



## AUSTIN CITY COUNCIL MINUTES

REGULAR MEETING  
THURSDAY, APRIL 26, 2018

**Invocation:** Pastor Bill Clark, Westminster Presbyterian 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, April 26, 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. Council Member Troxclair was absent.

### CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of April 10, 2018, and regular meeting of April 12, 2018.  
**The motion approving the minutes of the City Council work session of April 10, 2018 and regular meeting of April 12, 2018 were approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
2. Authorize the negotiation and execution of an agreement with the River Place Golf Group, LP, regarding the provision of service to the River Place Golf Course, and the conveyance of a raw water system and treated wastewater effluent pond to the River Place Golf Group, LP.  
**This item was withdrawn on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
3. Approve Service Extension Request No. 4125 for wastewater service to 1100, 1101, 1102, 1200, 1201, 1205, 1206, 1208, 1209 and 1300 Silver Hill Drive, 3600, 3601, 3603, 3605, 3608 and 3610 Silver Hill Circle, 3608, 3609, 3610, 3612, 3614, 3700 and 3701 Moon River Road, 1201, 1202, 1300, 1302, 1303 and 1304 Pasaguarda Drive, and 1303 Constant Springs Drive located within the Drinking Water Protection Zone, the City's 2-mile Extra-Territorial Jurisdiction and Austin Water's wastewater service area.  
**The motion approving the service extension request number 4125 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
4. Authorize negotiation and execution of an amendment to the professional services agreement with Energy Engineering Assoc., Inc. dba EEA Consulting Engineers, for additional engineering

services for the Downtown District Cooling Plant #3 project in the amount of \$1,513,396.13, using existing funds and authorizing an additional \$951,720 for a total contract amount not to exceed \$4,951,720. [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 30.65% MBE and 11.57% WBE.] District(s) Affected: District 9.

**The motion authorizing negotiation and execution of an amendment to the professional services agreement with Energy Engineering Assoc., Inc. doing business as EEA Consulting Engineers was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

5. Authorize award and execution of a construction contract with Flintco, LLC, for Austin Energy's District Cooling Plant #3 project, in the amount of \$44,575,309 plus a \$4,457,530 contingency, for a total contract amount not to exceed \$49,032,839. [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 5.49% MBE and 2.75% WBE participation.] District(s) Affected: District 9.

**The motion authorizing award and execution of a construction contract with Flintco, LLC was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

6. Authorize negotiation and execution of a professional services agreement with Page Southerland Page (staff recommendation) or one of the other qualified responders to Request for Qualifications Solicitation No. CLMP237 to provide architectural services for the new Information Technology Building in amount not to exceed \$2,500,000. [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 10.00% DBE participation.] District(s) Affected: District 2.

**The motion authorizing negotiation and execution of a professional services agreement with Page Southerland Page was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

7. Authorize negotiation and execution of a professional services agreement with the following four staff recommended firms, or other qualified responders, to Request for Qualifications Solicitation No. CLMP238: HDR Engineering, Inc; Geosyntec Consultants, Inc; Stantec Consulting Services Inc; and CDM Smith Inc., for engineering services for the 2018 Stream Restoration and Stormwater Treatment Engineering Services Rotation List for an estimated period of five years or until financial authorization is expended, for a total amount not to exceed \$8,000,000 divided among the four firms. [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 15.80% MBE and 15.80% WBE participation.] District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10.

**This item was withdrawn on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 8 was pulled for discussion.**

9. Approve third reading of an ordinance renewing a non-emergency medical transfer franchise to American Medical Response of Texas, Inc. under City Code Chapter 10-2. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON March 22, 2018).

**Ordinance No. 20180426-009 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**Items 10 through 12 were pulled for discussion.**

13. Authorize the negotiation and execution of all documents and instruments necessary or desirable to transfer in fee simple real property located at (1) the northwest corner of Doris Drive and Hathaway Drive and (2) the northeast corner of Jackie Robinson Street and Tannehill Lane to Austin Housing Finance Corporation (AHFC). District(s) Affected: District 1, District 7.  
**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to transfer in fee simple real property was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
14. Authorize the negotiation and execution of a 72 month lease agreement with one option to extend for an additional six years, for approximately 25,137 square feet of office space for the Austin Transportation Department with Barton Oaks Plaza V, LP, a Texas Limited Partnership, located at Barton Oaks Plaza V, 901 South Mopac Expressway, Suite 300 in an amount not to exceed \$6,890,303.07. District(s) Affected: District 8.  
**The motion authorizing the negotiation and execution of a lease agreement with Barton Oaks Plaza V, LP was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
15. Approve an ordinance amending Ord. No. 20180201-114 to correct the subdivision reference in the legal description for the property described in zoning case no. C14-2017-0134 and located at 4310 James Casey Street. District(s) Affected: District 3.  
**Ordinance No. 20180426-015 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
16. Approve an ordinance amending City Code Chapter 10-3 related to food enterprise permits.  
**Ordinance No. 20180426-016 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
17. Approve an ordinance authorizing acceptance of \$25,000 in grant funds from the National League of Cities and amending the Fiscal Year 2017-2018 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 201709013-001) to appropriate \$25,000 for the Cities Supporting a Strong Prenatal to Age 3 Agenda.  
**Ordinance No. 20180426-017 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
18. Authorize negotiation and execution of a multi-term contract through the State of Texas Department of Information Resources cooperative purchasing program with SHI-Government Solutions, Inc., to provide Tableau software licenses and technical services, for up to three years for a total contract amount not to exceed \$598,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).  
**The motion authorizing negotiation and execution of a multi-term contract through the State of Texas Department of Information Resources cooperative purchasing program with SHI-Government Solutions, Inc. was approved on consent on Mayor Pro Tem Tovo's**

**motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

19. Authorize negotiation and execution of a multi-term contract with ESO Solutions, Inc., to provide an electronic patient care record solution, for up to five years for a total contract amount not to exceed \$847,686. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).  
**The motion authorizing negotiation and execution of a multi-term contract with ESO Solutions, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
20. Authorize negotiation and execution of a contract with Logical Concepts, Inc. D/B/A OmniSite, to provide wireless networking, monitoring, alerting and reporting of wastewater flow, for a term of five years in an amount not to exceed \$330,203. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).  
**The motion authorizing negotiation and execution of a contract with Logical Concepts, Inc. doing business as OmniSite was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
21. Authorize negotiation and execution of a contract through the Texas Multiple Award Schedule cooperative purchase program with Red Wing Brands of America, Inc., to provide safety footwear and work boots, for up to 53 months for a total contract amount not to exceed \$1,598,979. (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 a contract through the Texas Multiple Award Schedule cooperative purchase program with Red Wing Brands of America, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
22. Authorize award and execution of two multi-term contracts with PVS Technologies Inc. and FSTI Inc., to provide sodium hypochlorite, for up to five years for total contract amounts not to exceed \$4,883,750 divided between the contractors. (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 two multi-term contracts with PVS Technologies Inc. and FSTI Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
23. Authorize negotiation and execution of a contract with Municipal Code Corporation D/B/A Municode, to provide document updates and publication services for administrative rules, standards manuals, and City Code, for a term of 10 years in an amount not to exceed \$870,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

**The motion authorizing negotiation and execution of a contract with Municipal Code Corporation doing business as Municode was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

24. Authorize award and execution of two multi-term contracts with Kblb-Ken, LTD. D/B/A San Marcos Chrysler Dodge Jeep Ram and Georgetown Mac Haik Dodge Chrysler Jeep, LTD, to provide parts and repair services for Dodge and Ram vehicles, for up to five years for total contract amounts not to exceed \$1,650,000 divided between the contractors. (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 and services required for this solicitation, there were insufficient availability of M/WBEs; therefore, no subcontracting goals were established).

