

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 2, 2017**

Invocation: Reverend Chuck Freeman, Free Souls Church, Round Rock

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, March 2, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council discussion of January 30, 2017, work session of January 31, 2017, budget work session of February 1, 2017, regular meeting of February 2, 2017, work session of February 14, 2017, budget work session of February 15, 2017, regular meeting of February 16, 2017, and special called meeting of February 22, 2017.
The minutes from the City Council discussion of January 30, 2017, work session of January 31, 2017, budget work session of February 1, 2017, regular meeting of February 2, 2017, work session of February 14, 2017, budget work session of February 15, 2017, regular meeting of February 16, 2017 and special called meeting of February 22, 2017 were approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
2. Approve issuance of a rebate to Seton Family of Hospitals for installing energy efficiency measures at the Dell Seton Medical Center at The University of Texas, located at 1500 Red River Street, in an amount not to exceed \$263,741. (District 1) (Notes: February 27, 2017 – Unanimously recommended by the Electric Utility Commission on a vote of 9-0, with two vacancies.)
The motion approving issuance of a rebate to Seton Family of Hospitals was approved on consent on Council Member Garza's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.
3. Approve an ordinance amending the Fiscal Year 2016-2017 Austin Water Operating Budget (Ordinance No. 20160914-001) to increase the transfer in from the Capital Improvement Program by \$1,836,000 and increase the transfer out by \$7,000,000 for debt defeasance; and amending the Fiscal Year 2016-2017 Combined Utility Revenue Bond Redemption Fund (Ordinance No. 20160914-001) to increase the transfer in from the Austin Water Operating Budget by

\$22,000,000 and increase other operating requirement expenditures by \$22,000,000 to fund debt defeasance. (Related to Item #10)

Ordinance No. 20170302-003 was approved on consent on Council Member Garza's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.

4. Authorize negotiation and execution of a competitive sealed proposal agreement with MAC, INC. for the construction improvements to the Austin-Bergstrom International Airport Terminal Facility Upper Level Embankment Repairs project in an amount not to exceed \$4,157,329. (District 2) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with .51% MBE and .41% WBE participation.)
The motion authorizing negotiation and execution of a competitive sealed proposal agreement with MAC, Inc. was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
5. Authorize execution of change order #5 to the construction contract with MUNIZ CONCRETE & CONTRACTING, INC. for the Colorado Street Reconstruction and Utility Adjustments from 7th Street to 10th Street Rebid project in the amount of \$358,634.53, for a total contract amount not to exceed \$6,478,732.56. (District 9) (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 55.31% MBE and 4.38% WBE participation.)
The motion authorizing execution of change order number five to the construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
6. Authorize the use of the competitive sealed proposal procurement method for solicitation of a job order contract for facility maintenance, repair, alteration, renovation, remediation, or minor construction. (Notes: MBE/WBE goals will be established prior to issuance of this solicitation.)
The motion authorizing the use of the competitive sealed proposal procurement method was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
7. Approve an ordinance amending City Code Chapter 2-1 to establish the Lesbian, Gay, Bisexual, Transgender, and Queer Quality of Life Advisory Commission.
Ordinance No. 20170302-007 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

Items 8 and 9 were pulled for discussion.

10. Approve a resolution authorizing the defeasance of certain outstanding Water and Wastewater System Revenue Refunding Bonds, including authorizing the execution of an escrow agreement, and related documents. Related to Item #3.
Resolution No. 20170302-010 was approved on consent on Council Member Garza's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.
11. Authorize execution of an amendment to a legal services contract with Tydings & Rosenberg LLP for legal services regarding the Minority-Owned and Women-Owned business enterprise procurement program in an amount not to exceed \$10,000, for a total contract amount not to exceed \$125,400.

The motion authorizing execution of an amendment to a legal services contract with Tydings & Rosenberg LLP was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

12. Authorize the negotiation and execution of an amendment to an interlocal agreement with TRAVIS COUNTY and the AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER D/B/A AUSTIN TRAVIS COUNTY INTEGRAL CARE regarding mental health, public health and substance abuse services for indigent citizens and other eligible clients within the Downtown Austin Community Court, to increase funding in the amount of \$217,000, for the period October 1, 2016 through September 30, 2017, for a total agreement amount not to exceed \$392,000.

The motion authorizing the negotiation and execution of an amendment to an interlocal agreement with Travis County and the Austin Travis County Mental Health Mental Retardation Center doing business as Austin Travis County Integral Care was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

13. Authorize negotiation and execution of an encroachment agreement with The Corner Development, LLC for the encroachment of right-of-way by a portion of an existing structure at the intersection of West 25 1/2 Street and San Gabriel Street, located at 2504 San Gabriel Street (District 9).

The motion authorizing negotiation and execution of an encroachment agreement with The Corner Development, LLC was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

14. Approve an ordinance correcting Ordinance No. 20161110-032, to correct certain exhibits to the zoning ordinance for property described in zoning file C814-2012-0152, Pilot Knob Planned Unit Development.

Ordinance No. 20170302-014 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

15. Approve an ordinance on second and third reading adopting the Fourth Amendment to the Agreement Concerning Creation and Operation of Moore's Crossing Municipal Utility District and authorize negotiation of further amendments that may be mutually agreeable to the parties including proceeding toward a Strategic Partnership Agreement (District 2).

This item was postponed to March 23, 2017 on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

16. Approve negotiation and execution of Amendment No. 2 to the agreement with FOUNDATION COMMUNITIES, INC. to increase funding in an amount not to exceed \$241,500 for permanent supportive housing services and add an eight month extension option beginning May 1, 2017, for a total agreement amount not to exceed \$1,046,500.

The motion approving negotiation and execution of amendment number two to the agreement with Foundation Communities, Inc. was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

17. Authorize negotiation and execution of the third amendment to the 37-month agreement with WORKSOURCE GREATER AUSTIN AREA WORKFORCE DEVELOPMENT BOARD d/b/a WORKFORCE SOLUTIONS - CAPITAL AREA WORKFORCE BOARD to increase funding for workforce development and education services in an amount not to exceed \$122,240 for the current contract period ending September 30, 2018, and increase funding for the three remaining

12-month renewal options in an amount not to exceed \$61,120 per renewal option, for a total agreement amount not to exceed \$16,250,048.

The motion authorizing negotiation and execution of the third amendment to the agreement with Worksource Greater Austin Area Workforce Development Board doing business as Workforce Solutions - Capital Area Workforce Board was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

18. Approve an ordinance authorizing acceptance of \$231,409 in grant funds from the DEPARTMENT OF STATE HEALTH SERVICES and amending the Fiscal Year 2016-2017 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to appropriate \$231,409 for Zika-related public health emergency response programs.
Ordinance No. 20170302-018 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
19. Approve an ordinance authorizing acceptance of \$246,180 in grant funds from the DEPARTMENT OF STATE HEALTH SERVICES, and amending the Fiscal Year 2016-2017 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to appropriate \$246,180 for Zika epidemiology and lab capacity enhancement programs.
Ordinance No. 20170302-019 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
20. Approve negotiation and execution of the third Amendment to an agreement with CARITAS OF AUSTIN to increase funding for the provision of housing stability resources in an amount not to exceed \$162,416 for the current 37-month term ending September 30, 2018, and increase funding for the three remaining 12-month renewal options in an amount not to exceed \$81,208 per renewal option, for a total agreement amount not to exceed \$21,655,606.
The motion approving negotiation and execution of the third amendment to an agreement with Caritas of Austin was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
21. Authorize negotiation and execution of a 36-month contract with FLEETMIND SOLUTIONS, INC., or one of the other qualified offerors to Request For Proposals PAX0129, to provide vehicle fleet technical upgrade in an estimated amount of \$2,773,044, with three 12-month extension options in an estimated amount of \$471,784 for the first extension option, \$480,645 for the second extension option, and \$489,507 for the third extension option, for a total contract amount not to exceed \$4,214,980. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program through the achievements of good faith efforts with 2.50% MBE participation.)
The motion authorizing negotiation and execution of a contract with Fleetmind Solutions, Inc. was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

Item 22 was pulled for discussion.

