments, and additional pay, and authorizing vacation accumulation leave for emergency medical services personnel employed by the Austin-Travis County Emergency Medical Services Department; and declaring an emergency.
Ordinance No. 20180215-081 was approved on Council Member Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Casar was off the dais.

Item 82 was pulled for discussion.

DISCUSSION ITEMS

47. Approve an ordinance renaming Franklin Neighborhood Park for Pastor Edward Clarence Craig, Jr. and waiving certain provisions of City Code Chapter 14-1 relating to the renaming of parkland. Council Sponsors: Council Member Delia Garza, Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Council Member Ora Houston. District(s) Affected: District 2.
Ordinance No. 20180215-047 was approved on Council Member Garza's motion, Mayor Adler's second on a 10-0 vote. Council Member Casar was off the dais.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 11:20 a.m. See separate minutes.

59. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene.

Mayor Adler called the Council Meeting back to order at 11:25 a.m.

DISCUSSION ITEMS CONTINUED

37. Authorize negotiation and execution of an agreement with Latino Healthcare Forum for community health and senior services in the Rundberg area in an amount not to exceed \$120,000 for the 12-month period beginning February 1, 2018.

The motion authorizing negotiation and execution of an agreement with Latino Healthcare Forum was approved on Council Member Houston's motion, Council Member Renteria's second on a 9-0 vote. Council Members Alter and Troxclair abstained.

Items 57 and 58 were acted on in a combined motion.

57. Approve a resolution authorizing the filing of eminent domain proceedings for the Bluff Springs Substation Project for the fee acquisition of approximately 10.447 acres, (455,086 square feet) of land in the Santiago Del Valle Grant Abstract Number 24, Travis County, Texas, being out of and a portion of the remainder of that called 166.598 acres of land as described to George W. Brewer in that certain partition deed as recorded in Volume 9106, Page 615, Real Property Records Travis County, Texas, in the amount of \$1,190,000, for the public use of an electric substation. The owners of the needed property interest are Billie Jo Figer, Michael G. Figer, Donald K. Figer, Betsy A. Lambeth, Keith H. Harmon and Bonnie G. Harmon as trustees of the Harmon Family Trust. The property is located within Austin's 2-mile extraterritorial jurisdiction (ETJ) between Council Districts 2 and 5, at 1101 East Slaughter Lane, Austin, Texas 78747. The public use necessitating this acquisition is the construction of a transmission/distribution substation. The general route covered by this project abut East Slaughter Lane, Austin Energy's existing Circuit 988 transmission line, and Onion Creek, just south of Brandt Road, within the Austin 2-Mile ETJ, in Travis County, Texas.

Resolution No. 20180215-057 was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-0 vote. Council Member Houston abstained.

58. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Energy Circuit 975 Phase 2 Project for the acquisition of easement rights consisting of approximately 0.249 acres or 10,833 square feet of land in the Samuel Cushing Survey 70, Abstract Number 164, Travis County, Texas, and being out of and a portion of that called 11.4257 acres of land as described to Grantia, LLC, in that certain warranty deed with vendor's lien and recorded as Document Number 2016055587 in official public records of Travis County, Texas, in the amount of \$23,156. The owner of the needed property interest is Grantia, LLC. The property is located within Austin's 2-mile extraterritorial jurisdiction (ETJ) surrounded by District 1, at 2601 East Howard Lane, Austin, Texas 78653. The public use necessitating this acquisition is for the relocation of a section of the electric transmission and distribution facilities. The general boundary of this project includes the area on the south side of East Howard Lane between Dessau Road and Harris Branch Parkway, approximately one-half mile south of Immanuel Road, within Austin, 2-Mile ETJ, in Travis County, Texas.

Resolution No. 20180215-058 was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-0 vote. Council Member Houston abstained.

44. 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.

Resolution No. 20180215-044 was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Casar was off the dais.

The following appointments and certain waivers was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Casar was off the dais.

