

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, MAY 24, 2018**

**Invocation:** Major Scott Crosley, Chaplain, Texas Army National Guard; Memorial Day proclamation – To be presented by Mayor Steve Adler and to be accepted by the family of Robert Barnett

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, May 24, 2018 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:40 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 discussion of May 1, 2018, work session of May 8, 2018, and regular meeting of May 10, 2018.  
**The motion approving the minutes of the City Council discussion of May 1, 2018, work session of May 8, 2018, and regular meeting of May 10, 2018 were approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**
2. Approve an ordinance renaming the Water Treatment Plant 4 to the Berl L. Handcox, Sr. Water Treatment Plant. District(s) Affected: District 6.  
**Ordinance No. 20180524-002 was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**
3. Authorize negotiation and execution of an agreement with Austin Goodnight Ranch, L.P. for the City to reimburse the developer for an amount not to exceed \$796,950 for costs associated with the design and construction of an oversized water main and appurtenances related to Service Extension Request No. 4128 that will provide water service to a proposed mixed use development located at Slaughter Lane and Old Lockhart Road. District(s) Affected: District 2.  
**The motion authorizing negotiation and execution of an agreement with Austin Goodnight Ranch, L.P. was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

4. Authorize negotiation and execution of an agreement with West Travis County Public Utility Agency ('WTCPUA') for the City's provision of emergency back-up water service to WTCPUA's service area. District(s) Affected: District 6.

**This item was withdrawn on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

5. Authorize negotiation and execution of an interlocal agreement with Travis County for the relocation of an existing detention pond and adjustments to existing water line components for the William Cannon Road Extension Project. District(s) Affected: District 2.

**The motion authorizing negotiation and execution of an interlocal agreement with Travis County was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

6. Approve an ordinance amending City Code Chapter 15-9 (Utility Service Regulations) relating to service line extensions, water service termination, and unexpected high water use and leaks.

**Ordinance No. 20180524-006 was approved as amended below on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

**The following amendments were made by Council Member Alter and accepted without objection:**

**To revise Part 5 (I) to read: "A customer who receives a bill adjustment under this section may not apply for an adjustment under Section 15-9-142 (*Adjustment of High-Volume Water Bill*) for the same billing period."**

**To revise Part 6 (K) to read: "A customer who receives a bill adjustment under this section may not apply for an adjustment under Section 15-9-141 (*Adjustment of Excessive Water Bill if Leaks are Repaired*) for the same billing period."**

7. Approve an ordinance accepting and appropriating grant funds from the Texas Department of Public Safety, and amending the Fiscal Year 2017-2018 Budget Special Revenue Fund (Ordinance No. 20170913-001) in the amount of \$9,980,495 for the following departments: Austin Code Department, Austin Energy, Austin Fire Department, Austin Police Department, Austin Resource Recovery, Austin Water, Emergency Medical Services, Fleet, Homeland Security and Emergency Management, Parks and Recreation Department, Public Works, and Watershed Protection Department and amending the Fiscal Year 2017-2018 Capital Budget to transfer in and appropriate \$8,644,901 for Austin Water's Walnut Creek Bank Erosion project and the Watershed Protection Department's Lakeside Drive and Colorado River Park Drain Channel Repair projects.

**Ordinance No. 20180524-007 was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

8. Authorize negotiation and execution of a design build agreement with SpawGlass Contractors, Inc., for design and construction services for Downtown Chiller Capacity Addition project in an amount not to exceed \$14,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement

Program) by meeting the goals with 9.66% MBE and 2.99% WBE participation.] District(s) Affected: District 9.

**This item was withdrawn on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

9. Authorize award and execution of a construction contract with Smith Contracting Co., Inc., for Landside Roadway and Pedestrian Improvements - Phase 2 in the amount of \$513,468.30 plus a \$51,346.83 contingency, for a total contract amount not to exceed \$564,815.13. [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 7.01% MBE and 1.15% WBE participation.] District(s) Affected: District 2.

**The motion authorizing award and execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

10. Authorize additional contingency funding for the competitive sealed proposal agreement with RS Ellis Inc. dba Southwest Corporation, for the Austin Fire Department Locker Room Project Phase 5 and EMS Vehicle Bay Expansion project in the amount of \$350,000, for a total contract amount not to exceed \$5,006,345. [Note: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) through achievements of Good Faith Efforts. Current participation to date is 3.64% MBE and 0.23% WBE.] District(s) Affected: District 1, District 2, District 3, District 5, District 8.

**The motion authorizing additional contingency funding for the competitive sealed proposal agreement with RS Ellis Inc. doing business as Southwest Corporation was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

**Items 11 through 16 were pulled for discussion.**

17. Approve a resolution supplementing Resolution No. 20171109-085, which relates to Elysium Grand, LP, or an affiliated entity's application to the Texas Department of Housing and Community Affairs for low income housing tax credits for the property located at 3300 Oak Creek Drive. District(s) Affected: District 7.

**Resolution No. 20180524-017 was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

18. Approve an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase one property at high risk of erosion, located at 6903 Creighton Lane, Austin, Texas 78723 Lot 4, Block 6, University Hills, section two, phase three, in a total amount not to exceed \$524,626, establishing acquisition and relocation guidelines, and waiving the requirements of City Code Chapter 14-3. District(s) Affected: District 1.

**Ordinance No. 20180524-018 was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

19. Approve adoption of the Emma S. Barrientos Mexican American Cultural Center Master Plan. District(s) Affected: District 9.