**The motion authorizing award and execution of two multi-term contracts with Kblb-Ken, LTD. doing business as San Marcos Chrysler Dodge Jeep Ram and Georgetown Mac Haik Dodge Chrysler Jeep, LTD was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

25. Authorize negotiation and execution of three multi-term contracts through the Texas Local Government Purchasing Cooperative, administered by the Texas Association of School Boards, Inc. (BuyBoard) with Arnold Oil Company of Austin, L.P., Lubricant Product and Supplies, LLC, and Safety-Kleen Systems, Inc., to provide oils, greases, lubricants and parts, for up to 32 months for total contract amounts not to exceed \$984,500 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 three multi-term contracts through the Texas Local Government Purchasing Cooperative with Arnold Oil Company of Austin, L.P., Lubricant Product and Supplies, LLC, and Safety-Kleen Systems, Inc. was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

26. Authorize an amendment to an existing contract with Schneider Electric Grid Automation D/B/A Telvent USA, LLC, to provide continued software, upgrades, maintenance, support, and technical services for the Advanced Distribution Management System, for an increase in the amount of \$6,817,877, and to extend the term up to six years, for a revised contract amount not to exceed \$14,057,877. (Note: This contract was awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified, therefore, no goals were established. April 16, 2018 – Recommended unanimously by the Electric Utility Commission on a 7-0 vote, with Vice Chair Hadden and Commissioner Reel absent and two vacancies).

**The motion authorizing an amendment to an existing contract with Schneider Electric Grid Automation doing business as Telvent USA, LLC was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**Items 27 and 28 were pulled for discussion.**

29. 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 Resolution No. 20180426-029 were approved on consent on Mayor Pro Tem Tovo’s motion, Council Member Renteria’s second on a 10-0 vote. Council Member Troxclair was absent.**

**Nominations**

**Board/Nominee**

**Nominated by**

Construction Advisory Committee

Anna Bocchini

Mayor Pro Tem Tovo

Asian American QOL Advisory Commission (stakeholder)

Sarah Chen

Asian American QOL  
Advisory Commission

Electric Utility Commission

Matt Weldon

Council Member Flannigan

Human Rights Commission

Rhituparna Basu

Council Member Flannigan

**Items 30 and 31 were pulled for discussion.**

32. Approve a resolution relating to an educational campaign that seeks to empower vulnerable families when selling or buying a home. Council Sponsors: Council Member Delia Garza, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Alison Alter, Council Member Gregorio Casar.

**Resolution No. 20180426-032 was approved on Mayor Pro Tem Tovo’s motion, Council Member Renteria’s second on a 10-0 vote. Council Member Troxclair was absent.**

**To revise the fourth Whereas clause to read:**

**“Whereas, many homeowners are under constant pressure to sell, some families receiving multiple mail offers a week; and”**

**To revise the fifth Whereas clause to read:**

**“Whereas, some investors prey on homeowners, especially the elderly and low income families, with artificially low offers on homes with promises of quick turn arounds for the transaction and the ability to avoid additional fees when selling; and”**

**To revise the first paragraph of the Be It Resolved clause to read:**

**“The Council directs the City Manager to develop a comprehensive strategy, based on information gathered on best practices, which will create and launch an educational empowerment campaign with a suggested name such as “Families Not Flippers.”**

**To revise the first Be It Further Resolved clause, renumbering item 5 to read:**

**“Identification of possible alternative funding sources, including both public and private funding options and potential partnerships with local realtor groups.”**

**To add a new second Be It Further Resolved clause to read:**

**“Council directs the City Manager to consider adding to its legislative agenda asking our state legislature to pass legislation that prohibits predatory practices that pressure families to sell their homes.”**

33. Approve an ordinance waiving or reimbursing certain fees for the Edible Austin Children's Picnic, sponsored by Edible Austin, which was held on April 8, 2018 at Rosewood Park. Council Sponsors: Council Member Ora Houston, Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool, Council Member Ann Kitchen.  
**Ordinance No. 20180426-033 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
34. Approve an ordinance waiving or reimbursing certain fees for the Urban Festival event, sponsored by Urban Music Festival, which was held on March 30-31 at Vic Mathias Shores. Council Sponsors: Council Member Ora Houston, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, Council Member Alison Alter, Mayor Steve Adler.  
**Ordinance No. 20180426-034 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
35. Approve an ordinance waiving or reimbursing certain fees for the Edward Rendon Sr. Memorial Service, sponsored by the family of Edward Rendon Sr., which was held on February 10, 2018 at the Pan American Recreation Center. Council Sponsors: Council Member Sabino 'Pio' Renteria, Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Alison Alter, Council Member Leslie Pool.  
**Ordinance No. 20180426-035 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 36 was pulled for discussion.**

37. Approve a resolution urging the U.S. Congress to enact a revenue-neutral carbon fee and dividend. Council Sponsors: Council Member Leslie Pool, Mayor Steve Adler, Council Member Alison Alter, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria.  
**Resolution No. 20180426-037 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 38 was pulled for discussion.**

**Action was taken on Item 39 but reconsidered later in the meeting.**

40. Approve an ordinance waiving or reimbursing certain fees for the 2018 Honk!TX Music Festival, sponsored by Honk!TX, which was held on April 6-8, 2018 at Adams-Hemphill Park. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Jimmy Flannigan, Council Member Sabino 'Pio' Renteria.  
**Ordinance No. 20180426-040 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
41. Set a public hearing regarding Texas Gas Service's proposal to change customer rates. (Suggested date and time May 24, 2018; 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX).

- The public hearing was set on consent for May 24, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
42. Set a public hearing regarding ATMOS Energy MidTex Corporation's proposal to change customer rates. (Suggested date and time May 10, 2018, 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for May 10, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
43. Set a public hearing to consider an ordinance regarding floodplain variances for a remodel and addition to a single-family residence at 7906 South 1st Street within the 25-year and 100-year floodplains of South Boggy Creek. (Suggested date and time: May 10, 2018, 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX). District(s) Affected: District 2.  
**The public hearing was set on consent for May 10, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
44. Set a public hearing to consider an ordinance amending the Regulating Plan for the Plaza Saltillo Transit-Oriented Development (TOD) Station Area Plan to extend the boundaries to the blocks between East 4th Street to the north, Chicon Street on the east, 3rd Street to the south and Comal Street to the west. (Suggested date and time, May 24, 2018, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). District(s) Affected: District 9.  
**The public hearing was set on consent for May 24, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
45. Set a public hearing to consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the Austin Area Master Community Workforce Plan as an attachment. (Suggested date and time: May 24, 2018 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for May 24, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
46. Set a public hearing for an application to be submitted to the Texas Department of Housing and Community Affairs by THF Oaks on Lamar, LP, or an affiliated entity, for the rehabilitation of an affordable multi-family development to be known as the Oaks on Lamar, located at 8071 North Lamar Boulevard (currently known as Santa Maria Village). (District 4) (Suggested date and time: May 10, 2018 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.). District(s) Affected: District 4.  
**The public hearing was set on consent for May 10, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**
47. Set a public hearing for an application to be submitted to the Texas Department of Housing and Community Affairs by THF Riverside Townhomes, LP, or an affiliated entity, for the rehabilitation of an affordable multi-family development to be known as the Riverside Townhomes, located at 6118 Fairway Street (currently known as Fairway Village). (District 3)

(Suggested date and time: May 10, 2018 beginning at 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 May 10, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

86. Authorize negotiation of a lease or acquisition of an interest in real property and improvements for a municipal courthouse and return to City Council no later than May 10, 2018.

**The motion authorizing negotiation of a lease or acquisition of an interest in real property and improvements for a municipal courthouse was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**Item 90 was pulled for discussion.**

### DISCUSSION ITEMS

8. Approve an ordinance amending City Code Chapter 9-2 relating to decibel limits and hours to operate sound equipment at outdoor music venues located in the area between 7th and 12th Streets and between Trinity Street and Waller Creek (also known as the Red River Cultural District). District(s) Affected: District 1, District 9.

**The motion to approve the ordinance was made by Council Member Casar and seconded by Council Member Pool.**

**An amendment was made by Mayor Pro Tem Tovo to add a new Part 4 to read as follows and renumber remaining parts accordingly:**

**“The Council directs the City Manager to continue stakeholder discussions related to the outdoor music venues located within the Red River Cultural District and to provide the Music Commission and Council with data and stakeholder feedback on a quarterly basis. Council identifies a stakeholder as a person who resides or is an organization that operates within the boundaries of the following associations: Downtown Austin Neighborhood Association (“DANA”), North University Neighborhood Association (“NUNA”), Hyde Park, Hancock, and Eastwoods; a person who makes a sound complaint related to an outdoor music venue located within the Red River Cultural District; and Austin Music Venue Alliance, Austin Neighborhoods Council, Austin Creative Alliance, Red River Merchants Association, Austin Music People, Waller Creek Conservancy, Downtown Austin Alliance, outdoor music venues, hotels, and other businesses in or near the Red River Cultural District.” The amendment was approved on Mayor Pro Tem Tovo's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair off the dais.”**

**Ordinance No. 20180426-008 was approved as amended on Council Member Casar's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was absent.**

31. Approve a resolution relating to comprehensive eviction counseling services and representation for residential tenants. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Delia Garza, Council Member Ora Houston, Council Member Sabino 'Pio' Renteria.