Nominations

| <u>Board/Nominee</u> | <u>Nominated by</u> |
|---|---------------------------------|
| <u>African American Resource Advisory Commission</u> Elaina Fowler | Council Member Alter |
| <u>Building and Standards Commission</u> Michael Overton | Council Member Houston |
| <u>Commission for Women</u> Whitney Bulna | Council Member Kitchen |
| <u>Commission on Immigrant Affairs</u> Adrian De La Rosa | Council Member Garza |
| <u>Commission on Seniors</u> Jayant Sheth | Council Member Houston |
| <u>Construction Advisory Committee</u> Bob Batlan | Council Member Renteria |
| <u>Joint Inclusion Committee</u> Krystal Gomez | Commission on Immigrant Affairs |
| <u>Joint Inclusion Committee (alternate)</u> Nasario Jaimes | Commission on Immigrant Affairs |
| <u>Urban Renewal Board</u> Joe Babb | Mayor Adler |
| <u>Urban Renewal Board</u> Parisa Fatehi | Mayor Adler |

Waivers

There are no waivers at this time.

Direction was given to staff to draft an ordinance amending City Code, Section 2-5-102 regarding membership and the appointment process to Council Committees.

50. Approve a resolution relating to residential cooperative purchase policies and the creative financial mechanisms that could be used to support those policies. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Ora Houston, Council Member Gregorio Casar, Council Member Leslie Pool.

Resolution No. 20180215-050 was approved on Mayor Pro Tem Tovo's motion, Council Member Garza's second on a 10-1 vote. Council Member Troxclair voted nay.

Mayor Adler recessed the Council Meeting at 11:53 a.m.

Mayor Adler called the meeting back to order at 12:12 p.m.

CITIZENS COMMUNICATIONS: GENERAL

Gregory Johnson – TBA – **Not Present.**

Will Mack – TBA

Susanne Paul – Speed mitigation in the Jester neighborhood.

Carlos León – 1) God, Jesus & the Holy Spirit rock n' roll; 2) Chemtrail spraying in Austin is an 'Obama'nation; 3) Losing your marbles Vol. IV, part 1.

Phil Ponebshek – Jester HOA Safety Committee.

Carol Phillipson – Speed humps.

Sylvia Mendoza – TBA

Pinaki Ghosh – Morris Williams Golf Course – A future vision.

Susana Almanza – No 20,000 seat Stadium at Roy Guerrero Colorado River Park. Support the 6 point people's plan.

Daniel Llanes – MLS/Guerrero Park.

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:44 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.

60. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn without objection.

61. Discuss the employment, duties, and evaluation of the City Manager (Personnel matters - Section 551.074 of the Government Code).

This item was withdrawn without objection.

62. Discuss legal issues related to the subpoena authority of the Ethics Review Commission and potential amendments to City Code Chapter 2-7 (Ethics and Financial Disclosure) (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn without objection.

The Mayor announced that Council would discuss item 42 on the regular agenda during Executive Session.

42. Authorize negotiation and execution of a contract with Community Technology Network, or the other qualified offeror to Request For Proposals JRH0104, to provide community technology access lab management services, for up to five years for a total contract amount not to exceed \$860,000. (Note: This solicitation 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 solicitation, no subcontracting opportunities were available; therefore, no subcontracting goals were established.) February 14, 2018 – Recommended by the Community Technology and Telecommunications Commission 7-0-1 with one abstention.

Executive Session ended and Mayor Adler called the meeting back to order at 1:58 p.m.

DISCUSSION ITEMS CONTINUED

42. Authorize negotiation and execution of a contract with Community Technology Network, or the other qualified offeror to Request For Proposals JRH0104, to provide community technology access lab management services, for up to five years for a total contract amount not to exceed \$860,000. (Note: This solicitation 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 solicitation, no subcontracting opportunities were available; therefore, no subcontracting goals were established.) February 14, 2018 – Recommended by the Community Technology and Telecommunications Commission 7-0-1 with one abstention.

This item was postponed to March 1, 2018 on Council Member Pool's motion, Council Member Houston's second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Garza, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Flannigan and Troxclair. Council Member Alter was off the dais.

82. Approve a resolution directing the City Manager to analyze and develop next step strategies to enhance stability, preservation, and creation of creative arts cultural spaces throughout the city. Council Sponsors: Council Member Ann Kitchen, Mayor Steve Adler, Council Member Leslie Pool, Council Member Alison Alter.

Resolution No. 20180215-082 was approved on Council Member Kitchen's motion, Council Member Pool's second on an 11-0 vote.

53. Approve an ordinance establishing specialized functions, certifications, assignments and additional pay for the sworn police personnel employed in the City of Austin Police Department; and repealing Ordinance No. 980212-K in part. Council Sponsors: Council Member Alison Alter,

Council Member Jimmy Flannigan, Council Member Ellen Troxclair, Council Member Ann Kitchen, Council Member Ora Houston.