23. Authorize award and execution of a 12-month contract with KBS ELECTRICAL DISTRIBUTORS, INC., to provide surge arresters, in an estimated amount of \$149,798, with four 12-month extension options in an estimated amount of \$149,798 per extension option, for a total contract amount not to exceed \$748,990. (Notes: 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 subcontracting opportunities; therefore, no

subcontracting goals were established. February 27, 2017 – Unanimously recommended by the Electric Utility Commission on a vote of 9-0, with two vacancies.)

The motion authorizing award and execution of a contract with KBS Electrical Distributors, Inc. was approved on consent on Council Member Garza’s motion, Council Member Houston’s second on an 11-0 vote.

- 24. Authorize negotiation and execution of 60-month contract through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES cooperative purchasing program with DELL MARKETING, L.P., to provide Dell hardware and software products and related services including maintenance and support, in a total amount not to exceed \$29,250,000. (Notes: This contract will be awarded by a cooperative purchase agreement with the State of Texas Department of Information Resources (DIR) in accordance with Chapter 2054 of the Texas Government Code; therefore, goals were not established. February 27, 2017 – Unanimously recommended by the Electric Utility Commission on a vote of 9-0, with two vacancies.))
The motion authorizing negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Dell Marketing L.P. was approved on consent on Council Member Garza’s motion, Council Member Houston’s second on an 11-0 vote.

Items 25 and 26 were pulled for discussion.

- 27. Approve an ordinance amending City Code Chapters 2-9A, 2-9B, 2-9C, and 2-9D regarding the Minority-Owned and Women-Owned Business Enterprise Procurement Program.
This item was postponed to March 23, 2017 on consent on Council Member Garza’s motion, Council Member Houston’s second on an 11-0 vote.

Item 28 was pulled for discussion.

- 29. Approve an ordinance amending City Code Section 12-4-64 (D) to modify existing speed limits on Parmer Lane between Lamar Boulevard and east of Dessau Road. (Districts 1 and 7)
Ordinance No. 20170302-029 was approved on consent on Council Member Garza’s motion, Council Member Houston’s second on an 11-0 vote.
- 30. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
The following appointments and certain related waivers were approved on Council Member Garza’s motion, Council Member Houston’s second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

**Airport Advisory Commission
Ernest Saulmon***

Council Member Alter

**Airport Advisory Commission
Nadia Barrera-Ramirez**

Council Member Renteria

Animal Advisory Commission

David Lundstedt*	Council Member Garza
Board of Adjustment Veronica Rivera	Council Member Flannigan
Board of Adjustment Eric Goff*	Council Member Garza
Building & Standards Commission Jessica Mangrum*	Council Member Alter
Building & Standards Commission Pablo Avila	Council Member Garza
Commission on Immigrant Affairs Walid Kobrosly	Council Member Flannigan
Commission on Veterans Affairs Josephine Hinds	Council Member Flannigan
Downtown Commission Sam Sargent	Council Member Garza
Electric Board Gabriel Flores*	Council Member Garza
Electric Utility Commission Erica Zell	Council Member Flannigan
Environmental Commission Wendy Gordon	Council Member Alter
Environmental Commission Brytne Kitchin	Council Member Flannigan
Ethics Review Commission Fredda Holmes	Council Member Flannigan
Hispanic/Latino Quality of Life Resource Advisory Commission Dianna Velasquez*	Council Member Garza
Historic Landmark Commission Beth Valenzuela*	Council Member Garza
Human Rights Commission Isabel Casas*	Council Member Garza

**Joint Sustainability Committee
Hannah Frankel**

Economic Prosperity Commission

**Library Commission
Philip Howry**

Council Member Troxclair

**MBE/WBE Small Business Enterprise
Procurement Program Advisory Committee
Francés Jones**

Council Member Flannigan

**MBE/WBE Small Business Enterprise
Procurement Program Advisory Committee
Victoria Espinoza***

Council Member Garza

**Parks and Recreation Board
Fred Morgan**

Council Member Flannigan

**Public Safety Commission
Vanessa Perez**

Council Member Garza

**Robert Mueller Municipal Airport Plan
Implementation Advisory Commission
Kathy Sokolic**

Mayor Pro Tem Tovo

**Urban Transportation Commission
Daniel Hennessey**

Council Member Garza

**Zero Waste Advisory Commission
Gerard Acuna***

Council Member Alter

(* Indicates reappointment of a current member.)

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Josephine Hinds on the Commission on Veterans Affairs.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Gabriel Flores on the Electric Board.

31. Approve a resolution initiating the rezoning of the following City properties to a public (P) district designation: (1) approximately 400 acres of land known as Onion Creek Metro Park, located at 8652 Nuckols Crossing Road; (2) approximately 200 acres of land known as Onion Creek Greenbelt, located at 7004 Onion Creek Drive; and (3) approximately 99 acres of land known as the Lower Onion Creek Buy-out Area; and directs the City Manager to process the rezoning cases. (Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Leslie

Pool CO 2: Council Member Gregorio Casar CO 3: Council Member Ann Kitchen CO 4: Mayor Pro Tem Tovo)

Resolution No. 20170302-031 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

Item 32 was pulled for discussion.

33. Approve an ordinance waiving or reimbursing certain fees for the Violet Crown Festival sponsored by the Violet Crown Community Works (VCCW) which will be held May 6, 2017 at Brentwood Park. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Council Member Alison Alter CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Ann Kitchen)
Ordinance No. 20170302-033 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

Item 34 was pulled for discussion.

35. Approve a resolution condemning Presidential executive orders and actions relating to a ban on immigrants, travelers, and refugees from certain Muslim-majority countries. (Notes: SPONSOR: Council Member Jimmy Flannigan CO 1: Council Member Gregorio Casar CO 2: Council Member Leslie Pool CO 3: Council Member Ora Houston CO 4: Mayor Steve Adler)
Resolution No. 20170302-035 was approved on consent on Council Member Garza's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.
36. Approve an ordinance renaming the 21-acre parkland near Palmer Events Center and waiving certain provisions of the City Code Chapter 14-1 relating to the renaming of parkland. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Alison Alter CO 3: Council Member Ellen Troxclair)
Ordinance No. 20170302-036 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

Action was taken on item 37 but was reconsidered later in the meeting.

38. Approve a resolution directing the City Manager to recognize the February 15, 2017 Memorandum on Item 61: Thornton Road Working Group Summary and Recommendations, Exhibit A (Thornton Road Vision), as criteria for consideration of current and future planning and zoning activities associated with this area. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Leslie Pool CO 3: Council Member Ora Houston)
Resolution No. 20170302-038 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.
39. Approve a resolution directing the City Manager to develop a plan and prepare the City to take a leadership role in the ensuing "New Mobility /Autonomous Vehicle Solution" that will shift the City's transportation system to one that enables shared, electric, and autonomous mobility services. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Mayor Steve Adler CO 2: Council Member Alison Alter CO 3: Council Member Jimmy Flannigan CO 4: Council Member Delia Garza)
Resolution No. 20170302-039 was approved on consent on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

Item 40 was pulled for discussion.

41. Set a public hearing to consider an ordinance that adopts the 2015 International Residential Code with specific amendments. (Suggested date and time, April 6, 2017, 4:00 p.m. at Austin City Hall, 301 W. Second Street).

The public hearing was set on consent for April 6, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Houston's second on an 11-0 vote.

Items 42 through 48 were Executive Session Items.

Items 49 and 50 were Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED).

Items 51 through 76 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Items 77 through 79 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

25. Authorize negotiation and execution of three contracts with CHAMPION NATIONAL SECURITY, INC., SECURITAS SECURITY SERVICES USA INC., and WHELAN SECURITY CO., or one of the other qualified offerors to Request For Proposals RWS0501, to provide security guard services, with an initial 24-month term in an estimated amount of \$8,348,063, with three 12-month extension options in an estimated amount of \$4,183,979 per extension option, for a total contract amount not to exceed \$20,900,000; each and combined. (Related to Item #26) (Notes: 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 insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of three contracts with Champion National Security, Inc., Securitas Security Services USA Inc., and Whelan Security Co. was approved as amended below on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

The amendment was to execute the contract for a 24-month period with no extension options.