**Resolution No. 20180426-031 was approved as amended below on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

The amendment was to revise the first paragraph of the Be It Resolved clause to read:  
 “The Council directs the City Manager to propose an eviction counseling program, to identify any additional resources required to implement such a program, and to return with a budget item for Council consideration no later than June 30, 2018.”

### CITIZENS COMMUNICATIONS: GENERAL

Ruben Rivera-Clemente Sr. – Police brutality.

Tom Friedly – City of Austin people living on the streets.

Zenobia Joseph – Title 6, Civil Rights Act of 1964. Capital Metro's failure to equitably distribute resources under connections 2025.

John Goldstone – Bond deception.

Pinaki Ghosh – Constructions in East Austin and CodeNEXT.

### BRIEFING

49. Update on Homelessness; A System of Care.  
**Presentation was made by Sara Hensley, Interim Assistant City Manager, City Manager’s Office; Kerry O’Connor, Chief Innovation Officer, Innovation Office; Justin Newsom, Assistant Police Chief, Austin Police Department; Pete Valdez, Court Administrator, Downtown Austin Community Court; Amber Price, Community Health Paramedic, Austin-Travis County Emergency Medical Services; Emi Johnson, Business Process Consultant, Austin Public Library; Taber White, Corporal, Austin Police Department; Josh Rudow, Planner, Neighborhood Housing and Community Development; Andy Hofmeister, Commander, Austin-Travis County Emergency Medical Services; Stephanie Hayden, Director, Austin Public Health.**

### DISCUSSION ITEMS

48. Approve an ordinance amending City Code Chapter 2-1-206 relating to the Joint Sustainability Committee bylaws. Council Sponsors: Audit and Finance Committee.  
**This item was postponed to May 10, 2018 without objection.**

**Mayor Adler recessed the Council Meeting to go into Executive Session at 12:36 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.**

51. 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.**

52. Discuss legal issues related to a potential election in November 2018 concerning CodeNEXT and other potential ballot measures (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**Conducted**
88. Discuss the lease or acquisition of an interest in real property and improvements for a municipal courthouse (Real property - Section 551.072 of the Government Code).  
**This item was withdrawn without objection.**
89. Discuss legal issues related to the lease or acquisition of an interest in real property and improvements for a municipal courthouse (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn without objection.**

**The Mayor announced that the City Council would discuss Items 10, 27 and 87 on the regular agenda during Executive Session.**

10. Approve a resolution to clarify membership requirements applicable to the Planning Commission under the City Charter.
27. Approve an ordinance amending City Code Chapter 14-9, (Traffic or Sidewalk Obstructions) to expand the types of acts that are prohibited; creating a City-wide services license; and declaring an emergency.
87. Discuss and approve an ordinance relating to appointment of municipal court judges, and declaring an emergency.

**Executive Session ended and Mayor Adler reconvened the Council Meeting at 3:53 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

30. Approve a resolution endorsing Austin's Action Plan to End Homelessness and directing the City Manager to provide regular updates regarding community needs related to homelessness. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria.  
**Resolution No. 20180426-030 was approved on Mayor Pro Tem Tovo's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**
38. Approve an ordinance naming the Old Bakery and Emporium open space to the Pat Crow Memorial Plaza and waiving certain provisions of City Code Chapter 14. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Ann Kitchen, Council Member Delia Garza, Council Member Ora Houston, Council Member Leslie Pool.  
**Ordinance No. 20180426-038 was approved as amended below on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Member Flannigan was off the dais. Council Member Troxclair was absent.**

**To revise Part 1 (B) to read:**

**“Pat was the eldest daughter of Ward and Mildred (Cousson) Rush. Pat had three children Elizabeth, Jeff, and Marc Childers; a granddaughter, Lila Faye Brooks; and two siblings, Henry and Barbara Rush, as well as many nieces and nephews; and”**

To revise Part 1 (H) to read:

“From 1982 – 2008, working alongside her friend David Butts, Pat became one of (if not the most) winningest campaign managers in Austin and Travis County history. She contributed to important ballot initiatives such as the Save Our Springs Initiative (1992), the creation of the hospital district (2004), and the smoking ban (2005); and”

### PUBLIC HEARINGS

78. Conduct a public hearing and consider an ordinance renaming 'Robert E. Lee Road' to 'Azie Taylor Morton Road' or other name. District(s) Affected: District 5.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180426-078 was approved as amended below on Council Member Kitchen’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Troxclair was absent.**

**The amendment was to revise Part 1 to read: “Council authorizes renaming “Robert E. Lee Road” to “Azie Morton Road” as authorized in Chapter 14-5 (*Street Name Change*) of City Code.”**

77. Conduct a public hearing and consider an ordinance renaming 'Jeff Davis Avenue' to 'Will Holland Avenue' or other name. District(s) Affected: District 7.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180426-077 was approved as amended below on Council Member Pool’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Troxclair was absent.**

**The amendment was to revise Part 1 to read: “Council authorizes renaming “Jeff Davis Avenue” to “William Holland Avenue” as authorized in Chapter 14-5 (*Street Name Change*) of the City Code.**

Mayor Adler recessed the meeting at 5:53 p.m.

### LIVE MUSIC

El Tule

### PROCLAMATIONS

Proclamation- Authors in the Park Day – To be presented by Council Member Jimmy Flannigan.

Proclamation- Community Wildfire Preparedness Day – To be presented by Council Member Ora Houston

Proclamation- National Small Business Week – To be presented by Mayor Steve Adler

Distinguished Service Award – Lauraine Rizer – To be presented by Mayor Steve Adler and to be accepted by the honoree

Distinguished Service Award – Coby Ramirez – To be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation – March for Our Lives – To be presented by Council Member Leslie Pool

Proclamation – National Immunization Week – To be presented by Council Member Delia Garza

Proclamation – Parliamentary Law Month – To be presented by Council Member Leslie Pool

**Mayor Adler reconvened the meeting at 7:30 p.m.**

**DISCUSSION ITEMS CONTINUED**

12. Authorize negotiation and execution of a 17-month license agreement, with a 12-month extension option, with TRAVIS COUNTY for the use of 45 parking spaces for the Office of Innovation, the Communication and Technology Management Department, and the Austin Public Library within the 700 Lavaca Garage, located at 316 West 8th Street, in an amount not to exceed \$195,750.00 (District 9). District(s) Affected: District 9.

**This item was postponed indefinitely without objection.**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 7:32 p.m. See separate minutes.**

50. 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 reconvened the Council Meeting at 7:33 p.m.**

**ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

53. NPA-2017-0016.04 - 4813 Gonzales FLUM -District 3 -Approve second and third readings of an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known 4813 Gonzales Street and 4820 E. 7th Street (Boggy Creek Watershed) from Commercial to Mixed Use land use. First Reading approved March 22, 2018. Vote: 8-0 [G. Casar and E. Troxclair off the dais. L. Pool absent]. Owner/Applicant: Laura Hensley. Agent: McLean and Howard (Jeff Howard). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

**Ordinance No. 20180426-053 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

54. C14-2017-0140 -4813 Gonzales Rezoning- District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4813 Gonzales Street and 4820 E. 7th Street (Boggy Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. First Reading approved March 22, 2018. Vote: 8-0 [G. Casar and E. Troxclair off the dais. L. Pool absent]. Owner/Applicant: Laura Hensley. Agent: McLean and Howard, LLP (Jeff Howard). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**Ordinance No. 20180426-054 for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning was approved on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

55. NPA-2017-0016.06 -Leija Villa -District 3-Approve second and third readings of an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3305 and 3309 Hidalgo Street (Boggy Creek Watershed) from Single Family to Mixed Use/Office land use. First Reading approved on March 22, 2018. Vote: 8-1 [L. Pool and E. Troxclair off the dais. J. Flannigan voted nay]. Owner/Applicant: Dr. Graciela Leija, M.D. Agent: Michael Moran. City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

**Ordinance No. 20180426-055 to change the land use designation on the future land use map (FLUM) to Mixed Use/Office land use was approved on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

