

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 8, 2018**

Invocation: Reverend Dusty McCormick, Associate Minister, Mt. Zion Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 8, 2018 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council discussion of February 20, 2018, budget work session of February 21, work session of February 27, 2018, and regular meeting of March 1, 2018.
The motion approving the minutes of the City Council discussion of February 20, 2018, budget work session of February 21, 2018, work session of February 27, 2018 and regular meeting of March 1, 2018 were approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.
2. Authorize award and execution of a construction contract with Johnson Controls, Inc., for the Domain District Cooling Plant Chiller #11 Supply and Installation Project, in the amount of \$2,839,020 plus a \$141,951 contingency, for a total contract amount not to exceed \$2,980,971. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 1.79% MBE and 11.25% WBE participation.] District(s) Affected: District 7. February 26, 2018 – Recommended by the Electric Utility Commission on a vote of 8-0 with Commissioner Wray absent and two vacancies.
The motion authorizing award and execution of a construction contract with Johnson Controls, Inc. was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on a 10-1 vote. Council Member Troxclair voted nay.
3. Authorize negotiation and execution of an amendment to the contract with the Greater Austin Asian Chamber of Commerce to add additional business development services and to increase the contract amount by \$60,000, from \$142,500 to \$202,500, with one additional 12 month option for a total contract amount not to exceed \$832,500.
The motion authorizing negotiation and execution of an amendment to the contract with the Greater Austin Asian Chamber of Commerce was approved on Council Member Alter's

motion, Council Member Troxclair's second on a 10-1 vote. Council Member Troxclair voted nay.

Item 4 was pulled for discussion.

5. Authorize negotiation and execution of a contract with Wallace Roberts & Todd, LLC, or one of the other qualified offerors to Request For Proposals 8600 SLW0522, to provide a parks and recreation long range plan, in an amount not to exceed \$400,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The subcontracting goals were exceeded and the resulting contract will include 19.75% MBE/WBE combined participation).
The motion authorizing negotiation and execution of a contract with Wallace Roberts & Todd, LLC. was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.
6. Authorize negotiation and execution of a multi-term contract with Communication By Hand, LLC, or one of the other qualified offerors to Request For Proposals 5800 MHJ0116, to provide sign language interpreters, for up to five years for a total contract amount not to exceed \$905,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C, Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).
The motion authorizing negotiation and execution of a multi-term contract with Communication By Hand, LLC. was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.
7. Authorize negotiation and execution of an additional contract through the State of Texas SmartBuy cooperative purchasing program with Evenflo Company Inc., for infant and toddler car seats, in an amount not to exceed \$25,000, for a total aggregate contract amount for this fiscal year not to exceed \$83,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).
The motion authorizing negotiation and execution of an additional contract through the State of Texas Smart Buy cooperative purchasing program with Evenflo Company Inc. was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.
8. Authorize issuance of a street closure permit under City Code Chapter 14-8 for the Fado's Irish Pub St. Patrick's Day Festival, a fee-paid event in the 200 block of West 4th Street, to be held on Saturday, March 17, 2018 from 12:00 pm to midnight. District(s) Affected: District 9.
The motion authorizing issuance of a street closure permit under City Code Chapter 14-8 for the Fado's Irish Pub St. Patrick's Day Festival was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.
9. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
The following appointments were approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.

Nominations

Board/Nominee	Nominated by
Airport Advisory Commission Thomas Thies	Council Member Garza
Austin Travis County Food Policy Board Margaret Kao	Mayor Adler
Commission on Veterans Affairs Daarel Burnette	Mayor Adler
Hispanic Latino Quality of Life Advisory Board Zaira Garcia	Council Member Casar
South Central Waterfront Advisory Board Rick Cofer	Parks & Recreation Rep.
Zero Waste Advisory Commission Phil Howry	Council Member Troxclair

Item 10 was pulled for discussion.

11. Approve an ordinance waiving or reimbursing certain fees for the 10th Annual St. James Missions 5K/1k Run/Walk sponsored by St. James Missionary Baptist Church to be held Saturday March 24, 2018, at the St. James Missionary Baptist Church. Council Sponsors: Council Member Ora Houston, Mayor Pro Tem Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool, Council Member Delia Garza.
Ordinance No. 20180308-011 was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.
12. Approve an ordinance waiving or reimbursing certain fees for the Poverty & Homelessness Workshop sponsored by the St. Louise House which was held on Monday, March 3, 2018, at the New Central Library and the Mexican American Cultural Center. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool, Council Member Ann Kitchen.
Ordinance No. 20180308-012 was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.