26. Authorize amendments to the contracts with ALLIED BARTON SECURITY SERVICES LLC, CHAMPION NATIONAL SECURITY, INC. and WHELAN SECURITY CO, and provide continued security guard services, to extend the term by three months for an estimated amount of \$960,749, with a three month extension option in an estimated amount of \$960,749, for a total revised contract amount not to exceed \$2,911,498; each and combined. (Related to Item #25) (Notes: These 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.)

This item was withdrawn without objection.

CITIZENS COMMUNICATIONS: GENERAL

Koo-Hyun Kim - How to keep democracy perfect in the City of Austin government. – **Not Present.**

Bill Oakey - Affordability proposals.

Rodolfo Hinojosa - Safety in 4th street entertainment district.

Sylvia Mendoza - Illegal immigration.

Mayor Adler recessed the Council Meeting at 12:32 p.m.

EXECUTIVE SESSION

42. 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.
43. Discuss legal issues related to Utility Associates, Inc. v. City of Austin et al, Texas, Cause No. D-1-GN-16-002931 in the 126th Judicial District for Travis County, Texas (lawsuit related to the City's purchase of body-worn cameras for the Austin Police Department) (Private consultation with legal counsel - Section 551.071).
This item was withdrawn without objection.
44. Discuss legal issues related to the proposed amendment of City Code Chapters 2-9A, 2-9B, 2-9C, and 2-9D relating to the Minority-Owned and Women-Owned Business Enterprise Procurement Program (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was postponed to March 23, 2017 without objection.
45. Discuss legal issues related to the City's electric power purchase agreement with Nacogdoches Power LLC (Private consultation with legal counsel – Section 551.071 of the Government Code).
This item was withdrawn without objection.
46. Discuss issues related to the City's electric power purchase agreement with Nacogdoches Power LLC (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).
This item was withdrawn without objection.
47. 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.
48. 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.

Mayor Adler reconvened the meeting at 1:44 p.m.

DISCUSSION ITEMS CONTINUED

28. Approve an ordinance amending City Code Section 12-4-64 (D) to modify existing speed limits on Lamar Boulevard between Parmer Lane and Morrow Street. (Districts 4 and 7)
Ordinance No. 20170302-028 was approved on Council Member Casar's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.
22. Authorize negotiation and execution of a 36-month contract with EMPLOYEE OWNED NURSERY ENTERPRISES, LTD DBA ORGANICS "BY GOSH", to provide organics processing services, in an estimated amount of \$1,510,000, with three 12-month extension options in an estimated amount of \$940,000 for the first option, \$950,000 for the second option, and \$960,000 for the third option, for a total contract amount not to exceed \$4,360,000. (Notes: 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.)
Direction was given to staff to place an item on the March 23, 2017 agenda to consider an ordinance to waive the anti-lobbying ordinance.

This item was postponed indefinitely on Council Member Pool's motion, Council Member Alter's second on a 10-0 vote. Council Member Kitchen was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

49. C14-2016-0119 – 3119 E Howard Lane – District 1 – Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 3119 East Howard Lane (Harris Branch Watershed) from interim-rural residence (I-RR) district zoning to warehouse-limited office (W/LO) combining district zoning, with conditions. First reading approved on January 26, 2017. Vote: 11-0. Owner/Applicant: Peter Pham Phuong. Agent: Jeffrey Ashorn. City Staff: Sherri Sirwaitis, 512-974-3057.
Ordinance No. 20170302-049 was approved for warehouse-limited office (W/LO) combining district zoning, with conditions, on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.
50. C14-2016-0123 – 6914 McNeil Dr. – District 6 – Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6914 McNeil Drive (Rattan Creek Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. First reading approved on January 26, 2017. Vote: 11-0. Owner/Applicant: Douglas L. Reynolds. Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.
Ordinance No. 20170302-050 was approved for community commercial-conditional overlay (GR-CO) combining district zoning, with conditions, on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.
51. NPA-2016-0005.03 - 2509 Montopolis Drive - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2507, 2509, 2511 Montopolis, in addition to adjacent 1.36 acre tract (Country Club East) from Industry to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To be reviewed on April 11, 2017. Owner/Applicant: John Robert Stratton. City Staff: Maureen Meredith, (512) 974-2695.

This item was postponed to May 4, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

52. C14-2016-0113 - 2509 Montopolis - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2506, 2509 & 2511 Montopolis Drive (West Country Club and Carson Creek Watersheds) from general commercial services - neighborhood plan (CS-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To be reviewed April 11, 2017. Agent: Drenner Group (Leah Bojo). Owner: John Robert Stratford. City Staff: Andrew Moore, 512-974-7604.

This item was postponed to May 4, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

53. NPA-2016-0013.01 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, the Bouldin Creek Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 908, 1000, & 1002 South 2nd Street (East Bouldin Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To grant Higher Density Single Family land use. Owner/Applicant: PSW Homes, LLC (Jarrod Corbell). City Staff: Maureen Meredith, (512) 974-2695.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170302-053 to change the future land use map (FLUM) to Higher Density Single Family land use was approved on Council Member Troxclair's motion, Council Member Flannigan's second on an 8-1 vote. Council Member Houston voted nay. Mayor Pro Tem Tovo recused herself. Council Member Kitchen was off the dais.

54. C14-2016-0077 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 900, 904, 908, 1000 & 1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Agent: PSW Homes (Jarred Corbell). Owner: 1st Street Highlands LP (PSW Homes). City Staff: Andrew Moore, 512-974-7604. A valid petition has been filed in opposition to this rezoning request.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170302-054 for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning was approved on Council Member Troxclair's motion, Council Member Flannigan's second on an 8-1 vote. Council Member Houston voted nay. Mayor Pro Tem Tovo recused herself. Council Member Kitchen was off the dais.

55. NPA-2016-0016.01 - 3212 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 3212 E. Cesar Chavez Street (Colorado River Watershed) from Commercial and Industry to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 28, 2017. Owner/Applicant: Painter Enterprises, a Texas Corporation. Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, (512) 974-2695.
This item was postponed to April 6, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.
56. C14-2016-0079 - 3212 E. Cesar Chavez Street - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3212 East Cesar Chavez Street (Colorado River Watershed) 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 general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed February 28, 2017. Owner: Painter Enterprises Inc. (Donald E. Painter). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512- 974-2122.
This item was postponed to April 6, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.
57. NPA-2016-0022.01 - 3920 South IH-35 - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City 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 3920 South IH-35 SVRD SB (Blunn Creek Watershed) from Office to Mixed Use land use. Staff Recommendation: To grant Commercial land use. Planning Commission Recommendation: To grant Commercial land use. Owner/Applicant: 3920 IH-35 Holdings, Ltd. (Jimmy Nassour). Agent: A. Glasco Consulting (Alice K. Glasco). City Staff: Maureen Meredith, (512) 974-2695.
The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only to change the future land use map (FLUM) to Commercial land use with the following condition was approved on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

The additional condition was:

- **To add to the conditional overlay, a fence conducted along the south boundary to be provided and maintained, screening the commercial from the adjacent properties.**
58. C14-2016-0105 - 3920 S. IH-35 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3920 S. IH-35 (Blunn Creek Watershed) from general office-neighborhood plan (GO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Agent: Alice

Glasco Consulting (Alice Glasco). Owner: 3920 IH-35 Holdings, LTD (Jimmy Nassour). City Staff: Andrew Moore, 512-974-7604.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

59. C14-2016-0020 - Lantana IV - District 8 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7717 Southwest Parkway (Williamson Creek Watershed-Barton Springs Zone) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 28, 2017. Owner/Applicant: JDI Holding LLC (Douglas Ivey). Agent: Sprouse Shrader Smith PLLC (Terry Irion). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to April 6, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

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

This item was postponed indefinitely on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

Items 61 through 64 were pulled for discussion.

65. C14-2016-0065 - Pioneer Bank on W. 38th St. - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 623 West 38th Street (Waller Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To deny community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Owner: Pioneer Bank, SSB (Brian May). Applicant: Doucet & Associates (Ted McConaghy). City Staff: Heather Chaffin, 512-974-2122.

This item was withdrawn by the applicant.