56. C14-2017-0150 -Leija Villa - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 3305 and 3309 Hidalgo Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning and family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. First reading approved limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning on March 22, 2018 (8-1). Owner/Applicant: Lunaire Group LP (Graciela Leija). Agent: Michael Moran. City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**Ordinance No. 20180426-056 for limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning was approved on Council Member Houston's motion, Council Member Garza's second on an 8-1 vote. Council Member Flannigan voted nay. Council Member Alter was off the dais. Council Member Troxclair was absent.**

57. NPA-2017-0021.01 -4530 E. Ben White Blvd. - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 4530 E. Ben White Blvd. (Country Club Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on May 8, 2018. Owner/Applicant: Belco Equities, Inc. Agent: Coats Rose (John M. Joseph). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

**This item was postponed to June 28, 2018 at the request of staff on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

58. 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 April 24, 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 June 28, 2018 at the request of staff on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

59. NPA-2017-0016.05 - Tillery MF -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 507 Tillery Street (Boggy Creek Watershed) from Single Family to Multifamily. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To be reviewed on April 24, 2018. Owner/Applicant: 507 Tillery House, LLC. Agent: Rize Planning Development & Construction (Ross Frie). City Staff: Maureen Meredith, 512 -974-2695. District(s) Affected: District 3.

**This item was postponed to June 14, 2018 at the request of staff on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

60. C14-2017-0106 - Tillery MF - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 507 Tillery Street (Colorado River and Boggy Creek Watersheds). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district to multifamily residence low density-conditional overlay-neighborhood plan (MF-2- CO-NP). Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed April 10, 2018. Owner/Applicant: 507 Tillery House LLC (Caren W. Wendt and Katheryn L. Ingerly). Agent: Rize Planning, Development and Construction (Ross Frie). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**This item was postponed to June 14, 2018 at the request of staff on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

61. 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 grant Multifamily land use. 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 May 10, 2018 at the request of the applicant and neighborhood on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

62. C14-2017-0094 - Flats on Shady - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1125 Shady Lane (Boggy Creek Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Staff Recommendation: To grant multifamily

residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Owner/Applicant: Otto Freidrich Jr. Estate (Johnette Champion). Agent: Drenner Group (Dave Anderson). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**This item was postponed to May 10, 2018 at the request of the applicant and neighborhood on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

64. C14-2017-0121 - Ida Ridge Condos - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 13708, 13710, 13800 and 13802 Ida Ridge Drive (Walnut Creek Watershed). Applicant Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use -conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Owner/Applicant: Patel & Olivarez, LLC (Jignesh Patel and Daniel Olivarez), Dhoom Production (Vishal Dave). Agent: The Modern Design Studio (Luis Manuel Carrillo). 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 No. 20180426-064 for community commercial-mixed use (GR-MU) combining district zoning was approved on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

65. C14-2018-0017 - 501 Cater Single Family Zoning - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 501 Cater Drive (Lady Bird Lake Watershed) from General Commercial Services (CS) district zoning to Family Residence (SF-3) district zoning. Staff Recommendation: To grant Family Residence (SF-3) district zoning. Planning Commission Recommendation: To grant Family Residence (SF-3) district zoning. Owner/Applicant: Paul Long. Agent: LandAnswers, Inc. (Jim Wittliff) City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 5.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180426-065 for Family Residence (SF-3) district zoning was approved on Council Member Houston's motion, Council Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

68. C14-2018-0009 - Rezoning of FM 620 and SH 45 - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 15218 and 15230 North FM 620 Road (Lake Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to multifamily residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multifamily residence-medium density (MF-3) district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant multifamily residence-medium density (MF-3) district zoning, with conditions. Owner/Applicant: Equity Secured Capital, LP (Vince Dimare). Agent: Armbrust & Brown, PLLC (Amanda Morrow). 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 Ordinance No. 20180426-068 for multifamily residence-medium density (MF-3) district zoning, with conditions was approved on Council Member Houston's motion, Council**

Member Garza's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

### DISCUSSION ITEMS CONTINUED

39. Approve a resolution directing the City Manager to initiate discussions with Union Pacific Railroad to determine if there are additional steps beyond creating a Quiet Zone that would mitigate the noise caused by Union Pacific Railroad's cargo trains. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Leslie Pool, Council Member Ann Kitchen.

**Resolution No. 20180426-039 was approved on consent on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

**A motion to reconsider Item 39 with the following amendments was made by Mayor Pro Tem Tovo and accepted without objection.**

**To add a new third Whereas clause to read:**

**"Whereas, the Seaholm District was developed adjacent to a critical rail corridor owned and operated by Union Pacific Railroad; and"**

**To add a new fifth Whereas clause to read:**

**"Whereas, Union Pacific Railroad and City of Austin have been and will continue to work together, but additional efforts are needed; and"**

**To revise the Be It Resolved clause to read:**

**"The City Manager is directed to engage and discuss with Union Pacific Railroad to determine if there are additional steps beyond creating a Quiet Zone that could mitigate the noise caused by Union Pacific Railroad's cargo trains and report back to Council no later than August 1, 2018."**

**Resolution No. 20180426-039 was approved as amended on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

87. Discuss and approve an ordinance relating to appointment of municipal court judges, and declaring an emergency.

**Ordinance No. 20180426-087 was approved as amended below on Council Member Flannigan's motion, Council Member Casar's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

**The amendment was to revise Part 1 to read: "Part 5 of Ordinance No. 20180308-036 is amended to add Brian Guerra, Christyne Harris Schultz, Olga Seelig, and Pamela Sigman as additional substitute judges for the remainder of the judicial term beginning January 1, 2018, and ending December 31, 2021."**

### ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

63. C14-2017-0149 - Rezoning of 5521 Springdale Road- District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5521 Springdale Road (Little Walnut Creek Watershed) from community commercial-neighborhood

plan (GR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Owner/Applicant: Kingdom of God Christian Center, Inc. (Fredrick Moore). Agent: Armbrust & Brown, PLLC (Amanda Morrow). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning was approved on Council Member Houston's motion, Council Member Pool's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

**Direction was given to staff to bring the ordinance back to Council on May 24, 2018.**

### PUBLIC HEARINGS

79. Conduct a public hearing and consider an ordinance regarding CenterPoint Energy's proposal to change customer rates.

**The public hearing was conducted and a motion to close the public hearing was approved without objection on Council Member Renteria's motion, Council Member Pool's second. Council Member Alter was off the dais. Council Member Troxclair was absent.**

**Ordinance No. 20180426-079 was approved on Council Member Pool's motion, Council Member Renteria's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

### ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

66. C814-2017-0001 - 425 W. Riverside PUD - District 9 - Conduct a public hearing and approve on second and third readings an ordinance amending City Code Title 25 by rezoning property locally known as 425 W. Riverside Drive (Lady Bird Lake Watershed) from Commercial-Liquor Sales - Vertical Mixed Use Building - Neighborhood Plan (CS-1-V-NP) combining district zoning to Planned Unit Development - Neighborhood Plan (PUD-NP). Staff Recommendation: To grant Planned Unit Development - Neighborhood Plan with conditions (PUD-NP). Planning Commission Recommendation: To grant Planned Unit Development - Neighborhood Plan with conditions (PUD-NP). The ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. City Council Action: Approved Planned Unit Development - Neighborhood Plan with conditions (PUD-NP) on first Reading March 22, 2018, Vote 9-0 [CM Pool and Troxclair - Absent]. Owner/Applicant: Ronald A. Nelson, Trustee and Molley Belle Properties LP (Ronald A. Nelson). Agent: Armbrust & Brown (Richard T. Suttle, Jr.). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 9. **The motion to approve the ordinance with the following staff amendments was made by Council Member Renteria and seconded by Council Member Flannigan. The amendments were accepted without objection.**

**To amend Part 7 (B) (7) Environmental, landscaping to read:**

**"The Landowner shall use rainwater harvesting and air conditioning condensate as the primary water sources for all landscape irrigation within the Riverside PUD. Potable and/or reclaimed water shall only be used as a backup supply if the primary sources are depleted. Reclaimed water shall not be used for irrigation within water quality controls."**

To delete Part 10 (A) (3) Zoning.