Direction was given to staff without objection to include an additional \$100 each towards the fee waiver by Council Member Alter and Council Member Pool.
13. Approve an ordinance waiving or reimbursing certain fees under City Code Chapter 14-8 for the March for Our Lives Event sponsored by Moms Demand Action for Gun Sense in America to be held Saturday, March 24, 2018. Council Sponsors: Council Member Leslie Pool, Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Alison Alter, Council Member Ann Kitchen

Ordinance No. 20180308-013 was approved on consent on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.

Direction was given to staff without objection to include the following amounts towards the fee waiver:

**\$500 by Council Member Alter
 \$485 by Council Member Casar
 \$200 by Council Member Flannigan
 \$250 by Council Member Garza
 \$125 by Council Member Houston
 \$200 by Council Member Renteria**

14. Set a public hearing to consider an ordinance amending the Regulating Plan for the North Burnet Gateway Zoning District to create a new Commercial Mixed Use-Gateway Zone subdistrict. (Suggested date and time, April 12, 2018, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX). District(s) Affected: District 7.
The public hearing was set on consent for April 12, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Alter's motion, Council Member Troxclair's second on an 11-0 vote.

DISCUSSION ITEMS

15. Approve second reading of an ordinance granting a non-emergency medical transfer franchise to Allegiance Mobile Health under City Code Chapter 10-2. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON March 1, 2018.)
The motion approving the ordinance on second reading only was approved on Council Member Garza's motion, Council Member Houston's second on a 10-0 vote. Council Member Renteria was off the dais.
4. Adopt the Austin Strategic Direction 2023 Plan, which concerns strategic outcomes related to economic opportunity and affordability, mobility, safety, health and environment, culture and lifelong learning, and government that works for all.
The motion adopting the Austin Strategic Direction 2023 Plan was approved as amended below on Council Member Casar's motion on a 10-0 vote. Council Member Troxclair abstained.

The following amendments were added to the Plan by Council Member Casar and accepted without objection:

ECONOMIC OPPORTUNITY & AFFORDABILITY METRICS:

To add additional language to Item B3 to read:

B. Income Equality

"3. Number and percentage of census tracts that are economically or racially segregated (i.e., census tracts that are not demographically reflective of the City of Austin's demographics, census tracts of high opportunity areas that have a high percentage of white residents or a median family income greater than 120%.)"

To add a new Item D7 to read:

D. Housing

“7. Ratio of residents whose income is less than 60% median family income (MFI) residing in the City of Austin to residents whose income is less than 60% MFI residing in the Greater Austin MSA.”

To add a new Item G5 to read:

G. Economic Mobility

“5(c). Overall Economic Mobility metric for the City of Austin.”

SAFETY METRICS

To add a new Item B7 to read:

B. Fair administration of justice

“7. Number and percentage of unique individuals incarcerated in local jail, state prison or federal prison, or jailed awaiting trial.”

Strategies

To add a new Strategy as Item B11 to read:

“11. Pursue evidence-based strategies to address root causes of harm, crime, and lack of public safety.”

The following amendments were made to the Plan by Mayor Pro Tem Tovo and accepted without objection:

ECONOMIC OPPORTUNITIES & AFFORDABILITY METRICS

To revise Item E1 to read:

E. Homelessness

“1. Number of persons experiencing homelessness (Point in Time Count and the annual count of sheltered homeless persons in the Homeless Management Information System (HMIS).”

To revise Item E3 to read:

“3. Number of persons who have not been served by the community’s homeless system in the two years prior to entry into the homeless system.”

To add a new Item E7 to read:

“7. Number of Housing First (HF) Permanent Supportive Housing units (PSH) units dedicated to persons experiencing chronic homelessness.”

To add a new Item E8 to read:

“8. Number of people who return to homelessness after moving into housing.”

To add a new footnote for E. Homelessness to read:

“Data for these metrics can be obtained by accessing the Continuum of Care’s System Performance Measures, which are currently tracked within the community-wide Homelessness Management Information System (HMIS).”

Direction was given to staff to provide additional improved data tracking whether arrests are resulting in dismissals or deferred adjudication; and to measure the performance of the system.

Mayor Adler recessed the Council Meeting to go into Executive Session at 11:20 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

- 16. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
Withdrawn without objection.
- 17. Discuss legal issues related to the Homelessness Audit Ordinance (Private consultation with legal counsel - Section 551.071 of the Government Code).
Withdrawn without objection.

The Mayor announced that Council would discuss items 10 and 36 on the regular agenda during Executive Session.

- 10. Approve a resolution relating to the distribution of affordable housing units for low- and moderate-income households. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Ora Houston, Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool, Council Member Ann Kitchen.
- 36. Discuss recommendations for appointment of municipal court judges, including the presiding judge, and take appropriate action; and declaring an emergency. Council Sponsors: Judicial Committee.