66. C14-2016-0071 - 1301 West Koenig Rezoning - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1301 West Koenig Lane (Shoal Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to

multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Staff Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Planning Commission Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Owner: Hardeman Family Joint Venture, Ltd. (Bryan Hardeman). Applicant: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed to April 20, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

67. C14-2016-0124 – Parmer Business Park – District 1 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as Southwest Corner of East Howard Lane and Harris Ridge Boulevard (Harris Branch Watershed) from limited industrial-planned development area (LI-PDA) combining district zoning to limited industrial-planned development area (LI-PDA) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant limited industrial-planned development area (LI-PDA) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on March 7, 2017. Owner/Applicant: Karlin McCallen Pass, LLC (Matthew Schwab). Agent: Armbrust & Brown, PLLC (Richard T. Suttle). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to March 23, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

68. C14-2016-0126 – Howard Lane Tract – District 1 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 13000 Block of E. Howard Lane and 13414 Harris Glenn Drive (Harris Branch Watershed) from limited office (LO-CO) combining district zoning to single family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning. Owner/Applicant: Ridge Investors Limited (Robert C. Wilson, III). Agent: Waterloo Development, Inc. (Chris Blackburn). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170302-068 for single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning was approved on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

69. C14-2016-0130 – 11410 Manchaca Road – District 5 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting

Commission Recommendation: To be reviewed on March 7, 2017. Owner/Applicant: Manchaca Partners, Inc. (Sufian Emmar). Agent: Lenworth Consulting LLC (Nash Gonzales). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed to April 6, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

Item 70 was pulled for discussion.

71. C14-2016-0132 - Property adjacent to 1311 S. Lamar - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1311 S. Lamar Blvd (West Bouldin Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant commercial services-vertical mixed use building-conditional overlay (CS-V-CO) combining district zoning. Planning Commission Recommendation: To grant commercial services - vertical mixed use - conditional overlay (CS-V-CO) combining district zoning . Owner/Applicant: Seamless GCW, LTD (Bernard Barrett). Agent: Drenner Group (Leah Bojo). City Staff: Andrew Moore, 512-974-7604.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for commercial services - vertical mixed use - conditional overlay (CS-V-CO) combining district zoning with the following condition was approved on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

The additional condition was:

- **To provide a mix of affordable units that will match the market rate units.**

Action was taken on Item 72 but was reconsidered later in the meeting.

73. C14-85-149.02(RCA) – Scofield Apartments – District 7 – Conduct a public hearing to amend a public restrictive covenant on a property locally known as 13121, 13125, 13133, 13139, 13145, 13147 FM 1325 and 3001 Scofield Ridge Parkway (Walnut Creek Watershed). Staff Recommendation: To grant the Restrictive Covenant Amendment. Zoning and Platting Commission Recommendation: To grant the Restrictive Covenant Amendment. Owner/Applicant: Ringgold Partners II, L.P. (John Bultman, III). Agent: Drenner Group (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to March 23, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

74. C14H-2016-0120 – Darnall House – District 9 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2805 Wooldridge Drive from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Tadd and Holly Lanham, owners. City

Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170302-074 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

75. C14H-2016-0122 – Brundrett-Winkler House – District 9 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 104 W. 32nd Street from family residence-neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation- neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood conservation-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation- neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood conservation- neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Rowena and Kevin Dasch, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 974-6454.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170302-075 for family residence-historic landmark-neighborhood conservation- neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was approved on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

Item 76 was pulled for discussion.

DISCUSSION ITEMS CONTINUED

The following items were acted on in a combined motion.

8. Approve an ordinance amending the Fiscal Year 2016-2017 City of Austin Fee Schedule Ordinance No. 20160914-003 to change the fee for providing expedited building plan review. Related to Item 9.
Ordinance No. 20170302-008 was approved on Council Member Casar's motion, Council Member Garza's second on an 11-0 vote.
9. Approve an ordinance amending City Code Title 4 relating to requirements for expedited development permitting and worker protection standards. Related to Item 8.
A motion was made by Council Member Casar and seconded by Council Member Garza to approve the ordinance with the following amendments:

To revise (B) (2) in new Section 4-18-2 to read: (2) A similar program, if approved by ordinance, that establishes comparable requirements for;

- (a) Payment of a living wage;**
- (b) Completion of OSHA-10 training;**
- (c) Workers compensation;**
- (d) Hiring goals from local craft training programs;**
- (e) Compliance with all applicable state, federal, and local laws; and**

(f) Independent onsite monitoring.

A motion to incorporate the following amendment was made by Council Member Casar and accepted without objection.

The amendment was to revise Section 4-18-1 (*Expedited Building Plan Review*) to read:

(A) The director of the Development Services Department may adopt requirements for providing expedited plan review for building permits, site plans, or other applications required under Title 25 (*Land Development*).

(B) Requirements for expedited review adopted under this section must, at a minimum:..."

(1) Consolidate different disciplines of plan review required for approval of an application; and

(2) Provide for expedited turnaround time for plan review comments on an application and on subsequent updates submitted by the applicant; and

(3) Require certification under Section 4-18-2 (*Worker Protection Certification*) if the project is:

(a) Commercial and includes no residential uses;

(b) Over 75,000 square feet or exceeds \$7,500,000 in construction value; and

(c) Submitted by an applicant other than a nonprofit organization that is exempt under 26 U.S.C. §501(c)(3) and operates within planning jurisdiction.

(C) If a building permit is associated with a site plan under Chapter 25-5 (*Site Plan*), the total square footage and construction value of all non-residential structures and improvements included in the site plan shall apply for purposes of reviewing an application for expedited review of the building permit application under Subsection (B)(3)(b).

(D) In addition to submitting a complete permit application and providing such other information as may be required by the director, an applicant for expedited building plan review must pay an enhanced fee established by separate ordinance.

Direction was given to staff to develop a website on expedited permitting with applicant requirements and to provide a comprehensive report of the first 18 months of the program.

A motion to amend Exhibit A and Section (B) of 4-18-2 was made by Council Member Flannigan and seconded by Council Member Troxclair. The amendments were:

Part 2: Exhibit A to this ordinance, entitled "City of Austin Worker Protection Standards," is incorporated herein and shall be used in implementing Section 4-18-2 (*Worker Protection Certification*). Exhibit A is to read as follows:

Exhibit A

City of Austin Worker Protection Certification Standards

To be a certified worker protection program under City Code Section 4-18-2 (*Worker Protection Certification*), the program must comply with the following standards:

(1) **Payment of a Living Wage:** Ensure all construction workers shall be paid at a rate not less than the living wage defined by the City of Austin at the time of permit application (currently at \$13.50 per hour for the year 2016);

(2) **Payment Process:** Ensure all construction workers are paid by check and at a minimum once per week;

(3) **OSHA Training:** Ensure OSHA-10 training for all construction workers and OSHA-30 training for all safety supervisors;

(4) **Workers Compensation:** Ensure contractors and subcontractors provide workers compensation insurance for all construction workers;

(5) **Personal Protective Equipment:** Ensure all construction workers receive personal protective equipment at no cost to the worker;

- (5) **Local Hiring Goals:** Ensure contractors comply with local hiring goals that, at a minimum should include commercially reasonable efforts to ensure that 30% of the project's workforce be students or graduates of local, US Department of Labor-registered apprenticeship programs and bilingual craft training programs that offer hands-on instruction at no cost to the worker;
- (6) **Compliance with all Applicable State, Federal, and Local Laws;**
- (7) **Onsite Worker Protection Certification Signage:** Ensure reasonable signage on the jobsite, in both English and Spanish, with the worker protection standards met and the certified monitor contact information, where other federal and state regulatory signage is posted; and
- (8) **Independent 3rd Party Onsite Monitoring:** Ensure contractors and subcontractors comply with independent 3rd party onsite monitor requirements that, at a minimum, should include an opportunity once per pay period to speak directly with construction workers during lunch and rest breaks to ensure all laws and standards are upheld.