**The motion approving adoption of the Emma S. Barrientos Mexican American Cultural Center Master Plan was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

**Item 20 was pulled for discussion.**

21. Approve an ordinance amending the Fiscal Year 2017-2018 Parks and Recreation Department's Capital Budget (Ordinance No. 20170913-001) to transfer in and appropriate \$280,630 to provide funding in support of the Millennium Youth Entertainment Complex. District(s) Affected: District 1.

**This item was postponed to June 14, 2018.**

**Item 22 was pulled for discussion.**

23. Authorize negotiation and execution of an Advance Funding Agreement with Texas Department of Transportation (TxDOT) for the relocation and adjustment of existing water lines and appurtenances in conflict with TxDOT's Slaughter Creek Overpass Improvement project on IH-35 in the amount of \$69,305 plus a 20% contingency of \$13,861 for a total amount not to exceed \$83,166.

**The motion authorizing negotiation and execution of an Advance Funding Agreement with Texas Department of Transportation (TxDOT) was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

24. Authorize award and execution of four multi-term contracts with VidTroniX LLC, VidTroniX Ticket and Label LLC, OmniData Services Group LLC, and IER Inc., to provide process equipment, consumable supplies, and parts for the shared use passenger processing system, for up to five years for total contract amounts not to exceed \$3,250,000 divided among 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 four multi-term contracts with VidTroniX LLC, VidTroniX Ticket and Label LLC, OmniData Services Group LLC, and IER Inc. was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

25. Authorize award and execution of a multi-term contract with Underwater Construction Corporation, to provide underwater inspection and maintenance diving services, for up to five years for a total contract amount not to exceed \$1,060,500. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**The motion authorizing award and execution of a multi-term contract with Underwater Construction Corporation was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

26. Authorize negotiation and execution of three cooperative contracts with Carrier Commercial Service, Johnson Controls, Inc., and Trane U.S., to provide chiller systems maintenance, repair, inspection, and installation services, for a term of 53 months in an amount not to exceed \$8,191,937, divided among the contractors. (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 three cooperative contracts with Carrier Commercial Service, Johnson Controls, Inc., and Trane U.S. was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

27. Authorize negotiation and execution of a contract with Deloitte and Touche, LLP D/B/A Deloitte & Touche Tohmatsu, or one of the other qualified offerors to Request for Qualification Statements 7400 CRR0306, to provide comprehensive annual financial reports and single audit services, for a term of five years in an amount not to exceed \$6,308,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**The motion authorizing negotiation and execution of a contract with Deloitte and Touche, LLP doing business as Deloitte & Touche Tohmatsu was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

28. Authorize negotiation and execution of a multi-term contract with Metals Treatment Technologies LLC, or the other qualified offeror to Request For Proposals 8700 EAD0135, to provide lead abatement cleaning services for the Austin Police Department firing range, for up to five years for a total contract amount not to exceed \$625,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**The motion authorizing negotiation and execution of a multi-term contract with Metals Treatment Technologies LLC was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

29. Authorize award and execution of a multi-term contract with Longhorn International Trucks, LTD. D/B/A Kyrish Trucks Centers, to provide parts and repair services for sludge trailers, for up to five years for a total contract amount not to exceed \$560,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and

services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**The motion authorizing award and execution of a multi-term contract with Longhorn International Trucks, LTD. doing business as Kyrish Trucks Centers was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

30. Authorize an amendment to an existing contract with Ramtech Building Systems, Inc., to provide a field operations facility, for an increase in the amount of \$148,000 for a revised contract amount not to exceed \$1,043,877. (Note: This contract was awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established).

**The motion authorizing an amendment to an existing contract with Ramtech Building Systems, Inc. was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

31. Approve issuance of a street closure permit under City Code Chapter 14-8 for the 2nd Street District's White Linen Night, a fee-paid event in the 400 block of West 2nd Street, to be held on Saturday, August 4, 2018, from 6:00 p.m. to 9:00 p.m., with street closures from 10:00 a.m. to 11:00 p.m. District(s) Affected: District 9.

**The motion approving issuance of a street closure permit under City Code Chapter 14-8 for the 2<sup>nd</sup> Street District's White Linen Night was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

32. Approve issuance of a street event permit under City Code Chapter 14-8 for the 13th Annual Bat Fest, a fee-paid event in the 100 to the 300 block of the Ann Richards Bridge / Congress Avenue Bridge between Cesar Chavez Street and Barton Springs Road to be held on Saturday, August 18, 2018. District(s) Affected: District 9.

**The motion approving issuance of a street event permit under City Code Chapter 14-8 for the 13<sup>th</sup> Annual Bat Fest was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

33. Authorize negotiation and execution of a 12-month interlocal agreement with the Capital Area Council of Governments to provide funding and extend the City's involvement in Commute Solutions Programs, in an amount not to exceed \$51,000.