A motion to approve the ordinance was made by Council Member Alter and seconded by Council Member Houston.

An amendment to include the following additional allowances was made by Council Member Garza and seconded by Council Member Renteria. The amendments were:

- to reinstate longevity pay in the amount of \$107 per year from the \$48 per year;
- to reinstate the field officer training pay in the amount of \$175 per month from the \$1 per hour rate;
- to reinstate the clothing allowance in the amount of \$500 per year.

A motion was made by Council Member Flannigan and seconded by Council Member Kitchen to revise the amendment by striking the reinstatement of the longevity pay in the amount of \$107 per year and the field officer training in the amount of \$175 per month, leaving those incentive pay amounts at the approved amount under state law.

A motion to divide the question was made by Mayor Adler and accepted without objection.

The motion striking the reinstatement of the longevity pay of \$107 per year was approved on Council Member Flannigan's motion, Council Member Kitchen's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Alter, Casar, Flannigan, Houston, Kitchen and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Garza, Pool and Renteria.

The motion striking the reinstatement of the field officer training pay in the amount of \$175 per month was approved on Council Member Flannigan's motion, Council Member Kitchen's second on a 6-5 vote. Those voting aye were: Council Members Alter, Casar, Flannigan, Houston, Kitchen and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Garza, Pool and Renteria.

A motion to revise Part 5 by revising the expiration date from May 24, 2018 to September 30, 2018 was made by Council Member Pool and seconded by Council Member Garza. The motion was later withdrawn.

A motion to declare an emergency for health and safety reasons and revise the effective date to February 18, 2018 was accepted without objection.

Ordinance No. 20180215-053 was approved as amended above on Council Member Alter's motion, Council Member Houston's second on a 10-1 vote. Council Member Casar voted nay.

54. Approve a resolution directing the City Manager to engage in labor negotiations with the Austin Police Association. Council Sponsors: Council Member Alison Alter, Council Member Jimmy Flannigan, Council Member Ellen Troxclair, Council Member Ora Houston, Council Member Ann Kitchen.

This item was withdrawn without objection.

13. Approve an ordinance on third reading authorizing execution of the first amendment to a settlement agreement relating to the development of property located at 6409 City Park Road (Champion Tract); amending Ordinance No. 960613-J; modifying provisions of the Lake Austin

Watershed regulations in Ordinance No. 840301-F; and modifying provisions of the Hill Country Roadway regulations in City Code Chapter 25-2.

Ordinance No. 20180215-013 was approved on Council Member Garza's motion, Council Member Renteria's second on a 6-5 vote. Those voting aye were: Mayor Adler, Council Member Casar, Flannigan, Garza, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston, Kitchen and Pool.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

63. NPA-2017-0016.01.SH - Springdale Arts- District 3 - Approve second and third readings of an ordinance amending approve 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 3524, 3528, and 3532 Gonzales Street (Boggy Creek Watershed) from Single Family to Mixed Use land use. First Reading approved on February 1, 2018. Vote: 10-1. Owner. Owner/Applicant: Anmol Mehra. Agent: South Llano Strategies (Glen Coleman). City Staff: Maureen Meredith, (512) 974-2695 District(s) Affected: District 3.
Ordinance No. 20180215-063 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.
64. C14-2017-0090.SH Springdale Arts- District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 3524, 3528, and 3532 Gonzales Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial services-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. First Reading approved on February 1, 2018. Vote: 10-1. Owner/Applicant: Anmol Mehra. Agent: South Llano Strategies (Glen Coleman). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.
Ordinance No. 20180215-064 for community commercial services-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.
65. NPA-2017-0016.03 - 3232 & 3306 E. Cesar Chavez Street - District 3 - Conduct a public hearing and approve 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 3232 & 3306 E. Cesar Chavez Street (Colorado River Watershed) from Commercial to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 27, 2018. Owner/Applicant: The Betty Sue Kurtz Trust and The Thelma Ann Zirkelbach Trust. Agent: Husch Blackwell, LLP (Stacey L. Milazzo). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.
This item was postponed to March 22, 2018 at the request of staff on Council Member Garza's motion, Council Member Renteria's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Alter was off the dais.
66. NPA-2017-0016.02 - Flats on Shady - District 3 - Conduct a public hearing and approve 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 1125 Shady Lane (Boggy Creek Watershed) from Single Family to Multifamily land use. Staff

Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To be reviewed on February 27, 2018. Owner/Applicant: Otto Friedrich Jr. Estate. Agent: Drenner Group (Amanda Swor). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

This item was postponed to March 22, 2018 at the request of staff on Council Member Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

71. C14-2017-0050 - 1501 Airport Commerce Drive - District 3 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1501 Airport Commerce Drive (Carson Creek Watershed). Applicant Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay- neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay- neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Owner/Applicant: W2 Hill ACP II LP/Simmons Vedder (Steven Freche). Agent: Thrower Design (Ron Thrower). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 3.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20180215-071 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

72. C14-2017-0051 -Waters Park Commercial - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12219, 12219 ½ and 12221 Waters Park Road (Walnut Creek Watershed). Applicant Request: To rezone from rural residence (RR) district zoning, limited office (LO) district zoning and general office (GO) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on February 6, 2018. Owner/Applicant: Bar Czar, LLC (Matias Segura III). Agent: South Llano Strategies (Glen Coleman). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

This item was postponed to March 8, 2018 at the request of staff on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

73. C14-2017-0084 - 6507 E. Riverside - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6505, 6507. 6509 E. Riverside Drive and 2108 Thrasher Lane (Carson Creek Watershed). Applicant Request: To rezone from East Riverside Corridor - neighborhood residential (ERC-NR) district zoning to East Riverside Corridor - corridor mixed use (ERC-CMU) district zoning. Staff Recommendation: To grant East Riverside Corridor - corridor mixed use (ERC-CMU) district zoning. Planning Commission Recommendation: To grant East Riverside Corridor - corridor mixed use (ERC-CMU) district zoning for a portion of the requested area. Owner/Applicant: TLH Riverside 6507

MF-1, LP (David Cox). Agent: Armbrust & Brown, PLLC (Michael Whellan). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 3.

This item was postponed to March 22, 2018 at the request of the applicant on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

74. C14-2017-0116 - Texas Health and Science University Library and Dormitory - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4004 Valley View Road (West Bouldin Creek Watershed). Applicant Request: from family residence (SF-3) district zoning to limited office - mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office - mixed use (LO-MU) combining district zoning. Planning Commission Recommendation: To grant limited office - mixed use (LO-MU) combining district zoning. Owner/Applicant: Lisa and Paul Lin. Agent: Landanswers (Jim Wittliff). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 5.

This item was postponed to April 12, 2018 at the request of the applicant on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

75. C14-2017-0123 - South Chisholm Professional Offices - District 5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9401 South Chisholm Trail (Slaughter Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 6, 2018. Owner/Applicant: Mario Solis. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 5.

This item was postponed to March 8, 2018 at the request of staff on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

76. C14-2016-0136 - Broadmoor - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11501 Burnet Road (Walnut Creek Watershed). Applicant Request: To rezone from north burnet/gateway-commercial mixed use-neighborhood plan combining (NBG-CMU-NP) district zoning to north burnet/gateway-transit oriented development-gateway zone-neighborhood plan combining (NBG-TOD-NP) district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 27, 2018. Owner/Applicant: Brandywine Austin, LLC (Leon Shadowen). Agent: Drenner Group, PC (Dave Anderson). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

This item was postponed to March 8, 2018 at the request of staff on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

78. C14H-2017-0119 - Stolle-Westling-Lewis-Sweatt House - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1209 E. 12th Street, from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-

neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Dan Niendorff, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 974-6454. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20180215-078 for family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was approved on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

79. C14-2017-0067 - Champion Tract 1C - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6500 FM 2222 Road (West Bull Creek Watershed). Applicant Request: To rezone from neighborhood commercial- conditional overlay (LR-CO) combining district zoning to general commercial services- conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services- conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Champion, Meier Assets, Ltd. (Terry Bray). Agent: Ambrust & Brown, L.L.P (Richard T. Suttle, Jr.). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 10.

This item was postponed to March 1, 2018 at the request of the neighborhood on Council Member Garza's motion, Council Member Renteria's second on a 10-0 vote. Council Member Alter was off the dais.

PUBLIC HEARINGS

80. Conduct a public hearing and consider an ordinance adopting local standards of care for the City of Austin Parks and Recreation Department's Youth Programs.