To amend Section (B) in new Section 4-18-2 to read: (B) If a project is required to be certified under this section, the accountable official may accept a permit application for review only if the application includes a third-party certification requiring that construction comply with the worker protection standards set forth in Exhibit A to Ordinance No. 20170302-009, and posted on the City's website, with respect to each of the following requirements:

- (1) Payment of a living wage;
- (2) Completion of OSHA-10 training;
- (3) Workers compensation;
- (4) Hiring goals from local craft training programs;
- (5) Compliance with all applicable state, federal, and local laws; and
- (6) Independent onsite monitoring.

The motion failed on Council Member Flannigan's motion, Council Member Troxclair's second on a 3-8 vote. Those voting aye were: Council Members Flannigan, Houston, and Troxclair. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Kitchen, Pool, and Renteria.

Ordinance No. 20170302-009 was approved as amended above on Council Member Casar's motion, Council Member Garza's second on an 11-0 vote.

32. Approve a resolution directing the City Manager to prepare a timeline, budget recommendations, and ordinances necessary to finalize and implement the Austin Affordability Action Plan as outlined in Exhibit A of the resolution. (Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Mayor Steve Adler CO 2: Council Member Ora Houston CO 3: Council Member Jimmy Flannigan CO 4: Council Member Ann Kitchen)
A motion was made by Council Member Troxclair and seconded by Council Member Houston to approve the resolution with the following amendments.

To revise the resolution by amending the first Be It Resolved clause to read:

Be It Resolved by the City Council of the City of Austin: The City Council directs the City Manager to prepare a timeline, budget recommendations, and Council actions necessary to implement the Austin Affordability Action Plan outlined in Exhibit A (attached). Each different item will come back to the City Council separately at the appropriate time for further deliberation.

To revise the resolution by amending the first Be It Further Resolved clause and by adding a second Be It Further Resolved clause to read:

Be It Further Resolved: In recognition of the many steps that the City is and has already taken to address affordability, the City Manager is directed to create a webpage to highlight those efforts. The list should include the ongoing efforts in the Affordability Action Plan as well as efforts already taken or underway such as the Property Tax Homestead Exemption for Seniors, Austin Energy Customer Assistance Program, and other actions taken to address affordability. The City Manager will identify and align each affordability action identified on the webpage and in the Affordability Action Plan, with the City of Austin Strategic Plan, once adopted, and the strategic outcomes and performance metrics associated with each action.

Be It Further Resolved: The City Council of the City of Austin Affordability Action Plan is a pact with the Austin Community, one that both identifies some of the great work being done by the City to address affordability, but also acknowledges that the City must do more. The intention of this Action is to be complementary to other actions and work being done, including the work of the Regional Affordability Committee.

To revise the Exhibit A as follows:

Section A, paragraph one to read: Adopt the City of Austin draft Strategic Housing Plan³, including an approach for implementation, with aggressive goals for construction of housing units and for accessible housing for households at varying levels of median family income (MFI), Housing First, Permanent Support Housing units, and missing middle and workforce housing. The City shall prepare a report each year to track progress of these housing goals as adopted by the full City Council.

To revise Section A, paragraph two to read: The City should use a variety of tools available to incentivize affordable housing unit development, in accordance with the draft Strategic Housing Plan, including any changes to the Plan when adopted by Council and continuing policies initiated in Council Resolution 20161013-008, which identified all city-owned properties that are suitable for development, and recommending other innovative policies to utilize City-owned property in order to help meet these goals.

To revise Section B to read: Set a Council goal that the City, with the support of the community, adopts and initiates implementation of CodeNext⁴, Austin's new land development code by April 2018. The new code should facilitate construction of enough commercial and residential units to meet Austin's projected population growth, provide regulatory predictability, provide for greater equity and parity throughout Austin, and expedite construction while maintaining Austin's quality of life. CodeNext should result in a land development code consistent with the goals and outcomes adopted in the Imagine Austin Comprehensive Plan⁵.

To revise Section C, paragraph three to read: Consider the development of an expedited site plan program by the Development Services department that is modeled on the City's residential expedited permit process.

To revise Part II to read: One of the best ways to make Austin more affordable is to invest in our people and our community and ensure we have a diverse set of industries and job opportunities which provide local, skilled talent the opportunity to compete for jobs that allow them to be able to afford to live in Austin and move up the career ladder. Having

diverse industries and thriving local businesses also keeps Austin's local economy competitive and more resilient to national economic downturns.

To revise Part II, Section A to read: Support implementation of the draft Community Workforce Master Plan draft goal of at least 10,000 Travis County and City of Austin residents who are economically disadvantaged securing middle-skill jobs by 2022 including:

- Using regional workforce data on job openings to align training/certificate programs

Join and support the Direct-to-College 70 (DTC70)⁷ efforts around college completion and readiness, financial aid, and high school to college transitions.

To revise Part II, Section C to read: The City Manager shall make recommendations for revising the City's economic development incentives policies, including a thorough examination of a full-range of incentive agreement options and tools, including, but not limited to, job-based, investment-based, and place-based incentives, as well as innovative financing mechanisms and the potential for matching funds from public, private sector, or non-profit entities, to result in more equitable and inclusive economic opportunities for all Austinites. The updated incentive policies should be aligned with Priority Programs of the Imagine Austin Comprehensive Plan, including Priority Program 3 (see definition below).⁸

Recommendations for revising the City of Austin's economic development incentives policies should result in increased community benefits, including, but not limited to:

- Community benefits identified in the current City of Austin Economic Incentives Policy, including a provision of jobs that pay no less than the City's adopted living wage;
- The creation of middle-skill jobs in targeted occupations identified by the Community Workforce Master Plan (currently Information Technology, Healthcare, and Skilled Trades), support for job training and paid internships or apprenticeships in targeted occupations, and located within Imagine Austin Activity Centers and Corridors⁹ and Job Centers in the Eastern Crescent;
- Increased employment among populations that are hard-to-employ;
- Increased access to goods and services in communities that are traditionally underinvested, including, but not limited to, opportunities for healthy food options in the Eastern Crescent;
- Increased availability of affordable commercial space for locally-owned small businesses including the creative arts sector;
- Development of vibrant, mixed-use commercial corridors and Imagine Austin Activity Centers;
- Leverage public investments to improve positive health outcomes for low-income residents.
- Retention of local small business employers struggling to survive and stay in Austin.

To revise Part III, Section B to read: Continue to work toward establishing and utilizing the City of Austin strategic plan, strategic outcomes, and associated performance metrics and ensure that City expenditures are directly aligned with the strategic plan and strategic outcomes.

To revise Part IV, Section A to read: Present a budget that has no increase to property tax bills for Austin businesses, property owners, and homeowners. By presenting a budget illustration at the effective tax rate¹³, which includes the same amount of property tax revenue as the previous fiscal year, plus all additional revenue associated with growth, which allows homeowners and business owners to benefit from growth paying for itself. The

Council may choose to prioritize additional expenditures in the General Fund based on the outcome of the biennial budgeting and department review process.

To revise Part IV, Section C to read: Present a budget illustration that has no increase to Austin Energy and Austin Water rates.

To revise Part 5 to read: According to the City of Austin Budget Office, transportation is one of the highest costs in Austinites' households budgets. When it is difficult to move freely around Austin, access to services and economic opportunities is limited. Time spent commuting leaves less room for family obligations and community involvement; and Austin becomes a more isolating place. Continuing these actions will help provide Austinites with affordable and accessible transportation:

- Improve transportation choices to make the transportation system more convenient, reliable, and affordable for all Austinites.
- Continue to collaborate with regional transportation planning organizations to identify and develop solutions for major regional roadways which will help alleviate traffic congestion.
- Invest in active transportation infrastructure networks where appropriate and will have a demonstrated, positive impact on reducing single occupancy vehicle trips.
- Work with the City Manager and the Citizen's Bond Oversight Commission to ensure that projects approved by voters in the 2016 Mobility Bond are completed on time and on budget.
- Continue to encourage and support telecommuting, flex scheduling, and other transportation demand management strategies as was shown effective based on the outcomes of Council Resolution 20121206-07.
- In partnership with the Capital Metro Connections 2025 Plan, continue to support Capital Metro efforts to provide accessible, affordable bus service to the expanding geographical boundaries of the City all parts of Austin.