**The motion authorizing negotiation and execution of a 12-month interlocal agreement with the Capital Area Council of Governments was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

34. 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 were approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

#### Nominations

**Board/Nominee****Nominated by**

**Economic Prosperity Commission  
Chandra Villanueva**

**Mayor Pro Tem Tovo**

**Joint Sustainability Commission (alternate)  
Randy Mann**

**Parks and Recreation Board**

**Item 35 was pulled for discussion.**

36. Approve an ordinance waving or reimbursing certain fees for the Austin Tenant's Council 45th Anniversary Celebration, sponsored by the Austin Tenant's Council, which was held on May 19, 2018, at Pan American Recreation Center. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Ora Houston, Council Member Leslie Pool, Mayor Steve Adler.  
**Ordinance No. 20180524-036 was approved on consent on Mayor Adler's motion, on a 10-0 vote. Council Member Troxclair was absent.**

**Item 37 and 38 were pulled for discussion.**

39. Approve the waiver or reimbursement of certain fees for the 2018 Shakespeare in the Park event, sponsored by the Something for Nothing Theater, which is to be held June 7-9, 14-16, and 21-23, 2018 at Ramsey Pavilion at Ramsey Park. Council Sponsors: Council Member Alison Alter, Mayor Pro Tem Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool.  
**This item was withdrawn on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

**Item 40 was pulled for discussion.**

41. Approve the waiver or reimbursement of certain fees for the National Gun Violence Awareness event, sponsored by Moms Demand Action, which is to be held June 2, 2018 at Pan American Recreation Center. Council Sponsors: Council Member Alison Alter, Council Member Leslie Pool, Council Member Ora Houston, Council Member Sabino 'Pio' Renteria, Council Member Kitchen.  
**The motion approving the waiver or reimbursement of certain fees for the National Gun Violence Awareness event was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**
42. Approve an ordinance waiving or reimbursing certain fees for the 2018 Queerbomb event, sponsored by Queerbomb, to be held June 2, 2018 at Fair Market. Council Sponsors: Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria, Council Member Gregorio Casar.  
**Ordinance No. 20180524-042 was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

**Direction was given to staff without objection to include an additional \$50 each towards the fee waiver by Mayor Pro Tem Tovo and Council Member Garza.**

43. Approve an ordinance waiving or reimbursing certain fees for the St. John Unity Walk event, sponsored by Child Inc., which was held April 28, 2018 at Webb Middle School. Council Sponsors: Council Member Gregorio Casar, Council Member Sabino 'Pio' Renteria, Council Member Delia Garza, Council Member Ann Kitchen.

**Ordinance No. 20180524-043 was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

44. Approve a resolution initiating a zoning case for the area within the final plat of Circle C Ranch, Phase C, Section Nine, as identified in City case number C8-84-164(c).06.1A, from interim-rural residential (I-RR) to a residential zoning district. Council Sponsors: Council Member Ellen Troxclair, Council Member Ora Houston, Council Member Jimmy Flannigan, Mayor Steve Adler.

**Resolution No. 20180524-044 was approved on consent on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

**Item 45 was pulled for discussion.**

46. Set a public hearing on an application to be submitted to the Texas Department of Housing and Community Affairs by LIH Walnut Creek GP LLC, or an affiliated entity, for the rehabilitation of an affordable multi-family development to be known as Walnut Creek, located at 6509 Springdale Road. (Suggested date and time: June 14, 2018 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.). District(s) Affected: District 1.

**The public hearing was set on consent for June 14, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Mayor Adler's motion on a 10-0 vote. Council Member Troxclair was absent.**

**Item 70 and 71 were pulled for discussion.**

### **DISCUSSION ITEMS**

20. Authorize negotiation and execution of a 25-year Parkland Improvement and Joint Access Agreement, with one 25-year renewal option, with YMCA of Austin for parking improvements located at Lamar Beach in Town Lake Metropolitan Park, in an amount not to exceed \$375,000. District(s) Affected: District 9.

**The motion authorizing negotiation of a 25-year Parkland Improvement and Joint Access Agreement, with one 25-year renewal option with YMCA of Austin was approved on Council Member Pool's motion, Council Member Renteria's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was absent.**

38. Approve a resolution supporting the City's efforts related to opioid abuse and directing the City Manager to identify resources necessary to bolster the City's ongoing efforts and provide related recommendations. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Ora Houston, Council Member Ann Kitchen, Council Member Delia Garza.

**Resolution No. 20180524-038 was approved as amended below on Mayor Adler's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**



**The following amendments were made by Council Member Flannigan and accepted without objection:**

**To revise the first Whereas clause to read: “Whereas, the Imagine Austin Comprehensive Plan established a priority of creating a Healthy Austin Program that would increase healthy behaviors and improve coordination between the Austin Public Health Department, other departments with the City and counties, non-profit organization, and the community; and”**

**To revise the sixth Whereas clause to read: “Whereas, Travis County has experienced an upward trend of drug overdose deaths, particularly those resulting from opioids; and”**

**To revise the seventh Whereas clause to read: “Whereas, similar data is unavailable for other counties containing City of Austin jurisdiction; and”**

40. Approve a resolution relating to mortgage assistance programs for low-income households. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Alison Alter.

**Resolution No. 20180524-040 was approved on Council Member 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 receive citizen comments on the City's draft Fiscal Year 2018-2019 Action Plan as required by the U.S. Department of Housing and Urban Development and required by Texas Local Government Code Chapter 373. (Suggested date and time: June 14, 2018, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set for June 14, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Renteria’s motion, Council Member Kitchen’s second on a 10-0 vote. Council Member Troxclair was absent.**

70. Approve a settlement in Breiaon King v. City of Austin et al, Cause No. 1:16-CV-01020-SS, in the United States District Court for the Western District of Texas, Austin Division.