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

Ordinance No. 20180215-080 was approved on Council Member Houston's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Alter was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

67. NPA-2017-0002.01 - 4 East - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 19990513-70 the East Cesar Chavez Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1600, 1602, 1604, 1606, 1608, 1610 E. 4th (Town Lake Watershed) from Specific Regulating District to Specific Regulating District land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner: CC Third and Comal, LP and Tocayo Investments GP, LLC (Robert Gandy). Agent: Ambrust &

Brown, PLLC (Michael Whellan). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

The item was postponed to March 8, 2018 at the request of Council on Council Member Renteria's motion, Council Member Houston's second on a 10-0 vote. Council Member Casar was off the dais.

68. C14-2017-0105 - 4 East - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 1600, 1602, 1604, 1606, 1608, and 1610 East 4th Street (Lady Bird Lake Watershed). Applicant Request: To rezone 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, with conditions. Planning Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner: Tocayo Investments GP, LLC & CC Third and Comal, LP (Robert Gandy IV). Applicant: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Heather Chaffin, 512- 974-2122. District(s) Affected: District 3.

The item was postponed to March 8, 2018 at the request of Council on Council Member Renteria's motion, Council Member Houston's second on a 10-0 vote. Council Member Casar was off the dais.

69. NPA-2017-0015.03 - Jackie Robinson Street - District 1 -Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 the East MLK 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 a property locally known as 1321 Delano St. and 5600 Jackie Robinson Street (Fort Branch Watershed) from Single Family and Mixed Residential to Higher Density Single Family land use. Staff Recommendation: To grant High Density Single Family land use. Planning Commission Recommendation: To grant High Density Single Family land use. Owner: Evangelo Sgarbi. Applicant: Land Answers, Inc. (Jim Wittliff). City Staff: Debora Gonzalez, 512-974-7973 and Jesse Gutierrez, 512- 974-1606 District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20180215-069 to change the future land use map (FLUM) to Higher Density Single Family land use was approved on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

70. C14-2017-0097 - Jackie Robinson Residential - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1321 Delano Street and 5600 Jackie Robinson Street (Fort Branch Watershed). Applicant Request: To rezone from family residence- neighborhood plan (SF-3-NP) combining district zoning to townhouse & condominium- neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse & condominium- neighborhood plan (SF-6-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse & condominium-conditional overlay- neighborhood plan (SF-6-CO-NP) combining district zoning. Owner: Evangelo Sgarbi Applicant: Land Answers, Inc. (Jim Wittliff). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance for townhouse and condominium-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning was made by Council Member Houston and seconded by Council Member Pool.

A motion to amend the ordinance to remove the restriction of 62 units failed on Council Member Flannigan's motion, Council Member Casar's second on a 3-8 vote. Those voting aye were: Council Members Flannigan, Casar, and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, and Council Members Alter, Garza, Houston, Kitchen, Pool, and Renteria.

Ordinance No. 20180215-070 was approved on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

77. C14-2017-0147 - Daisy Drive Rezoning - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2401 and 2405 Daisy Drive (Walnut Creek Watershed). Applicant Request: To rezone from general commercial services (CS) district zoning to general commercial services-mixed use combining (CS-MU) district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay combining (CS-MU-CO) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay combining (CS-MU-CO) district zoning. Owner/Applicant: Guadalupe and Glafira M. Gonzales. Agent: Moreno Consultants (Candy Moreno). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20180215-077 for general commercial services-mixed use-conditional overlay combining (CS-MU-CO) district zoning was approved with the amendment listed below on Council Member Pool's motion, Council Member Houston's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Casar was off the dais.

The amendment to allow one unit per lot was accepted without objection.

Mayor Adler recessed the meeting at 5:36 p.m.

LIVE MUSIC

Croy and the Boys

PROCLAMATIONS

Proclamation- Austin Energy Science Festival Day – To be presented by Mayor Steve Adler and to be accepted by Jackie Sargent, General Manager, Austin Energy.

Proclamation- Teen Dating Violence Awareness Day - To be presented by Council Member Alison.

Proclamation- Rotary Arbor Day - To be presented by Mayor Steve Adler and to be accepted by Gene Holiman, District Governor, Rotary District 5870.

Proclamation- National Wear Red Day - To be presented by Mayor Pro Tem Kathie Tovo.