An amendment was made by Mayor Adler and accepted without objection. The amendment was to revise the section labeled "Economic Development Policy" in Exhibit A to read as follows:

The City Manager shall make recommendations for revising the City's economic development incentives policies, including a thorough examination of a full-range of incentive agreement options and tools, including, but not limited to, job-based, investment-based, and place-based incentives, as well as innovative financing mechanisms and the potential for matching funds from public, private sector, or non-profit entities, to result in more equitable and inclusive economic opportunities and improved, positive health outcomes for all Austinites. The updated incentive policies should be aligned with Priority Programs of the Imagine Austin Comprehensive Plan, including Priority Program 3 (see definition below).¹

Recommendations for revising the City of Austin's economic development incentives policies should result in increased community benefits, including, but not limited to:

- Community benefits identified in the current City Economic Incentives Policy, including a provision of jobs that pay no less than the City's adopted living wage or prevailing wage, domestic partnership benefits provisions, and other provisions that promote the well-being of workers;
- The creation of middle-skill jobs in targeted occupations identified by the Community Workforce Master Plan (currently Information Technology, Healthcare, and Skilled Trades), support for job training and paid internships or apprenticeships in targeted

- occupations, and located within Imagine Austin Activity Centers and Corridors² and Job Centers in the Eastern Crescent, or providing better employment opportunities for those in the Eastern Crescent:
- Increased employment among populations that are hard-to-employ;
 - Increased access to goods and services in communities that are traditionally underinvested, including, but not limited to, opportunities for healthy food options in the Eastern Crescent;
 - Increased availability of affordable commercial space for locally-owned small businesses including the creative arts sector;
 - Development of vibrant, mixed-use commercial corridors and Imagine Austin Activity Centers;
 - Leverage public investments to improve positive health outcomes for low-income residents.
 - Retention of local small business employers struggling to survive and stay in Austin.

A motion to postpone the item indefinitely was made by Council Member Garza and seconded by Council Member Casar.

This item was postponed indefinitely on Council Member Garza's motion, Council Member Casar's second on a 6-5 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Renteria, and Pool. Those voting nay were: Mayor Adler, Council Members Flannigan, Houston, Kitchen, and Troxclair.

34. Approve a resolution directing the City Manager to develop recommendations for reforming the City's economic development incentives policies. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Jimmy Flannigan CO 2: Council Member Ora Houston CO 3: Council Member Ellen Troxclair)

A motion was made to adopt the resolution with the following amendments on Mayor Adler's motion and Council Member Houston's second. The amend was to have the resolution read:

Whereas, the Austin City Council, participants in the Spirit of East Austin initiative, and other stakeholders have consistently expressed a strong desire for equitable economic opportunity for all Austinites; and

Whereas, the Eastern Crescent includes portions of Austin City Council districts 1, 2, 3, 4, 5, and 7; and portions of neighborhoods in the central East Austin, Colony Park, Del Valle, Dove Springs, Montopolis and Rundberg areas; and

Whereas, the U.S. Department of Health and Human Services defines populations that are hard-to-employ as recipients of public assistance, individuals with differing abilities, and individuals who were formerly incarcerated; and

Whereas, middle-skill jobs are those that typically require some education and training beyond a high school diploma, but less than a four-year baccalaureate degree; and

Whereas, in 2015, Travis County Judge Sarah Eckhardt and Mayor Adler convened a working group facilitated by Workforce Solutions of the Capital Area to develop the first-ever Community Workforce Master Plan, with a goal of 10,000 Travis County residents who are economically disadvantaged securing middle-skill jobs by 2022; and

Whereas, Priority Program 3 of the Imagine Austin Comprehensive Plan calls for growing Austin's economy by investing in our workforce, education systems, entrepreneurs, and local businesses; and

Whereas, the City Council enacted Resolution No. 20030612-015 establishing an Economic Development Policy and Program including a Firm Based Incentive Matrix used to determine the eligibility of a Firm seeking economic incentives from the City; and

Whereas, the City Council enacted Resolution No. 20041028-003 to amend the Firm Based Incentive Matrix; and

Whereas, the City Council formed the Special Committee on Economic Incentives by Resolution No. 20120524-092 to make recommendations to Council regarding improvements to the City's existing Economic Development Policy, and enacted Resolution No. 20131024-056 to amend the Firm Based Incentive Matrix;

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager is directed to initiate a stakeholder consultation process and develop recommendations for revising the City's economic development incentives policies, including a thorough examination of the full range of incentive agreement options and tools, including, but not limited to, job-based, investment-based, and place-based incentives, as well as innovative financing mechanisms and the potential for matching funds from public, private sector, or non-profit entities, to result in more equitable and inclusive economic opportunities and improved, positive health outcomes for all Austinites. The updated incentive policies should be aligned with Priority Programs of the Imagine Austin Comprehensive Plan, including Priority Program 3.

BE IT FURTHER RESOLVED:

That recommendations for revising the City's economic development incentive policy should be structured to result in increased community benefits, including, but not limited to:

- a. Community benefits identified in the current City economic incentives policy, including the provision of jobs that pay no less than the City's adopted living wage or prevailing wage, domestic partnership benefits provisions, and other provisions that promote the well-being of workers;
- b. The creation of middle-skill jobs in targeted occupations identified by the Community Workforce Master Plan (currently Information Technology, Healthcare, and Skilled Trades), support for job training and paid internships or apprenticeships in targeted occupations, and located within Imagine Austin Activity Centers, Job Centers, or Activity Corridors in the Eastern Crescent, or providing better employment opportunities for those in the Eastern Crescent;
- c. Increased employment among populations that are hard-to-employ;
- d. Increased access to goods and services in communities that are traditionally underinvested, including, but not limited to, healthy food options in the Eastern Crescent;
- e. Increased availability of affordable commercial space for local small businesses, including the creative arts sector;

- f. Development of vibrant, mixed-use commercial corridors; and
- g. Leverage of public investments to improve positive health outcomes for low-income Austinites;
- h. Retention of local small business employers struggling to survive and stay in Austin; and

BE IT FURTHER RESOLVED:

The City Manager shall present recommendations for revising the City's economic development incentives policies to City Council within 180 days of the adoption of this Resolution.

Resolution No. 20170302-034 was approved as amended above on Mayor Adler's motion, Council Member Houston's second on a 10-0 vote. Council Member Troxclair was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

72. C14-2016-0134 – Pioneer at Walnut Creek – District 1 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11126 Sprinkle Cutoff Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to multifamily residence-low density (MF-2) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on March 7, 2017. Owner/Applicant: Nirav Amin. Agent: Vincent Gerard & Associates (Vincent G. Huebinger). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to March 23, 2017 at the request of staff on Council Member Troxclair's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Kitchen was off the dais.

A motion to reconsider the item was approved on Council Member Casar's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.

This item was postponed to April 6, 2017 at the request of staff on Council Member Casar's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair was off the dais.

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

LIVE MUSIC

Courtney Santana

PROCLAMATIONS

Proclamation – Women Veterans Month – To be presented by Mayor Steve Adler and to be accepted by Lieutenant Grace Morris, Army Nurse Corps, WWII veteran

Proclamation – I Live Here, I Give Here Day – To be presented by Mayor Steve Adler and to be accepted by Celeste Flores, Executive Director, I Live Here, I Give Here

Proclamation – Social Work Month – To be presented by Council Member Jimmy Flannigan and to be accepted by Jennifer Sowinski, Community Court

Proclamation – National Week of Prayer for the Healing of AIDS – To be presented by Council Member Ora Houston and to be accepted by Shannon Jones, Director, Austin Public Health, and Stephanie Hayden, Deputy Director, Austin Public Health

Mayor Adler reconvened the meeting at 6:55 p.m.

DISCUSSION ITEMS CONTINUED

37. Approve a resolution amending Resolution No. 20170216-032 to include the Rosewood Park Corridor in the study of potential new Capitol View Corridors. (Notes: Full Council [directed by Council on February 16, 2017])
Resolution No. 20170302-037 was approved on consent on Council Member Garza’s motion, Council Member Houston’s second on an 11-0 vote.

A motion to reconsider the item was approved on Council Member Houston’s motion, Council Member Flannigan’s second on a 10-0 vote. Council Member Troxclair was off the dais.