To amend Part 10 (A) (4) Zoning to read:

“City Code Section 25-2-721 (E) (*Waterfront Overlay (WO) Combining District Regulations*) is modified to waive design standards for buildings within the Riverside PUD, except that all building glazing systems shall have a 25% maximum exterior visible light reflectance and ground floor glazing systems shall have a minimum visible light transmittance value of 0.6.”

To add a new part 10 (B) (3) Transportation to read:

“Schedule C (*Off-Street Loading Requirement*) of City Code Chapter 25-6, Appendix A (*Tables of Off-Street Parking and Loading Requirements*) is modified to require a minimum of 2 off-street loading spaces that are 12 feet by 45 feet.”

A motion was made by Mayor Pro Tem Tovo to include the following amendments:

To revise Part 8 (B) Multifamily Rental Housing to read: “Residential rental units equal to at least 12% of the residential rental bonus square footage shall be rented to households whose income is no more than 50% of MFI and remain affordable for 40 years from the issuance of the building’s final Certificate of Occupancy.”

To revise Part 8 (C) Owner-occupied Housing to read: “Residential ownership units equal to at least 12% of the residential ownership bonus area square footage must be sold to households whose income is no more than 80% of MFI for an affordability period of (1) ninety-nine years for fee-simple ownership units governed by a condominium declaration and community land trust units or (2) forty years for fee-simple units not governed by a condominium declaration.”

To revise Part 8 (A) (2) Affordable Housing Program, Non-residential Fee-in-lieu to read: “These funds shall be restricted to use in the South Central Waterfront Regulating District and within a two-mile radius of the South Central Waterfront Regulating District for a period of not less than 10 years from payment. If after 10 years from payment, or if the South Central Waterfront Regulating District is not established prior to payment of funds, the use of those funds shall no longer be restricted.”

The amendments were approved on Mayor Pro Tem Tovo’s motion, Council Member Kitchen’s second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance as amended above on second reading only for Planned Unit Development - Neighborhood Plan with conditions (PUD-NP) was approved on Council Member Renteria’s motion, Council Member Flannigan’s second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.

Direction was given to staff to bring the ordinance back to Council for third reading on May 10, 2018 and to provide more information on how the percentages are set for affordable housing requirements.

**DISCUSSION ITEMS CONTINUED**

11. Approve an ordinance amending City Code chapter 2-5 relating to council committees.  
**This item was postponed to May 10, 2018 on Mayor Pro Tem Tovo's motion without objection.**

### **PUBLIC HEARINGS CONTINUED**

85. Conduct a public hearing and consider a resolution to expand the Austin Downtown Public Improvement District by adding one parcel of land, at 425 West Riverside Drive, as requested by the property owner. District(s) Affected: District 9.  
**This item was postponed to May 10, 2018 on Mayor Pro Tem Tovo's motion without objection.**

### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

67. C14-2018-0018 - 4101 Manchaca Condos - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4101 Manchaca Road (West Bouldin Creek Watershed). Applicant request: to rezone from Family Residence (SF-3) district zoning to Multi-Family Residence Low Density (MF-2) combining district zoning. Staff Recommendation: To grant General Office - Mixed Use (GO-MU) combining district zoning. Planning Commission Recommendation: To grant General Office - Mixed Use (GO-MU) combining district zoning. Owner/Applicant: Two Pura Vida Design (Charlotte Aceituno). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 5.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for General Office - Mixed Use (GO-MU), combining district zoning was approved on Council Member Kitchen's motion, Council Member Garza's second on an 8-1 vote. Council Member Flannigan voted nay. Council Member Alter was off the dais. Council Member Troxclair was absent.**

**Direction was given to staff to include a conditional overlay modifying the height restriction to 45 feet and to bring the ordinance back to Council on May 10, 2018.**

69. C14-2017-0123 - South Chisholm Professional Offices - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1109 West Slaughter Lane (Slaughter Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) 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. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Owner/Applicant: Mario Solis. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning with the following conditions was approved on Council Member Kitchen's motion, Council Member Pool's second on an 8-1 vote. Council Member Flannigan voted nay. Council Member Alter was off the dais. Council Member Troxclair was absent.**

**The additional condition was to include a conditional overlay prohibiting vehicular access from the lot onto Chisholm Trail and to provide additional information on the staff justification for not recommending access to Slaughter Lane.**

70. C14-2018-0006 - Loyola Landing - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6651 Ed Bluestein Boulevard and 5601 Durango Pass (Walnut Creek Watershed) from community commercial (GR) district zoning, limited office (LO) district zoning, multifamily residence medium density (MF-3) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning on Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning on Tract 2. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning on Tract 1 and general commercial services-mixed use conditional overlay (CS-MU-CO) combining district zoning on Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning on Tract 1 and general commercial services-mixed use conditional overlay (CS-MU-CO) combining district zoning on Tract 2. Owners/Applicants: 3 S & D Interests, Harold K. Kaermerle, Jr., Sharie Kaermele, and Patrick T. Kaermerle (David Kalisz). Agent: A. Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.
- The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180426-070 for community commercial-mixed use (GR-MU) combining district zoning on Tract 1 and general commercial services-mixed use conditional overlay (CS-MU-CO) combining district zoning on Tract 2 was approved on Council Member Houston's motion, Council Member Renteria's second on an 8-1 vote. Council Member Flannigan voted nay. Council Member Alter was off the dais. Council Member Troxclair was absent.**
71. C14-75-042 - (RCT1) Loyola Landing- District 1 - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 6651 Ed Bluestein Boulevard (Walnut Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Zoning and Platting Commission Recommendation: To grant the restrictive covenant termination. Owners/Applicants: 3 S & D Interests (David Kalisz). Agent: A. Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.
- The public hearing was conducted and a motion to close the public hearing and grant the termination of the restrictive covenant was approved on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**
72. C14-75-042 - (RCT2) - Loyola Landing- District 1 - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 6651 Ed Bluestein Boulevard (Walnut Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Zoning and Platting Commission Recommendation: To grant the restrictive covenant termination. Owners/Applicants: 3 S & D Interests (David Kalisz). Agent: A. Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.
- The public hearing was conducted and a motion to close the public hearing and grant the termination of the restrictive covenant was approved on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**
73. C14-84-346 - (RCT1) Loyola Landing- District 1 - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 5601 Durango Pass (Walnut Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Zoning and Platting Commission Recommendation: To grant the restrictive covenant termination. Owners/Applicants: 3 S & D Interests, Harold K. Kaermerle, Jr., Sharie Kaermele, and Patrick T.

Kaermerle (David Kalisz). Agent: A. Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

**The public hearing was conducted and a motion to close the public hearing and grant the termination of the restrictive covenant was approved on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

74. C14-84-346 - (RCT2) Loyola Landing- District 1 - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 5601 Durango Pass (Walnut Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Zoning and Platting Commission Recommendation: To grant the restrictive covenant termination. Owners/Applicants: 3 S & D Interests, Harold K. Kaermerle, Jr., Sharie Kaermele, and Patrick T. Kaermerle (David Kalisz). Agent: A. Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

**The public hearing was conducted and a motion to close the public hearing and grant the termination of the restrictive covenant was approved on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

75. C14-76-083 - (RCA2) Loyola Landing- (District 1) - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 5601 Durango Pass (Walnut Creek Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Owners/Applicants: 3 S & D Interests, Harold K. Kaermerle, Jr., Sharie Kaermele, and Patrick T. Kaermerle (David Kalisz). Agent: A. Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

**The public hearing was conducted and a motion to close the public hearing and grant the amendment of the restrictive covenant was approved on Council Member Houston's motion, Council Member Casar's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

76. C14-2017-0132 - 4515 South Congress Rezoning - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4515 South Congress Avenue and 134 Sheraton Avenue (Williamson Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner: Life Storage LP (Michael J. Rogers). Applicant: LEMCO Holdings, LLC (David Cox). Agent: Armbrust & Brown, PLLC (Michael Whellan). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 3.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning with the following amendment was approved as amended below on Council Member Renteria's motion, Council Member Casar's second on a 9-0 vote. Council Member Alter was off the dais. Council Member Troxclair was absent.**

The amendment was to remove the restriction of 2,000 trips/day.

### PUBLIC HEARINGS

80. Conduct a public hearing and consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the North Shoal Creek Neighborhood Plan for the area bounded by Research Boulevard to the north, Burnet Road to the east, Anderson Lane to the south, and Mopac Expressway to the west. District(s) Affected: District 7.