Distinguished Service Award- David Potter Day - To be presented by Mayor Steve Adler and to be accepted by the honoree.

Mayor Adler reconvened the meeting at 7:19 p.m.

AFTER 10:00 P.M.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Garza's motion, Council Member Renteria second on a 9-0 vote. Council Members Alter and Pool were off the dais.

DISCUSSION ITEMS CONTINUED

49. Approve an ordinance establishing earned sick time for private employers, creating a civil penalty, and creating an offense. Council Sponsors: Council Member Gregorio Casar, Council Member Ann Kitchen, Council Member Delia Garza, Mayor Pro Tem Kathie Tovo.

A motion to approve the ordinance with the following amendments was made by Council Member Casar and seconded by Mayor Pro Tem Tovo. The amendments were:

To revise Section 4-19-1(C) to read "Employee means an individual who performs at least 80 hours of work for pay within the City of Austin in a calendar year for an employer, including work performed through the services of a temporary or employment agency. "Employee" does not include an individual who is an independent contractor according to 40 Tex. Admin. Code § 821.5. "Employee" does not include unpaid interns."

To revise Section 4-19-1(D)(4) to read "a political subdivision of the state, or other agency that cannot legally be regulated by City ordinance."

To add a new Section 4-19-1(F) to read "Medium or Large Employer is an employer with more than 15 employees at any time in the preceding 12 months, excluding family members."

To add a new Section 4-19-1(G) to read "Predecessor means an employer that employs at least one individual covered by this Chapter, and for which a controlling interest in such employer or a recognized division of such employer is acquired by a successor."

To add a new Section 4-19-1(H) to read "Small Employer is an employer with no more than 15 employees at any time in the preceding 12 months, excluding family members."

To add a new Section 4-19-1(I) to read "Successor means an employer that acquires a controlling interest in a predecessor or a controlling interest in a recognized division of a predecessor."

To revise Section 4-19-2 (A) to read "An employer shall grant an employee one hour of earned sick time for every 30 hours worked for the employer in the City of Austin. Earned sick time shall accrue only in hour-unit increments. There shall be no accrual of a fraction of an hour of earned sick time."

To revise Section 4-19-2(C) to read "Earned sick time shall be available for an employee to use in accord with this Chapter as soon as it is accrued. Provided, that an employer may restrict an employee from using earned sick time during the employee's first 60 days of employment if the employer establishes that the employee's term of employment is at least one year."

To revise Section 4-19-2(D)(3) to read "the employee's need to seek medical attention, seek relocation, obtained services of a victim services organization, or participate in legal or

court ordered action related to an incident of victimization from domestic abuse, sexual assault, or stalking involving the employee or employee's family member.”

To revise Section 4-19-2(F) to read “An employer shall provide earned sick time for an employee's absence from the employee's scheduled work time if the employee has available earned sick time and makes a timely request for use of earned sick time before their scheduled work time. An employer may not prevent an employee from using earned sick time for an unforeseeable qualified absence as established in Subsection (D).”

To revise Section 4-19-2(G) to read “This Chapter does not require an employer to provide more than a yearly cap of earned sick time to an employee in a calendar year. This Chapter does not require an employer to allow an employee to accrue more than the yearly cap of earned sick time. All available earned sick time up to the yearly cap of earned sick time shall be carried over to the following year. An employer may inform an employee that leave requested in excess of the employee's available earned sick time will not be paid.

(1) For a medium or large employer the yearly cap of earned sick time is 64 hours of earned sick time.

(2) For a small employer the yearly cap of earned sick time is 48 hours of earned sick time.”

To add a new Section 4-19-2(H) and renumber remaining items to read “All available earned sick time up to the yearly cap of earned sick time shall be carried over to the following year. Provided, that an employer that makes at least the yearly cap of earned sick time available to an employee at the beginning of the year under the purpose and usage requirements of this Chapter shall not be required to carry over earned sick time under this Chapter for that year.”

To add a new Section 4-19-2(I) to read “This Chapter does not require any employer to allow an employee to utilize earned sick time on more than 8 calendar days in a given calendar year.”

To revise Section 4-19-2(K) to read “On no less than a monthly basis, an employer shall provide electronically or in writing to each employee a statement showing the amount of the employee's available earned sick time. For the period required for maintenance of records under Title 29, Section 516(a), Code of Federal Regulations, an employer shall maintain records establishing the amount of earned sick time accrued and used by each covered employee. This section does not create a new requirement for certified payroll.”