**The motion to settle the above-referenced lawsuit, by the City paying \$425,000 to Breiaon King was approved on Council Member Houston’s motion, Council Member Pool’s second on a 10-0 vote. Council Member Troxclair was absent.**

71. Authorize negotiation and execution of multi-term cooperative contracts with Haworth Inc., Herman Miller Inc., Knoll Inc., The Hon Company, Southern Aluminum Manufacturing Corp. D/B/A Southern Aluminum, Steelcase Inc. and Trendway Corp. and their manufacturer approved distributors, to provide furniture including installation and other related services, for up to five years for total contract amounts not to exceed \$16,446,000 divided among the contractors. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

**The motion authorizing negotiation and execution of multi-term cooperative contracts with Haworth Inc., Herman Miller Inc., Knoll Inc., The Hon Company, Southern Aluminum**

**Manufacturing Corp. doing business as Southern Aluminum, Steelcase Inc. and Trendway Corp. and their manufacturer approved distributors was approved on Council Member Flannigan's motion, Council Member Houston's second on a 9-1 vote. Council Member Garza voted nay. Council Member Troxclair was absent.**

47. Approve a resolution authorizing the filing of eminent domain proceedings for the Barton Creek-Oak Park Flood Risk Reduction Project for the fee simple title acquisition of Lot 25, Block 4 Resubdivision of Section No. 2 and Lots 1-21 Section No.3 of Oak Park Subdivision, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 26, Page 24, Plat Records of Travis County, Texas, in the amount of \$20,000. The owners of the needed property are Minoo R. and Lita R. Cooper. The property is located entirely in District 8, at 6109 Oakclaire Drive, Austin Texas 78735. The public uses necessitating, this acquisition is development of flood risk reduction structures, ecosystem restoration features and recreation features. The general route of the project is at the intersection of Oakclaire Drive and Highway 290. District(s) Affected: District 8.  
**Resolution No. 20180524-047 was approved on Council Member Houston's motion, Council Member Renteria' second on a 10-0 vote. Council Member Troxclair was absent.**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 12:10 p.m. See separate minutes.**

48. 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 12:15 p.m.**

**CITIZENS COMMUNICATIONS: GENERAL**

Gus Peña – TBD

Dr. Koo H. Kim – Democratization of Austin City Police Chief Brian Manley and his office and City Manager's responsibility for Police Chief's wrongful trespass and wrongful arrest and put innocent people.

Tony Farmer – Construction in Austin

Pat Valls-Trelles – Animal Services

Patrick Ebomwonyi – Where are the officers?

Lance Keltner – Republic EMS – **Not present.**

Joshua Sanchez – Basic income – **Not present.**

Tyson Heder – Booting fees for private lots – **Not present.**

Susana Almanza – Rescind the East Riverside Corridor Plan – it's causing major displacement and gentrification.

Kaitlin Swarts – TBD

**Mayor Adler recessed the meeting at 12:41 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.**

50. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
51. Discuss legal issues related to the November 2018 election (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
52. Discuss legal issues related to Austin Country Club v. City of Austin, Cause No. D-1-GN-17-006525 in the 126th Judicial District for Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
53. Discuss the employment, duties, and evaluation of the City Manager (Personnel matters - Section 551.074 of the Government Code).  
**Conducted**

**Mayor Adler reconvened the meeting at 2:20 p.m.**

### **DISCUSSION ITEMS CONTINUED**

37. Approve a resolution directing the City Manager to prepare draft language for all necessary ordinances, actions and approvals to place the CodeNext petition-sponsored ordinance on the ballot. Council Sponsors: Council Member Ora Houston, Council Member Alison Alter, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool.  
**A motion to approve the resolution was made by Council Member Houston and seconded by Council Member Alter.**

**A substitute motion was made by Mayor Adler and seconded by Council Member Kitchen to revise the resolution to read as follows:**

**“Whereas, on March 29, 2018, an initiative petition was filed with the Austin city clerk concerning CodeNEXT (or any subsequent comprehensive revisions of the City’s land development laws; and**

Whereas, the initiative petition would require voter approval of CodeNEXT, and CodeNEXT includes revisions to the City's zoning regulations; and

Whereas, on April 23, 2018, the Austin city clerk certified that the petition met the requirement for the minimum number of valid signatures of qualified voters to be considered sufficient; and

Whereas, in accordance with Article IV, §4 of the Austin City Charter, upon receipt of an initiative petition certified by the city clerk to be sufficient, the Austin City Council has the obligation to either (a) pass the initiated ordinance without amendment within ten (10) days after the date of certification or (b) order an election and submit the initiated ordinance without amendment to a city-wide vote on the next allowable municipal elections date; and

Whereas, on April 26, 2018, the Austin City Council voted 6-4 (with one member absent) to not pass the initiated ordinance without amendment within ten (10) days after the date of certification to the council ; and

Whereas, the City of Austin's power of initiative and referendum may be limited by state law.

Whereas, Chapter 211.015 of the Texas Local Government Code (Zoning Referendum in Home-Rule Municipality) provides for an election concerning a municipality's zoning regulations through a referendum election only when a municipality seeks to repeal its zoning regulations in their entity or when a municipality seeks to initially adopt zoning regulations; and

Whereas, the next allowable municipal election date is November 6, 2018;

Now, Therefore,

**Be It Resolved By The City Council Of The City Of Austin:**

The City Council hereby determines not to place the aforementioned petition-sponsored ordinance on the November 6, 2018 ballot.

**Be It Further Resolved:**

The City Council takes this action today, more quickly than is required by law, in order to ensure there is ample time and opportunity for legal challenges to Council's action so as to not preclude the opportunity to have the item placed on the next allowable municipal elections date as provided below.