**This item was postponed to June 14, 2018 at the request of staff without objection.**

81. Conduct a public hearing and 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.

**A motion to approve the ordinance was made by Council Member Renteria and seconded by Council Member Casar.**

**An amendment was made by Council Member Renteria to include an additional condition to limit the height to 70 feet for the applicable properties through a public restrictive covenant.**

**An amendment was made by Council Member Pool to amend the height restriction to 70 feet for the district. The amendment failed on Council Member Pool's motion, Council Member Houston's second on a 4-6 vote. Those voting aye were: Council Member Alter, Houston, Kitchen, and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Flannigan, Garza, and Renteria. Council Member Troxclair was absent.**

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180426-081 with the following condition was approved on Council Member Renteria's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.**

**The additional condition was to limit the height to 70 feet through a public restrictive covenant.**

### AFTER 10:00 P.M.

**The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair was absent.**

### PUBLIC HEARINGS CONTINUED

82. Conduct a public hearing and consider a resolution for permanent use of approximately 273 sq. ft. of dedicated parkland, known as Little Stacy Neighborhood Park, for dedication as public right of way at the intersection of Sunset Lane and Eastside Drive, in accordance with Chapter 26 of the Texas Parks and Wildlife Code. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20180426-082 was approved on Council Member Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was absent.**

83. Conduct a public hearing and consider a resolution for the permanent use of approximately 514 sq. ft. of dedicated parkland, known as Little Walnut Creek Greenbelt, for permanent wastewater line use, to construct, use, maintain, repair, and replace wastewater lines for a portion of the 183 South Utility Relocations - Package 6, Loyola Lane to 51st Street project, in accordance with Chapter 26 of the Texas Parks and Wildlife Code. District(s) Affected: District 1.  
**The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20180426-083 was approved on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Member Kitchen was off the dais. Council Member Troxclair was absent.**
84. Conduct a public hearing and consider citizen input on community needs related to the City's Draft Fiscal Year 2018-2019 Action Plan, as required by the U.S. Department of Housing and Urban Development and Texas Local Government Code, Chapter 373.  
**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.**

#### **DISCUSSION ITEMS CONTINUED**

10. Approve a resolution to clarify membership requirements applicable to the Planning Commission under the City Charter.  
**A motion to adopt Option C of the resolution was made by Council Member Casar and seconded by Council Member Flannigan. Option C reads as follows:**

**Whereas, the City Council established the Planning Commission by ordinance in 1945, and since that time the Commission has been tasked with performing significant and complex regulatory functions on behalf of the City of Austin; and**

**Whereas, these vital functions include acting as the City's "zoning commission" in accordance with Chapter 211 of the Texas Local Government Code, which mandates that the Commission provide reports to the City Council on proposed changes to the City's zoning ordinances; and**

**Whereas, the Planning Commission also acts as the sovereign body responsible for approving subdivision plats under Chapter 212 of the Texas Local Government Code and various administrative decisions relating to water quality, drainage, and other development regulations; and**

**Whereas, in addition to its enabling authority under state law, the Planning Commission is subject to Article X of the Austin City Charter, which sets forth additional responsibilities and functions as well as membership and operational requirements; and**

**Whereas, among other requirements, Art. X § 2 of the City Charter requires that "a minimum of two thirds of the Planning Commission shall be lay members not directly or indirectly connected with real estate and land development"; and**

**Whereas, Art. X § 2 was added to the charter in 1994 in response to concerns that real estate speculators and commercial developers exerted too much influence over land use planning decisions; and**

Whereas, the City Council is committed to complying with the charter and to ensuring that the Planning Commission includes members with a diverse range of perspectives and backgrounds; and

Whereas, as a matter of practice, the City has not interpreted Art. X § Sec. 2 to limit the number of members who may possess professional backgrounds relevant to the Planning Commission's regulatory functions, including architecture and civil engineering, or how many members may own rental or investment properties; and

Whereas, based on the meaning and intent of Art. X § 2, the City Council interprets "real estate" to mean business transactions involving real property and "land development" to mean construction activity that significantly alters the underlying land or requires enhanced entitlements that increase a property's development potential; and

Whereas, the mix of professional backgrounds among Planning Commission members changes over time based on the availability of residents to serve on the Commission, which is a working body that requires a substantial commitment of time by all members in order to fulfill its duties; and

Whereas, the City Council fully supports all members now serving on the Planning Commission, but believes that clearer criteria are necessary and desirable to ensure that future appointments comply with the Art. X § 2 of the City Charter;

Now Therefore,

Be It Resolved by the City Council of the City of Austin:

1. Criteria for Applying Art. X § 2 to Planning Commission Appointments.

(A) When considering appointments to the Planning Commission, the City Council shall apply the criteria in Subsection (B) to determine whether a potential appointee or current member is "directly or indirectly connected with real estate and land development" for purposes of Art. X § 2 of the City Charter. If the Council determines that four or more members satisfy the criteria in Subsection (B), the Council may not appoint additional members who meet those criteria.

(B) A person shall be deemed to be "directly or indirectly connected with real estate and land development" if the person:

- (i) Actively develops or finances the development of property within the City of Austin's planning jurisdiction in a manner that requires changes to applicable regulations or entitlements, including zoning or rezoning, or which requires approval of a final subdivision plan; or
- (ii) Derives substantial income from the sale of real estate within the City of Austin's planning jurisdiction, other than the sale of a primary homestead.

(C) A person shall not be deemed to be "directly or indirectly connected with real estate and land development" due to activities conducted on behalf of a nonprofit organization or governmental entity.

2. Administrative Requirements.

(A) The City Clerk is directed to provide a questionnaire for applicants to open positions on the Planning Commission designed to assist the Council in determining whether an individual is "directly or indirectly connected with real estate and land development" under the criteria established in Section 2 of this resolution.

(B) The City Clerk is directed to begin requiring completion of the questionnaire for subsequent applications to serve on the Planning Commission.

**3. Enforcement.**

The City Manager is directed to create and bring back for approval a process for removing Planning Commissioners if the Commission's composition does not comply with the City Charter. If a charter amendment is required to remove Planning Commissioners, the City Manager is directed to bring back potential charter amendments for Council's consideration.

A motion to amend Option C, Section B (i) was made by Council Member Kitchen and seconded by Council Member Houston to read: "(i) practicing in a field related to the development of property within the City of Austin's planning jurisdiction in a manner that requires changes to applicable regulations or entitlements, including zoning or rezoning, or which requires approval of a final subdivision plat; or".

A substitute motion to adopt Option B in backup with the following amendments was made by Council Member Pool and seconded by Council Member Alter.

To amendment to revise Option B are as follows:

To Revise the fifth Whereas clause to read: "Whereas, Art. X § 2 of the charter, approved by 67% of Austin voters in 1994, requires that "a minimum of two thirds of the Planning Commission shall be lay members not directly or indirectly connected with real estate and land development"; and

To revise the sixth Whereas clause to read: "Whereas, Art. X § 2 was added in order to ensure that developers, real estate speculators, and those connected with real estate and land development, such as real estate lawyers, engineers and architects did not exert undue influence over land use planning and zoning decisions; and"

To revise the seventh Whereas clause to read: "Whereas, the City Council believes that this resolution will ensure that future appointments comply with the Art. X § 2 of the City Charter; Now Therefore,"

To revise the Be it resolved clause to read:

1. **Finding.** Council finds that, this resolution is needed in order to effectuate the charter's preventative conflicts purpose which is to broadly include professionals with any direct or indirect include individuals with any meaningful relationship to either real estate or land development. This includes not only builders, financiers, or real estate agents, but also architects, engineers, lawyers and other professionals who work in association with developers or real estate agents.
2. **Criteria for applying Charter Requirements to Planning Commission Appointments.**
  - (A) At least nine members of the Planning Commission must be "lay members not directly or indirectly connected with real estate and land development," as determined under Subsection (B). If membership of the Commission includes more than four members who do not satisfy the criteria under Subsection (B), no additional members who do not meet those criteria may be appointed and the last members appointed that exceed the threshold shall be removed as set out in Section 3.
  - (B) An individual is deemed to be a "lay member not directly or indirectly connected with real estate and land development" if:
    - (i) The person is not a licensed attorney, architect or engineer practicing in a field related to real estate or land development;

- (ii) The person does not derive substantial income, as defined in City Code Article 2-7-2(11) from:
    - (a) A professional certification in Construction, Design, Real Estate, or a related field; or
    - (b) Ownership of real property, other than a primary homestead; and
  - (iii) The person is not engaged in land development projects, whether as a general contractor, subcontractor, financier, or in any other capacity, but excluding employees or independent contractors working solely in construction trades or work performed on a person's homestead.
- (C) The criteria established in Subsection (B) apply only to activity or property within the City's planning jurisdiction.