Resolution No. 20170302-037 was approved as amended below on Council Member Houston’s motion, Council Member Flannigan’s second on a 10-0 vote. Council Member Troxclair was off the dais.

The amendment was to amend paragraph no. 1 to expedite the study of the Rosewood Park Corridor to come back to Council on March 23, 2017 with the following additional language:

1. The City Manager is directed to prepare a recommendation consisting of one or more planning options for Council to consider that would extend protections comparable to existing Capitol View Corridors, as established under City Code § 25-2-162 (*Capitol View Corridor (CVC) Overlay District Purpose*) and Texas Government Code Chapter 3151, to the areas generally described in the 2015 Bowman Consulting report entitled “Proposed East Austin Capitol View Corridors,” attached hereto as Exhibit A, expediting the results and recommendations for the study of the Rosewood Park Corridor to return to Council no later than the March 23rd 2017 Council meeting. The City Manager shall provide the recommendations for the other corridors on or before the August 17, 2017 Council meeting.

PUBLIC HEARINGS

79. Conduct a public hearing to consider an appeal by Gavino Fernandez, Jr., Gloria Moreno, and Leon Hernandez regarding the Planning Commission’s approval of a Conditional Use Permit with parking variance [LDC 25-5-146(B)] for the Tamale House, located at 1706 E. 5th Street. (District 3)
A motion to close the public hearing and deny the appeal and approve a conditional use permit with parking variance was approved on Council Member Renteria’s motion, Council Member Casar’s second on a 10-0 vote. Council Member Alter was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

61. C14-2016-0039 - Thornton II - District 5 - Conduct a public hearing and approve second reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2413

Thornton Road (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to multifamily moderate-high density-conditional overlay (MF-4-CO) combining district zoning. Council approved multifamily residence low density (MF-2) district zoning on First Reading, November 10, 2016; Vote: 11-0. Applicant: South Llano Strategies (Glen Coleman). Owner: John & Susan Hoberman. City Staff: Andrew Moore, 512-974-7604.

A motion to approve the ordinance on second reading only for multifamily residence low density (MF-2) district zoning was made on Council Member Kitchen's motion and seconded by Council Member Kitchen.

An amendment to approve the ordinance on second reading only for multifamily moderate-high density-conditional overlay (MF-4-CO) combining district zoning with the following condition failed on Council Member Casar's motion, Council Member Garza's second on a 2-9 vote. Those voting aye were: Council Members Casar and Garza. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Flannigan, Houston, Kitchen, Renteria, Pool, and Troxclair. The additional condition was: To limit the development to 70 units and to a 40 feet height limitation.

The public hearing was conducted and a motion to approve the ordinance on second reading only for multifamily residence low density (MF-2) district zoning was approved on Council Member Kitchen's motion, Council Member Pool's second on an 11-0 vote.

70. C14-2016-0131 – Strobo Subdivision – District 10 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as the 4509 City Park Road (Coldwater Creek Watershed) from development reserve (DR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner/Applicant: Robert Earl Strobo. Agent: Texas Engineering Solutions (Connor Overby). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and a motion to approve the ordinance on first reading only as amended for rural residence (RR) district designation was approved on Council Member Alter's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

PUBLIC HEARINGS

77. Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to right-of-way dedications and transportation improvements required as a condition to mitigate the impacts of development.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170302 as amended below was approved on Council Member Alter's motion, Council Member Renteria's second on a 10-0 vote. Council Member Troxclair abstained. The amendments were:

To revise Subsection (D) (2) of Section 25-6-23 to read: (2) if an applicant contests the director's proportionality determination under this section, require an applicant to provide:

To revise Subsection (A) of Section 25-6-102 to read: (A) The director may allow an applicant to pay a fee in-lieu of constructing one or more transportation system improvements required under Section 25-6-101 (*Mitigation of Transportation Impacts*) or, at

the director's discretion, to post fiscal surety in the amount of the required fee in-lieu. In determining whether to allow payment of a fee in-lieu or to require construction of system improvements, the director shall consider:

To revise Subsection (D) of Section 25-6-101 to read: (D) The total cost of system improvements required under this section may not exceed the lesser of:

(1) applicant's roughly proportionate share of infrastructure costs as established by the proportionality determination required under Section 25-6-23 (*Proportionality of Required Infrastructure*), less the cost of any right-of-way dedication required under Section 25-6-55 (*Declaration of Right-of-Way*); or

(2) the total cost of offsite transportation improvements identified in a traffic impact analysis approved by the director, whether or not the analysis is required under Section 25-6-113 (*Traffic Impact Analysis Required*) or submitted by an applicant voluntarily.

78. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Del Valle 969 Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at approximately 14011 FM 969, in the extraterritorial jurisdiction of the City of Austin. This item was postponed to April 13, 2017 at the request of the applicant on Council Member Garza's motion, Council Member Renteria's second on an 11-0 vote.

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 Renteria's motion, Council Member Garza's second on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Pool and Renteria. Those voting nay were: Council Members Alter, Kitchen and Troxclair. Council Member Houston abstained. Council Member Flannigan was off the dais.

The following items were acted on in a combined motion.

40. Approve a resolution regarding use of the Housing Trust Fund contribution from the Plaza Saltillo Development or other funding sources to increase affordable units within or in the vicinity of the Plaza Saltillo Transit Oriented Development Regulating Plan area. Related to Items #62, #63, and #64. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Gregorio Casar CO 3: Council Member Ann Kitchen)
A motion to approve the resolution with the following amendment was made by Council Member Renteria and seconded by Council Member Garza.

The amendment was to revise the third Whereas clause and to revise the Be It Resolved clause to read:

Whereas, the approval of additional height to a portion of the Plaza Saltillo Development from 70 feet to 125 feet will result in an estimated increase in the contribution to the Housing Trust Fund of \$1,080,000; NOW, THEREFORE,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: The additional funds contributed to the Housing Trust Fund from the Plaza Saltillo Development based upon the granting of additional height shall be used to provide affordable housing within or in the vicinity of the Plan area.

A motion to add a revise the third Whereas clause, add a new Whereas clause and a Be It Further Resolved clause and to revise the Be It Further Resolved clause was made by Council Member Renteria. The motion was accepted without objection. The amendments are:

Whereas, the approval of additional height to a portion of the Plaza Saltillo Development from 70 feet to 125 feet will result in an estimated one-time contribution to the Housing Trust Fund by Capital Metro of \$1,080,000; and

Whereas, a one-time match requirement of \$540,000 from the City is needed to receive the \$1,080,000 contribution;

Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The additional \$1,080,000 contributed to the Housing Trust Fund based upon the granting of additional height shall be used to provide affordable housing within or in the vicinity of the Plan area.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City's \$540,000 one-time match shall be used to provide affordable housing within or in the vicinity of the Plan area, subject to budget appropriation.

Resolution No. 20170302-040 was approved as amended above on Council Member Renteria's motion, Council Member Garza's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool.

62. C14-2016-0050 - Plaza Saltillo Tract 1/2/3 - District 3 - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 901, 1011, and 1109 E. 5th Street (Waller Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. First Reading approved on February 9, 2017 on an 8-3 vote. Second Reading approved on February 16, 2017 on an 8-3 vote. Public hearing remains open. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122. Related to Item #40.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance for transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning with the following amendments was made by Council Member Renteria and seconded by Council Member Garza. The amendment was:

To revise Part 2 (B) to read: Forty One affordable units, of which two must have two bedrooms, will be constructed as part of the development of a combination of the Property subject to this ordinance and the property subject to Ordinance No. 20170302-063.

To revise Part 2 (C) and renumber the remaining sections accordingly to read: The Property Owner shall make additional residential rental units available to be subsidized by the City as affordable units under the terms of section 4.3.3 C 4.b.ii of the Plan until commencement of construction of the Project.

To revise Part 2 (D) to read: The Property Owner shall pay a fee-in-lieu of providing on-site affordable housing units for the non-residential additional square footage above the 2:1 floor-to-area ration (the "Bonus Square Footage"). The amount of the fee-in-lieu shall be calculated by Neighborhood Housing and Community Department ("NHCD") based upon the Bonus Square Footage. A certificate of occupancy may not be issued until:

1. The Bonus Square Footage is calculated, certified, and submitted to NHCD, Attention: Real Estate and Development Division, and
2. The fee is paid to NHCD.