**Be It Further Resolved:**

The City of Austin will place the petition-sponsored ordinance on the November 6, 2018, ballot if a court, pursuant to a challenge of today's action, determines the City of Austin was under a legal requirement to place the matter on the ballot since the Council did not adopt the petition-sponsored ordinance."

A friendly amendment was made by Council Member Pool for the City to take no position on the validity of the petition. The amendment was not accepted.

An amendment was made by Mayor Pro Tem Tovo to revise the first Be It Resolved clause to read:

**“The City Council hereby determines to place the aforementioned petition-sponsored ordinance on the November 6, 2018 ballot.”** The amendment failed on Mayor Pro Tem Tovo’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 Members Casar, Flannigan, Garza, Kitchen and Renteria. Council Member Troxclair was absent.

The motion to approve the substitute motion was approved on Mayor’s Adler’s motion, Council Member Kitchen’s second 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 Kathie Tovo, Council Members Alter, Houston, and Pool. Council Member Troxclair was absent.

Resolution No. 20180524-037 was approved as amended above on Mayor’s Adler’s motion, Council Member Kitchen’s second 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.

### **PUBLIC HEARINGS**

66. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's proposal to change customer rates.  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180524-066 was approved on Council Member Flannigan’s motion, Council Member Garza’s second on an 8-0 vote. Mayor Pro Tem Tovo and Council Member Houston were off the dais. Council Member Troxclair was absent.**
68. Conduct a public hearing and consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the Austin Area Master Community Workforce Plan as an attachment.  
**The public hearing was conducted and a motion to close the public hearing was approved on Council Member’s Garza’s motion, Council Member Flannigan’s second on an 8-0 vote. Mayor Pro Tem Tovo and Council Member Houston were off the dais. Council Member Troxclair was absent. No action was taken on the ordinance.**
69. Conduct a public hearing and 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 to the east, 3rd Street to the south, and Comal Street to the west. District(s) Affected: District 9.  
**This item was postponed to June 28, 2018 at the request of staff without objection.**

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

54. NPA-2016-0002.01 - 78 San Marcos St. - District 3 - Approve second and third readings of an ordinance amending Ordinance No. 19990513-70 the East Cesar Chavez Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 78 San Marcos Street (Lady Bird Lake Watershed) from Civic to Neighborhood Mixed Use land use. First Reading approved for Neighborhood Mixed Use land use on June 8, 2017. Vote: 9-0. Owner: Carrie Altemus. Agent: McLean & Howard, LLP (Jeff Howard) and Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.  
**Ordinance No. 20180524-054 to change the land use designation on the future land use map (FLUM) to Neighborhood Mixed Use land use was approved on Council Member Houston's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.**
55. C14H-2017-0006 - 78 San Marcos - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 78 San Marcos Street (Lady Bird Lake Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-mixed use-historic landmark-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. First reading approved on June 8, 2017. Vote: 6-3, Mayor Pro Tem Tovo and Council Members Alter and Pool voted nay. Council Members Garza and Kitchen were absent. Owner/Applicant: Carrie Altemus. Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.  
**Ordinance No. 20180524-055 for limited office-mixed use-historic landmark-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning was approved on Council Member Houston's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.**
57. C14-2016-0136 - Broadmoor - District 7 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 11501 Burnet Road (Walnut Creek Watershed). Applicant Request: To rezone from north burnet/gateway-commercial mixed use-neighborhood plan (NBG-CMU-NP) combining district zoning to north burnet/gateway-transit oriented development-gateway zone-neighborhood plan (NBG-TOD-NP) combining district zoning. First Reading approved north burnet/gateway-transit oriented development-gateway zone-neighborhood plan (NBG-TOD-NP) combining district zoning, with conditions on April 12, 2018. Vote: 6-0. Owner/Applicant: Brandywine Austin, LLC (Leon Shadowen). Agent: Drenner Group, PC (Dave Anderson). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.  
**This item was postponed to June 28, 2018 at the request of staff on Council Member Houston's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.**
58. NPA-2016-0014.01 - 4500 Nuckols Crossing Road - District 2 -Conduct a public hearing and approve an ordinance amending Ordinance No. 021010-11, the Southeast 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 4500 Nuckols Crossing Road (Williamson Creek Watershed) from Single Family to Multifamily land use. Staff Recommendation: To deny Multifamily land use. Planning Commission Recommendation: To be reviewed on May 22, 2018. Owner/Applicant: Angelos Angelou and John Sasaridis. Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 2.

**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 10-0 vote. Council Member Troxclair was absent.**

59. C14-2017-0010 - 4500 Nuckols Crossing Road Rezoning - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4500 Nuckols Crossing Road (Williamson Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To deny multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May 22, 2018. Owner/Applicant: Angelou Angelos and John Sasaridis. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

**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 10-0 vote. Council Member Troxclair was absent.**

60. C14-2017-0138 - 3232 and 3306 East Cesar Chavez Rezoning - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as locally known as 3232 and 3306 East Cesar Chavez Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed June 12, 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. City Staff: Heather Chaffin, 512- 974-2122. 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 10-0 vote. Council Member Troxclair was absent.**

61. C14-2015-0062.01 - Met Center PDA Amendment - District 2 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2900-3024 U.S. Highway 183 South (Carson Creek Watershed; Onion Creek Watershed) from limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on May 22, 2018. Owner/Applicant: Met Center NYCTEX, Phase II, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