To revise Section 3(C) and add a new Section 3(D) to read:

- (C) Before the Council may appoint a Planning Commissioner nominee, the City's Ethics Review Commission shall determine based on the evidence and criteria in Section 2 whether the nominee is a lay person connected directly or indirectly to land development and real estate, and whether their appointment would exceed the 1/3<sup>rd</sup> threshold; if the Ethics Review Commission determines that the nominee exceeds the threshold, then the nominee may only be appointed by a 3/4<sup>th</sup> vote of the entire council. The City Manager is directed to process appropriate changes to city code and Ethics Review Commission procedures so the Ethics Review Commission can exercise such authority.
- (D) After June 1<sup>st</sup>, 2018, if a complaint is filed, the Ethics Review Commission also shall apply Section 2's criteria to existing Planning Commissioners, and if the Commission determines the 1/3<sup>rd</sup> threshold has been exceeded, then those Commissioners, shall be automatically removed by drawing straws, until the 1/3<sup>rd</sup> threshold is not exceeded. Commissioners automatically removed shall be ineligible to vote on Commission items.

A motion to postpone the item to May 10, 2018 was made by Council Member Casar and seconded by Council Member Kitchen. The motion was approved on a 6-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen and Renteria. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool. Council Member Troxclair was absent.

28. Approve a resolution consistent with the contract with the voters established by Resolution No. 20160818-074 relating to the 2016 Transportation and Mobility General Obligation bonds, to implement transportation and mobility improvements on nine corridors as part of the 2016 Mobility Bond Corridor Construction Program.
- A motion to approve the resolution was made by Council Member Kitchen and seconded by Council Member Casar.

A motion to amend the resolution by adding two additional clauses was accepted without objection on Council Member Kitchen's motion, Council Member Alter's second. The additional clauses were:

Be It Further Resolved: That the City Manager is directed by City Council to return to Council at the completion of the preliminary engineering phase of the Corridor Construction Program (CCP) for approval to proceed with further design and implementation of the CCP, and

**Be It Further Resolved:** That the City Manager is directed to continue coordination with Capital Metro staff and the Austin Strategic Mobility Plan to advance projects and programs that improve transit performance and availability through transit priority treatments, ensuring that the CCP planning does not preclude options for further transit investments along the corridors, and that the CCP preliminary engineering phase include studying transit supportive corridor improvements recommended by Capital Metro in a memo dated June 13, 2016 titled “assessment of City of Austin Corridor Improvement Proposals” to maximize transit opportunities.

A motion to amend Exhibit C was approved on Council Member Kitchen’s motion, Council Member Houston’s second on an 8-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Garza, Pool and Kitchen. Those voting nay were: Council Members Garza and Renteria. Member Troxclair was absent.

The amendments were:

- Add to the Corridor-Wide Mobility Improvements for South Lamar: “Enhanced Multimodal Improvements for South Lamar, Riverside to Barton Springs Road, for “Full Design & Construction, including up to 0.5 miles of full reconstruction with enhanced pedestrian and bicycle facilities, streetscape, trees, medians, street lighting and new drainage system from Riverside Drive to Barton Springs Road”.
- Change “Enhanced Multi-Modal Improvements for South Lamar, Riverside to Treadwell Street” to Enhanced Multi-Modal Improvements for South Lamar, Barton Springs to Treadwell Street”.
- Include a footnote for South Lamar Corridor Wide package: Funding for additional enhanced multimodal improvements for South Lamar to come from the South Lamar Corridor-Wide funding as well as a portion from Slaughter Lane Corridor-Wide Mobility Improvement package (western portion), by refining estimates after Preliminary Engineering and potential cost reductions via reallocation or scope reduction as necessary.

A motion to amend Exhibit C to add items for consideration and analysis as part of the Design Phase was accepted without objection on Council Member Houston’s motion, Council Member Flannigan’s second.

The amendments were:

- Change in Corridor-wide Mobility Improvements for Airport Boulevard:
  - “Up to 6.5 miles of corridor-wide system safety & mobility improvements including up to 21 traffic signal improvements, up to 9 Pedestrian Hybrid Beacons (PHBs), up to 13 miles of new shared-use paths, up to 6.5 miles of pavement rehabilitation, bridge widenings in both directions at Boggy Creek and the Capital Metro Rail line between Springdale Rd and Bolm Rd, and intersection improvements with turn land modifications at E MLK Blvd, Manor Rd, E Koenig Ln, E. 456h St., & Springdale Rd. and evaluation of intersection improvements with turn land modifications at 12<sup>th</sup> St.”
- Change in E. MLK Jr. Blvd/FM969 Corridor-wide Mobility Improvement package:
  - “Up to 1.5 miles of corridor-wide system safety & mobility improvements including up to 4 traffic signal improvements, up to 1 Pedestrian Hybrid Beacon (PHB), up to 3.5 miles of new shared-use paths, bridge sidewalks will be expanded in both directions at Walnut Creek, intersection improvements with turn lane modifications at Decker Ln, new street lighting at Decker Ln.”

- **Include a footnote for E. MLK Jr. Blvd/FM969 Corridor-wide Mobility Improvements package:**
  - **“Preliminary engineering of Corridor-wide Mobility Improvements to include evaluation of partnership/coordination opportunities for sidewalk on Decker Lane to Austin city limit and feasibility of transit-priority improvements.”**

A motion to amend Exhibit C was approved on Council Member Casar’s motion, Council Member Pool’s second on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Kitchen and Pool. Those voting nay were: Council Members Garza and Renteria. Council Member Houston was off the dais. Council Member Troxclair was absent.

The amendment were:

- **Change the Enhanced Multimodal Improvements for North Lamar Boulevard, Parmer Lane to Howard Lane from “Initiate Design & Possible Construction” to “Seek Additional Funding Opportunities”.**
- **Change the Enhanced Multimodal Improvements for North Lamar Boulevard, Thurmond Street to Rundberg Lane from “Seek Additional Funding Opportunities” to “Initiate Design & Possible Construction”.**
- **Change the Corridor-wide Mobility Improvements for North Lamar Boulevard to include up to nine Pedestrian Hybrid Beacons by adding one at West Yager Lane”.**

Resolution No. 20180426-028 was approved as amended on Council Member Kitchen’s motion, Council Member Casar’s second on a 9-0 vote. Council Member Garza was off the dais. Council Member Troxclair was absent.

27. Approve an ordinance amending City Code Chapter 14-9, (Traffic or Sidewalk Obstructions) to expand the types of acts that are prohibited; creating a City-wide services license; and declaring an emergency.

**A motion to approve the ordinance was made by Council Member Kitchen and seconded by Mayor Adler.**

**A motion to revise Part 9(B) to add three new items was approved on Council Member Kitchen’s motion, Council Member Renteria’s second on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Member Casar, Garza, Kitchen, Pool and Renteria. Those voting nay were: Council Members Alter, Flannigan and Houston.**

The new items were:

- (5) licensee provides anonymized data reporting as required to ensure best management of public right of way and improve associated infrastructure, safety, and associated planning;
- (6) vendor meets determined minimum liability insurance, both per occurrence and in the aggregate, as well as providing a performance bond per unit (to serve as security deposit); and
- (7) units physically display contact information of vendors to provide people ability to call with complaints.

Staff noted that the ordinance would include clarification to state the permit/license was for a six-month period.

A motion to approve the following amendments was accepted without objection on Council Member Casar's motion. The amendments were:

To revise Part 1 - § 14-9-1(A)(1) to read: "display, cause to be displayed, suspend, or offer merchandise or dockless transportation services for sale, lease, or rental in the public right-of-way or on a sidewalk in front of a business, residence, or other premises within the person's control; or"

To revise Part 2 § 14-9-3(A) to read: "A person may not place, store, or park, or allow another person to place, store, or park, a vehicle, machinery, dockless transportation item, or bulky item on a street, alley, or sidewalk:"

To revise Part 3 § 14-9-11(A) to read: "Except as provided in Subsection (B), a person may not display, sell, offer for sale, exchange, or take orders for the sale or exchange of merchandise, or dockless transportation goods services, rentals or lease within City right-of-way adjacent to schools, hospitals, convention centers, City owned or controlled buildings, streets, highways, bridges, alleys, sidewalks, and any places deemed detrimental to safety and mobility as determined by the director of the Austin Transportation Department (director), unless the person has obtained a license from the City."