To revise Part 3 (A) and to add a new Section (B) to read:

- A. The maximum height of a building or structure on the Property shall be limited to 70 feet and no more than 5 stories, except as provided in subsection B.
- B. The maximum height of a building or structure located within 130 feet from the western boundary at San Marcos Street shall be limited to 125 feet and no more than 8 stories if, in addition to the fee-in-lieu required under Part 2 of this Ordinance, a contribution to the Housing Trust Fund in the amount of \$1,080,000.00 is made to provide affordable housing in the Plan area. No certificate of occupancy for a building or structure over 70 feet may be issued until the condition of this subsection has been met.

A motion to amend Part 2 (B) was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 6-5 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston, Kitchen and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Renteria and Troxclair. The amendment was to have the section read:

- B. Forty One affordable units, of which at least 50% of the Affordable Units must contain 2 or more bedrooms and shall have the same minimum average unit size as the market rate units located in the same building.

A motion to amend Part 2 (A), (B) and (C) failed on Council Member Pool's motion, Council Member Houston's second on a 4-7 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, Renteria and Troxclair. The amendment was to:

To revise Part 2 A to strike the phrase "and shall provide fee-in-lieu of affordable housing under section 4.3.3 D of the Plan."

To revise Part 2 B to have the section read: "Affordable units will be constructed as part of the development of a combination of the Property subject to this ordinance and the property subject to Ordinance No. 20170302-063."

To revise Part 2 C to read" "The property owner shall be responsible for providing affordable habitable space equal to 15% of the entire square footage of the development, with the option to provide additional affordable square footage."

A motion to amend Part 2 (B) was approved on Council Member Kitchen's motion, Council Member Renteria's second on a 6-5 vote. Those voting aye were: Mayor Adler, Council Member Flannigan, Casar, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston and Pool. The amendment was to have the section read:

- B. Forty One affordable units, of which at least 25% of the Affordable Units must contain 2 or more bedrooms and shall have the same minimum average unit size as the market rate units located in the same building and would only apply if the office building is built over 70 feet.

The public hearing was conducted and a motion to close the public hearing and approve the Ordinance 20170302-062 for transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning as amended above was approved on Council Member Renteria's motion, Council Member Garza's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool.

63. C14-2016-0049 - Plaza Saltillo Tract 4/5 - District 3 - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 1211 and 1301 E. 5th Street (Waller Creek and Lady Bird Lake Watersheds) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. First Reading approved on February 9, 2017 on an 8-3 vote. Second Reading approved on February 16, 2017 on an 8-3 vote. Public hearing remains open. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512- 974-2122. Related to Item #40.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance for transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning with the following amendments was made by Council Member Renteria and seconded by Council Member Garza. The amendment was:

To revise Part 2 (B) to read: Forty One affordable units, of which two must have two bedrooms, will be constructed as part of the development of a combination of the Property subject to this ordinance and the property subject to Ordinance No. 20170302-062.

To revise Part 2 (C) and renumber the remaining sections accordingly to read: The Property Owner shall make additional residential rental units available to be subsidized by the City as affordable units under the terms of section 4.3.3 C 4.b.ii of the Plan until commencement of construction of the Project.

To revise Part 2 (D) to read: The Property Owner shall pay a fee-in-lieu of providing on-site affordable housing units for the non-residential additional square footage above the 2:1 floor-to-area ration (the "Bonus Square Footage"). The amount of the fee-in-lieu shall be calculated by Neighborhood Housing and Community Department ("NHCD") based upon the Bonus Square Footage. A certificate of occupancy may not be issued until:

1. The Bonus Square Footage is calculated, certified, and submitted to NHCD, Attention: Real Estate and Development Division, and
2. The fee is paid to NHCD.

A motion to amend Part 2 (B) was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 6-5 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston, Kitchen and Pool. Those voting nay were: Mayor Adler, Council Members Casar, Flannigan, Renteria and Troxclair. The amendment was to have the section read:

B. Forty One affordable units, of which at least 50% of the Affordable Units must contain 2 or more bedrooms and shall have the same minimum average unit size as the market rate units located in the same building.

A motion to amend Part 2 (A), (B) and (C) failed on Council Member Pool's motion, Council Member Houston's second on a 4-7 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, Renteria and Troxclair. The amendment was to:

To revise Part 2 (A) to strike the phrase "and shall provide fee-in-lieu of affordable housing under section 4.3.3 D of the Plan."

To revise Part 2 B to have the section read: "Affordable units will be constructed as part of the development of a combination of the Property subject to this ordinance and the property subject to Ordinance No. 20170302-063."

To revise Part 2 C to read: "The property owner shall be responsible for providing affordable habitable space equal to 15% of the entire square footage of the development, with the option to provide additional affordable square footage."

A motion to amend Part 2 (B) was approved on Council Member Kitchen's motion, Council Member Renteria's second on a 6-5 vote. Those voting aye were: Mayor Adler, Council Member Flannigan, Casar, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Garza, Houston and Pool. The amendment was to have the section read:

B. Forty One affordable units, of which at least 25% of the Affordable Units must contain 2 or more bedrooms and shall have the same minimum average unit size as the market rate units located in the same building and would only apply if the office building is built over 70 feet.

The public hearing was conducted and a motion to close the public hearing and approve the Ordinance 20170302-062 for transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning as amended above was approved on Council Member Renteria's motion, Council Member Garza's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool.

The public hearing was conducted and a motion to close the public hearing and approve the Ordinance 20170302-062 for transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning as amended above was approved on Council Member Renteria's motion, Council Member Garza's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool.

64. C14-2016-0051- Plaza Saltillo Tract 6 - District 3 - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 413 Navasota Street (Lady Bird Lake Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. First Reading approved on February 9, 2017 on an 8-3 vote. Second Reading approved on February 16, 2017 on an 8-3 vote. Public hearing remains open. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122. Related to Items #40.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170302-064 for transit oriented development-central urban

redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning with the following amendments was approved on Council Member Renteria's motion, Council Member Garza's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston and Pool. The amendment was to: **To revise Part 2 (B) to read: Forty One affordable units, of which two must have two bedrooms, will be constructed as part of the development of a combination of the Property subject to this ordinance.**

To revise Part 2 (C) and renumber the remaining sections accordingly to read: The Property Owner shall make additional residential rental units available to be subsidized by the City as affordable units under the terms of section 4.3.3 C 4.b.ii of the Plan until commencement of construction of the Project.

To revise Part 2 (D) to read: The Property Owner shall pay a fee-in-lieu of providing on-site affordable housing units for the non-residential additional square footage above the 2:1 floor-to-area ration (the "Bonus Square Footage"). The amount of the fee-in-lieu shall be calculated by Neighborhood Housing and Community Department ("NHCD") based upon the Bonus Square Footage. A certificate of occupancy may not be issued until:

- 1. The Bonus Square Footage is calculated, certified, and submitted to NHCD, Attention: Real Estate and Development Division, and**
- 2. The fee is paid to NHCD.**

76. C814-2014-0120 - Austin Oaks PUD - District 10 - Conduct a public hearing and approve second reading of an ordinance amending Title 25 by rezoning property locally known as 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724, and 3737 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive (Shoal Creek Watershed) from community commercial (GR) district zoning, neighborhood commercial (LR) district zoning, limited office (LO) district zoning and family residence (SF-3) district zoning to planned unit development (PUD) district zoning. The ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. City Council: Approved First Reading PUD zoning with conditions, December 15, 2016. Applicant: Graves Dougherty Hearon & Moody (Michael Whellan). Owner: Twelve Lakes LLC, Jon Ruff. City Staff: Andrew Moore, 512-974-7604. A valid petition has been filed in opposition to this rezoning request.

The motion to postpone the item to March 23, 2017 was approved on Council Member Pool's motion, Council Member Garza's second on a 10-0 vote. Council Member Houston was off the dais.

Mayor Adler adjourned the meeting at 12:26 a.m. without objection.

The minutes were approved on this the 23rd day of March 2017 on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Members Casar and Garza were off the dais.