**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 10-0 vote. Council Member Troxclair was absent.**

62. C14-2017-0149 - Rezoning of 5521 Springdale Road- District 1 - Conduct a public hearing and approve second and third readings of 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. First Reading approved community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning on April 24, 2018. 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 close the public hearing and approve the ordinance on second 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 Garza's second on a 10-0 vote. Council Member Troxclair was absent.**
64. C14-01-0046.02 - The Baker School - District 9 - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 3908 Avenue B (Waller Creek Watershed). Applicant Request: To zone from Unzoned (UNZ) district to community commercial - historic district - neighborhood conservation combining district - neighborhood plan (GR-HD-NCCD-NP) combining district zoning. First Reading approved on March 22, 2018. Vote: 8 - 1, Council Member Flannigan voted nay. Council Members Pool and Troxclair off the dais. Owner: Austin Public Schools. Applicant: Weiss Architecture Inc. (Richard Weiss). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 9.  
**This item was postponed to June 14, 2018 at the request of the applicant on Council Member Houston's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.**
65. C14-2017-0130 - Genesis Autos - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4410 East William Cannon Drive (Williamson Creek Watershed). Applicant's Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: Genesis Autos (Daniel Garcia). Agent: LOC Consultants (Sergio Lozano-Sanchez, P.E.). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.  
**This item was postponed to June 28, 2018 at the request of council on Council Member Houston's motion, Council Member Garza's second on a 10-0 vote. Council Member Troxclair was absent.**

#### **PUBLIC HEARINGS CONTINUED**

67. Conduct a public hearing on Amendment No. 2 to the Project and Financing Plan of the Waller Creek Tax Increment Financing Reinvestment Zone (TIRZ) No. 17 to update current project design and project cost estimates, to extend the length of time in which the TIRZ operates, and to provide the most recent estimates of underlying funding sources that are anticipated to pay for the design, construction, and operations and maintenance of projects within the district. The projects proposed within Amendment No. 2 include park, stream, and trail improvements to enhance the



developed land in the Waller Creek District. (Related to Items 11, 12, 13, 14, 15, 16, and TIF #1).  
District(s) Affected: District 1, District 9.

**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was absent.**

#### **DISCUSSION ITEMS CONTINUED**

11. Approve a resolution appointing Mayor Steve Adler as Chair of the Board of Directors for Tax Increment Financing Reinvestment Zone (TIRZ) No. 17 and appointing City Council as the Board of Directors for the TIRZ (Related to Items 12, 13, 14, 15, 16, 67, and TIF #1).

**Resolution No. 20180524-011 was approved on Council Member Renteria's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was absent.**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Tax Increment Financing Reinvestment Zone #17 (Waller Creek Tunnel Project) to order at 5:37 p.m. See separate minutes.**

49. The Mayor will recess the City Council meeting to conduct a Board of Directors' meeting of the Tax Increment Financing Reinvestment Zone #17 (Waller Creek Tunnel Project). Following adjournment of the Board meeting, the City Council will reconvene.

**Mayor Adler reconvened the Council Meeting at 5:48 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

**Items 12 through 16 were acted on in one combined motion.**

12. Approve an ordinance approving Amendment No. 2 to the Project and Financing Plan for Tax Increment Financing Reinvestment Zone (TIRZ) No. 17 to update current project design and project cost estimates, to extend the length of time in which the TIRZ operates, and to provide the most recent estimates of underlying funding sources that are anticipated to pay for the construction of projects within the Waller Creek District. The projects are proposed to be expanded to include parks, stream and trail improvements to enhance the developed land in the Waller Creek District. (Related to items 11, 13, 14, 15, 16, 67, and TIF #1).

**Ordinance No. 20180524-012 was approved as amended below on Council Member Renteria's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

**The following amendments were offered by staff and accepted without objection:**

**To revise Part 1 (a) to read: "Council finds that Amendment No. 2 to the Project and Financing Plan for Tax Increment Financing (TIRZ) Reinvestment Zone No. 17 (Waller Creek Tunnel Project) has the City public purpose of updating current project design and project costs estimates, providing the most recent estimates of underlying funding sources that are anticipated to pay for the City's participation in the construction of the Waller Creek Chain of Parks as reflected in the revised Waller Creek Design Plan attached to the**

**Amendment No. 2, extending the time period for the continuation of the TIRZ by the City for an additional 13 years to pay for improvements to the parks and other City infrastructure that provides a benefit to the property in the area and to the people who will be able to use the parks.”**

**To revise Part 1 (c) to read: “Council finds that Amendment No. 2 to the Project and Financing Plan for the TIRZ No. 17 (Waller Creek Tunnel Project) supplements the amendment No. 1 approved by Council for the construction, operation, and maintenance of the tunnel.”**

**To revise Part 1(d) to read: “Council extends the date for termination of the zone to September 30, 2041.”**

**To revise Part 1(e) to read: “This extension does not change the boundaries of the TIRZ.”**

**To revise Part 1(f) to read: “The Board of Director is established by Council by separate action.”**

**To revise Part 1(g) to read: “Council finds that the tunnel and the Waller Creek Chain of Parks and related infrastructure will significantly enhance the value of the taxable property within the zone and will be of general benefit to the City and to the other taxing entities with taxing authority within the zone.”**

**To revise Part 1(h) to read: “Council finds that the TIRZ continues to meet the criteria for designation of a reinvestment zone under Section 311.005 of the Texas Tax Code.”**

13. Approve an ordinance authorizing negotiation and execution of an amendment to the Waller Creek District Joint Design, Development, Management and Operation Agreement and related documents between the City of Austin, Waller Creek Conservancy, and the Waller Creek Local Government Corporation concerning the revitalization of the Waller Creek District; approving the Amended Design Plan; and waiving certain City Code provisions relating to naming of features and new facilities within the District in furtherance of the agreements between the parties. (Related to Items 11, 12, 14, 15, 16, 67, and TIF #1).