To revise Part 4 § 14-9-12(B) to read: "On a street, highway, alley, sidewalk, or right-of-way, a person may not:

- (1) place, park, or maintain, or cause to be placed, parked, or maintained a structure or display used to sell, offer for sale, lease, rental, barter, trade, store, or take an order for the sale, lease, rental, or exchange of merchandise, or dockless transportation goods or services; or
- (2) sell, offer for sale, rent, lease, exchange, or take orders for the sale or exchange of merchandise, or dockless transportation goods or services."

To revise Part 9 § 14-9-23 to amend the title to read "City Wide Dockless Transportation License Authorized."

To revise Part 9 § 14-9-23(A) to read: "The director may issue a city wide dockless transportation license to a person for use of the public right of-way to sell, offer for sale, rent, lease, exchange, or take orders for dockless transportation merchandise, goods, or services."

To revise Part 10 § 14-9-24 to amend the title to read "City Wide Dockless Transportation Unit Placement Plan."

To revise Part 10 § 14-9-24(A) to read: "An applicant for a city wide dockless transportation license shall provide the director a plan that shows the number of units to be deployed in specific areas of the City."

The following direction with regards to dockless bikes and scooter administrative rules and related processes was given to staff to explore establishing the following was accepted without objection on Council Member Alter's motion.

- Establish penalties and fines for noncompliance.
- Establish clear mechanisms to insure the dockless vehicles themselves and their associated batteries do not proliferate in our landfills nor in our creeks and rivers.

These mechanisms should insure that the costs of environmentally sound disposal are borne by the companies and not the taxpayers and support our zero waste goals.

- Create an easy public complaint process and procedures for follow up of any complaints.
- Update as needed any related public safety ordinances to clarify liability in the case of accidents or other incidents related to operation of these dockless vehicles.
- Update, clarify, or create ordinances or procedures that may be necessary to ensure access for Austinites with disabilities.
- Address outstanding issues of liability of such vehicles left on private property.
- Provide for the possibility to increase fee rates should the costs of service related to the permits increase substantially even before the first 6 months are up.
- Provide for the possibility that permit holders' apps have to provide specific alerts to riders in real time, for instance on rules and regulations such as motorized vehicles are not allowed on the Hike and Bike trail.

A motion to provide the following direction on dockless bikes and scooter administrative rules and related processes was given to staff to explore the following was accepted without objection on Mayor Pro Tem Tovo's motion, Council Member Kitchen's second.

The direction was to include the following:

Good standing:

- Ensure permit applications are approved only for operators in compliance with city laws and in good financial standing with the City once an operator files a permit application and pays the permit fee.
- Create process for companies to restore good standing if they:
  - remove dockless devices from the public right-of-way
  - cease operations until they secure a license
  - reimburse City for any and all costs associated with the company's lack of compliance
  - wait 72 hours after the licensing process begins before filing an application.

A friendly amendment was made by Mayor Adler to revise the third sub bullet to read "reimburse City for any and all costs allowed by law associated with the company's lack of compliance." The amendment was accepted without objection.

An amendment was approved on Council Member Kitchen's motion, Mayor Pro Tem Tovo's second on 7-3 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Mayor Adler, Council Members Casar and Flannigan. The amendment was to revise Section 14-9-23 to include the following:

- The director shall ensure license applications are approved only for operators in compliance with city laws and in good financial standing with the City once an operator files a permit application and pays the permit fee.
- A company can restore good standing if they:
  - Remove dockless devices from the public right-of-way
  - Cease operations until they secure a license
  - Reimburse City for any and all costs associated with the company's lack of compliance
  - Wait 72 hours after the licensing process begins before filing an application.

Direction was given to staff to explore methods for verifying the accuracy of the data received.

A friendly amendment was made by Council Member Alter to include a fifth bullet point to read: “and other requirements as determined by the director”. The amendment was accepted without objection.

A motion to strike “wait 72 hours after the licensing process begins before filing an application” was approved on Mayor Adler’s motion, Council Member Flannigan’s second on a 6-4 vote. Those voting aye were: Mayor Adler, Council Member Alter, Casar, Flannigan, Houston, and Renteria. Those voting nay were: Mayor Pro Tem Tovo, Council Members Garza, Kitchen and Pool.

A motion to include the following direction to staff was accepted without objection on Mayor Pro Tem Tovo’s motion. The direction was to “explore whether or not the City can establish was for making sure that companies who are not in good standing are carefully evaluated before they are given a permit”.

A motion to include the following direction to staff was accepted without objection on Mayor Pro Tem Tovo’s motion. The direction was:

**Reporting:**

- Provide an interim report to Council after 6 months providing, at a minimum, data on the following:
  - Number of rides
  - Number of users
  - Mapping of use
  - Citations
  - Accidents
  - Environmental impact
  - Other relevant data
- Adjust any related rules or ordinances as needed based on the 6-month report and its findings.
- Report back to Council in 12 months with data (as outlined for the 6-month report), community engagement and feedback, recommendations, and the process moving forward with the opportunity of amending any related rules or ordinances.
- Continue community and gathering community feedback during the entirety of the 12-month period.

General direction was given to staff to complete the administrative rule process as soon as possible.

Ordinance No. 20180426-027 was approved as amended on Council Member Kitchen’s motion, Mayor Adler’s second on a 10-0 vote.

90. Adopt a citizen-initiated ordinance, supported by a petition certified sufficient on April 23, to amend the City Code, relating to comprehensive revisions of the Land Development Code. The motion to approve the ordinance failed on Council Member Pool’s motion, Council Member Houston’s second on a 4-6 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool. Those voting nay were: Mayor Adler, Council

Member Casar, Flannigan, Garza, Kitchen and Renteria. Council Member Troxclair was absent.

The following direction was given to staff to include on the CodeNext timeline for Council consideration on May 8, 2018 the following:

1. Include a time period of at least 6 months before any new Code taking effect;
  2. An explanation of the process for testing the code, with an overview of the testing that has been going on and how that will continue;
  3. An explanation of the process for implementation of the code, with an emphasis on timing; and
  4. A clear process for amending the code as we go into the future.
36. Approve a resolution adopting the process and procedures for conducting the public hearings before City Council on the proposed comprehensive revision of the Land Development Code and zoning map, commonly referred to as 'CodeNEXT'. Council Sponsors: Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Delia Garza, Council Member Ann Kitchen. **A motion to approve the resolution was made by Council Member Flannigan and seconded by Council Member Garza.**

**A motion to amend the Be It Resolved clause, Section 2A to read: “The presiding officer shall call speakers in the order they are registered in the electronic sign-up system unless groups of speakers suggest organizing themselves in a specific sequence of speakers of no more than 27 minutes total.” was made by Mayor Pro Tem Tovo and seconded by Council Member Pool. The motion was accepted without objection.**

Council agreed that the order of speakers within a group or sequence of speakers will be called at roughly the middle or the average order of the speakers as listed in the speaker sign-up system at the discretion of the presiding officer.

**A motion to amend Be It Resolved clause, Section I(A)i to read: “The person may register at any time starting three days before each public hearing and before the last person who has registered to testify for that public hearing has begun to testify; and” was made by Mayor Pro Tem Tovo. The motion failed for a lack of a second.**

**A motion to amend the Be It Resolved clause, Section II (B) by deleting item (B) and renumber remaining sections accordingly failed on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on a 3-7 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Garza, Houston, Kitchen and Renteria.**

**A motion to amend Be It Resolved clause Section I(A)i to read: “The person may register at any time starting 60 minutes before each public hearing and before the last person who has registered to testify for that public hearing has begun to testify; and” was approved without objection on Council Member Alter’s motion.**

**Resolution No. 20180426-036 was approved as amended on Council Member Flannigan’s motion, Council Member Garza’s second on a 10-0 vote.**

Mayor Adler adjourned the meeting at 2:56 a.m. without objection.

**The minutes were approved on this the 10<sup>th</sup> day of May 2018 on Council Member Alter's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**