To add a new Section 4-19-2(L) to read “An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this chapter.”

To add a new Section 4-19-2(P) to read “A written contract between an employer and a labor organization made pursuant to 29 U.S.C. Section 158d may modify the yearly cap of earned sick time for the employees covered by the contract if the yearly cap is explicitly modified in the contract.”

To add a new Section 4-19-2(Q) to read “A successor must provide to an employee who was employed by a predecessor at the time of an acquisition and hired by the successor at the time of the acquisition all earned sick time available to the employee immediately before the acquisition.”

To add a new Section 4-19-3 and renumber remaining sections to read: §4-19-3. No Change To More Generous Earned Sick Time Policies

(A) An employer may provide paid leave benefits that exceed the requirements of this Chapter. This Chapter does not require an employer who makes paid time off available to an employee under conditions that meet the accrual, purpose, and usage requirements of this Chapter to provide additional earned sick time to the employee.

(B) This Chapter does not require an employer to provide additional earned sick time to an employee if the employee has used paid time off that meets the requirements of this chapter for a purpose not specified in Section 2-D of this Chapter.

(C) This Chapter does not prohibit an employer from granting earned sick time to an employee prior to accrual by the employee.

(D) This Chapter does not prohibit an employer from permitting an employee to donate unused accrued earned sick time to another employee.

(E) This Chapter does not prohibit an employer from establishing a policy whereby employees may voluntarily exchange hours or trade shifts, a policy whereby employees may donate unused accrued earned sick time to another employee, or an incentive program whereby employees are incentivized to exchange hours or trade shifts.”

To revise Section 4-19-7 (A) to read “The director of the EEO/FHO may subpoena information relevant during the investigation of a complaint under this Chapter. Relevant information includes, and is limited to, only the information necessary to determine whether a violation of the Earned Sick Time ordinance has occurred. This section is not creating a new requirement for certified payroll. A subpoena shall:...”

To add a new Section 4-19-8 to read: “§4-19-8. Annual Report.

(A) Beginning in 2019, and each year thereafter, the EEO/FHO shall provide by October 1st a written report to the City Council regarding this chapter. The report shall include, but not be limited to, a discussion of the implementation and enforcement of this Chapter, including the number and nature of violations, specific violations, industries and occupations with high rates of violations, penalties assessed in the prior year, and the impact on businesses and employees. The report shall also include recommendations for possible improvements to this chapter.”

To add a new Part 3 and renumber remaining parts to read: “Part 3. For a violation of Chapter 4-19 that occurs after the effective date of this ordinance, but before June 1, 2019, the EEO/FHO shall issue a notice to the employer that a civil penalty may be assessed for a violation that occurs at any time after June 1, 2019, except that a civil penalty under 4-19-5 (Retaliation) may be assessed for a violation at any time after the effective date.”

To add a new Part 5 to read: “Part 5. For an employer with no more than 5 employees at any time in the preceding 12 months, excluding family members, this ordinance is not effective until October 1, 2020.”

An amendment to add a new Part 6 and revise Part 7 was made by Council Member Alter and seconded by Council Member Houston. The amend was to add a new Part 6 to read “For an employer recognized by the Internal Revenue Service as a tax-exempt 501 (C)(3) organization, this ordinance is not effective until October 1, 2019.” To revise Part 7 to read

“Except as provided in Part 3, Part 4, Part 5, and Part 6 this ordinance takes effect on October 1, 2018.” The motion failed on a vote of 4-7. Those voting aye were: Council Members Alter, Houston, Pool and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Flannigan, Garza, Kitchen, and Renteria.

An amendment to revise Section 4-19-4(A) to read “An employer shall display a sign describing the requirements of this Chapter in all appropriate languages in a ...” was made by Council Member Houston and seconded by Council Member Flannigan. The motion was accepted without objection.

Ordinance No. 20180215-049 was approved as amended above on Council Member Casar’s motion, Mayor Pro Tem Tovo’s second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Garza, Kitchen, Pool and Renteria. Those voting nay were: Council Members Houston and Troxclair.

Mayor Adler adjourned the meeting at 12:41 a.m. without objection.

The minutes were approved on this the 1st day of March 2018 on Council Member Alter’s motion, Council Member Garza’s second on an 11-0 vote.