**Ordinance No. 20180524-013 was approved on Council Member Renteria’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Troxclair was absent.**

14. Approve an ordinance amending the Fiscal Year 2017-2018 Parks and Recreation Department Capital Budget (Ordinance No. 20170913-001) to increase appropriations by \$25,000,000 for improvements to parkland in the Waller Creek District. (Related to Items 11, 12, 13, 15, 16, 67, and TIF #1).

**Ordinance No. 20180524-014 was approved on Council Member Renteria’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Troxclair was absent.**

15. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of certificates of obligations to be issued for the Chain of Parks and related

infrastructure in the Waller Creek District in the total amount of \$25,000,000. (Related to Items 11, 12, 13, 14, 16, 67, and TIF #1).

**Resolution No. 20180524-015 was approved on Council Member Renteria's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

16. Approve a resolution amending the Waller Creek Local Government Corporation's Articles of Incorporation and Bylaws to appoint one additional City Manager designee as a director to the board of the corporation from the City of Austin (Related to Items 11, 12, 13, 14, 15, 67, and TIF #1).

**Resolution No. 20180524-016 was approved on Council Member Renteria's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was absent.**

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

### **LIVE MUSIC**

Adam Lozoya, The Traveling Pianist

### **PROCLAMATIONS**

Proclamation – National Public Works Week – To be presented by Mayor Steve Adler and to be accepted by Richard Mendoza, Director, Public Works Department

Distinguished Service Award – Carol Biedrzycki – To be presented by Mayor Pro Tem Kathie Tovo and to be accepted by the honoree

Proclamation – Emergency Medical Services Week – To be presented by Council Member Jimmy Flannigan

Proclamation – Taiwanese American Heritage Week – To be presented by Council Member Jimmy Flannigan

Distinguished Service Award – Urcha Dunbar-Crespo – To be presented by Mayor Steve Adler and to be accepted by the honoree

Proclamation – Harvey Response Language Access and Equity Volunteers – To be presented by Council Member Greg Casar

**Mayor Adler reconvened the meeting at 7:26 p.m.**

### **DISCUSSION ITEMS CONTINUED**

35. Approve a resolution directing the Manager to construct, build, or establish interim fire stations; to include funds to staff the interim fire stations in the recommended 2018-2019 budget; and, to develop a plan to fund, construct, and staff permanent fire stations. Council Sponsors: Council Member Delia Garza, Mayor Pro Tem Kathie Tovo, Council Member Ann Kitchen, Council Member Ellen Troxclair, Mayor Steve Adler.

A motion to approve the resolution with the following amendments was made by Council Member Garza's motion and seconded by Council Member Kitchen. The amendments were:

To revise the Be It Resolved Clause to read: "The Council directs the City Manager to, by the end of 2018, construct, build or establish, either through temporary structure or other alternative arrangement, interim fire stations in a least the top two areas of greatest need as identified in the 2017 Austin Fire Department/ Austin Fire Association Fire Station Risk and Service Analysis Report. This may include options such as working with the Texas Department of Transportation to use the toll booth station located on Toll Road 130."

To remove the first Be It Further Resolved Clause and renumber accordingly to read: "The Council directs the City Manager to develop a six-year timeline to fund, construct, and staff five permanent fire stations in the areas of greatest need as identified in the 2017 Austin Fire Department/ Austin Fire Association Fire Station Risk and Service Analysis Report. This plan should look at innovative solutions to streamline the entire process to significantly reduce the timeline and find other efficiencies. The plan should include creating a working group that includes all relevant City departments from Procurement and Real Estate, to Permitting and the Fire Department to streamline the process and may include partnering with outside entities such as Emergency Service District 11 to build and/or co-locate a fire station in the Del Valle area."

To revise the second Be It Further Resolved clause to read: "The Council directs the City Manager to bring forward by June 28, 2018 for Council consideration the finance action items necessary to construct, build, or establish interim fire stations. Alternatively, the City Manager may bring to Council for consideration an expedited process that outlines a 12-18 month timeline for design, permitting, construction, and completion, and for fully staffing, permanent fire stations in the top two areas of greatest need and any action items for Council consideration that are necessary to fund such permanent stations. Twelve months may be added to the timeline in the Travis Country area for the purchase of land."

To revise the third Be It Further Resolved Clause to read: "The Council directs the City Manager to include any funds necessary to staff the fire stations in the City Manager's recommend fiscal year 2018-2019 budget for Council consideration."

To revise the fourth Be It Further Resolved Clause to read: "The Council directs the City Manager to report back to Council monthly on the progress on efforts related to the interim and permanent fire stations, challenges that could cause delay, and identify any actions that Council may take to make the process more efficient." The amendment was accepted without objection.

The following amendments were made by Council Member Flannigan and accepted without objection:

To revise the Be It Resolved Clause to read: "The Council directs the City Manager to, by the end of 2018, construct, build or establish, either through temporary structure or other alternative arrangement, interim fire stations in a least the top two areas of greatest need as identified in an updated 2017 Austin Fire Department/ Austin Fire Association Fire Station Risk and Service Analysis Report, that accounts for recent CAMPO funding allocated to Advanced Signal Timing technology, as well as projected mobility improvements from the

**2016 City of Austin Mobility Bond. This may include options such as working with the Texas Department of Transportation to use the toll booth station located on Toll Road 130.”**

**To revise the second Be It Further Resolved Clause to read: “The Council directs the City Manager to develop a six-year timeline to fund, construct, and staff five permanent fire stations in the areas of greatest need as identified in the updated 2017 Austin Fire Department/ Austin Fire Association Fire Station Risk and Service Analysis Report. This plan should look at innovative solutions to streamline the entire process to significantly reduce the timeline and find other efficiencies. The plan should include creating a working group that includes all relevant City departments-from Procurement and Real Estate, to Permitting and the Fire Department-to streamline the process and may include partnering with outside entities such as Emergency Service District 11 to build and/or co-locate a fire station in the Del Valle area.”**

**A friendly amendment was made by Mayor Adler and accepted without objection to revise the Be It Further Resolved clause to read: “The Council directs the City Manager to bring forward by June 28, 2018 for Council consideration the finance action items necessary to construct, build, or establish interim fire stations. Alternatively, the City Manager may bring to Council for consideration an expedited process that outlines a 12-18 month and an 18-24 month timeline for design, permitting, construction, and completion (beginning construction in 12 months), and for fully staffing, permanent fire stations in the top two areas of greatest need and any action items for Council consideration that are necessary to fund such permanent stations. Twelve months may be added to the timeline in the Travis Country area for the purchase of land.”**

**A motion was made by Council Member Alter to revise the first Be It Resolved clause to read: “The Council directs the City Manager to, by the end of 2018, construct, build or establish, either through temporary structure or other alternative arrangement, interim fire stations in the top five areas of greatest need as identified in the 2017 Austin Fire Department/Austin Fire Association Fire Station Risk and Service Delivery Analysis Report. This may include options such as working with the Texas Department of Transportation to use the toll booth station located on Toll Road 130.” The motion failed on Council Member Alter’s motion, Council Member Pool’s second on a 3-7 vote. Those voting aye were: Council Members Alter, Houston, and Pool. Those voting nay were Mayor Adler, Mayor Pro Tem Tovo, Council Member Casar, Flannigan, Garza, Kitchen and Renteria. Council Member Troxclair was absent.**

**A motion to divide the question was made by Council Member Alter. The motion was approved on a 7-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Flannigan, Houston, Kitchen, and Pool. Those voting nay were: Council Members Casar, Garza, and Renteria. Council Member Troxclair was off the dais.**

**A motion to approve the first and third Be It Resolved clause relating to interim fire stations was approved on a 7-3 vote. Those voting aye were Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar Flannigan, Garza, Kitchen, and Renteria. Those voting nay were: Council Members Alter, Houston, and Pool. Council Member Troxclair was absent.**

**A motion to approve the remaining language of the resolution relating to permanent fire stations was approved on a 10-0 vote. Council Member Troxclair was absent.**

**Resolution No. 20180524-035 was approved as amended above on the separate votes listed above.**

**ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED**

56. C14-2017-0132 - 4515 South Congress Rezoning - District 3 - Approve second and third readings of 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-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. First Reading approved on April 26, 2018. Vote: 10-0, Council Member Troxclair was off the dais. 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 motion approving the ordinance on second reading only 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 Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was absent.**

**Direction was given to staff to memorialize additional efforts requested by the developer and bring the item back to Council at the June 14, 2018 meeting.**

63. C14-2017-0139 - Ferguson Crossing- District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3207 Ferguson Lane (Walnut Creek Watershed) from warehouse limited office-conditional overlay (W/LO-CO) combining district zoning, rural residence (RR) district zoning, neighborhood office-conditional overlay (NO-CO) combining district zoning, and single family residence large lot-conditional overlay (SF-1-CO) combining district zoning to warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. Staff recommendation: To grant warehouse limited office-conditional overlay (W/LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant warehouse limited office-conditional overlay (W/LO-CO) combining district zoning on Tract 1 and to grant multifamily limited density-conditional overlay (MF-1-CO) combining district zoning on Tract 2. Owner/Applicant: Fergi AV Land, LLC. (Colin Armstrong). 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 warehouse limited office-conditional overlay (W/LO-CO) combining district zoning on Tract 1 and multifamily limited density-conditional overlay (MF-1-CO) combining district zoning on Tract 2 was approved on Council Member Houston's motion, Council Member Renteria's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Troxclair was absent.**

**Direction was given to staff to bring item back to Council at the June 28, 2018 meeting.**

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

**The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Flannigan's motion, Council Member Renteria's second on an 8-2 vote. Those voting aye**

**were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Flannigan, Garza, Houston, Kitchen, and Renteria. Those voting nay were: Council Members Alter and Pool. Council Member Troxclair was absent.**

**DISCUSSION ITEMS CONTINUED**

22. Discuss and take appropriate action to establish the process and procedures for conducting the City Council deliberations and subsequent action on the proposed comprehensive revision of the Land Development Code, commonly referred to as 'CodeNEXT'.

**No action was taken on this item.**

**Mayor Adler adjourned the meeting at 10:57 p.m. without objection.**

**The minutes were approved on this the 14<sup>th</sup> day of June 2018 on Mayor Pro Tem Tovo's motion, Council Member Casar's second on a 11-0 vote.**