Mayor Adler reconvened the meeting at 12:07 p.m.

CITIZENS COMMUNICATIONS: GENERAL

Roya Johnson – Neighborhood infrastructure

Frank Harren – Code NEXT

Macaleb Wicker – Very dangerous pedestrian and bike lane on front street between Congress and Riverside here in Austin. – **Not Present.**

Eric Goff – Protecting neighborhoods

Shawn Howard – Litter and homelessness situation

Kate Pierson – Solutions for homelessness

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:26 p.m.

EXECUTIVE SESSION CONTINUED

36. Discuss recommendations for appointment of municipal court judges, including the presiding judge, and take appropriate action; and declaring an emergency. Council Sponsors: Judicial Committee.

Executive Session ended and Mayor Adler reconvened the meeting at 2:14 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

18. C14-2017-0133 - 4401 South Congress Rezoning - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4401 South Congress Avenue (Williamson Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. First reading approved general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning, on February 1, 2018. Vote: 11-0. Owner/Applicant: Sabot Development, LLC (James W. Young). Agent: Armbrust & Brown, PLLC (Michael Whellan). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 3.
Ordinance No. 20180308-018 for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning was approved on Council Member Houston's motion, Council Member Garza's second on a 10-1 vote. Council Member Flannigan voted nay.
19. C14-2017-0118 - Texas Health and Science University Clinic - District 5 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1709 Fort View Road (West Bouldin Creek Watershed). Applicant Request: To rezone from community commercial (GR) district zoning and limited office (LO) district zoning to community commercial - mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial - mixed use (GR-MU) combining district zoning. Approved on First Reading on February 1, 2018. 10-0 vote. Owner/Applicant: T & L LP (Lisa Lin). Agent: Landanswers (Jim Wittliff). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 5.
Ordinance No. 20180308-019 for community commercial - mixed use (GR-MU) combining district zoning was approved on Council Member Houston's motion, Council Member Garza's second on an 11-0 vote.
20. C14-2017-0122 - S. Lamar VMU - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1311 S. Lamar Boulevard, Unit 2 & 1401 S. Lamar Boulevard (West Bouldin Creek Watershed). Applicant

Request: To rezone from general commercial services - conditional overlay (CS-CO) combining district zoning for Tract 1 and general commercial services - vertical mixed use - conditional overlay (CS-V-CO) combining district zoning for Tract 2 to general commercial services - vertical mixed use (CS-V) combining district zoning for Tract 1 and general commercial services - vertical mixed use (CS-V) combining district zoning for Tract 2. Staff Recommendation: To grant commercial services - vertical mixed use - conditional overlay (CS-V-CO) combining district zoning for both Tracts 1 and 2. Planning Commission Recommendation: To grant commercial services - vertical mixed use - conditional overlay (CS-V-CO) combining district zoning for both Tracts 1 and 2. Owner/Applicant: Seamless GCW, LTD (Joe Warnock). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180308-020 for commercial services - vertical mixed use - conditional overlay (CS-V-CO) combining district zoning for both Tracts 1 and 2 was approved on Council Member Houston's motion, Council Member Garza's second on a 10-1 vote. Council Member Flannigan voted nay.

28. C814-2017-0001 - 425 W. Riverside PUD - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 425 W. Riverside Drive (Lady Bird Lake Watershed). Applicant Request: To rezone from Commercial-Liquor Sales - Vertical Mixed Use - Neighborhood Plan (CS-1-V-NP) combining district zoning to Planned Unit Development - Neighborhood Plan (PUD-NP) combining district zoning. Staff Recommendation: To grant Planned Unit Development - Neighborhood Plan with conditions (PUD-NP). Planning Commission Recommendation: To be reviewed February 27, 2018. Owner/Applicant: Ronald A. Nelson, Trustee and Molley Belle Properties LP (Ronald A. Nelson). Agent: Armbrust & Brown (Richard T. Suttle, Jr.). City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 9.

This item was postponed to March 22, 2018 at the request of Mayor Pro Tem Tovo on Council Member Houston's motion, Council Member Garza's second on an 11-0 vote.

30. C14-2017-0123 - South Chisholm Professional Offices - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1109 West Slaughter Lane (Slaughter Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on March 6, 2018. Owner/Applicant: Mario Solis. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.

This item is a duplicate of Item 27, no action required.

DISCUSSION ITEMS CONTINUED

10. Approve a resolution relating to the distribution of affordable housing units for low- and moderate-income households. Council Sponsors: Mayor Pro Tem Kathie Tovo, Council Member Ora Houston, Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool, Council Member Ann Kitchen.

Resolution No. 20180308-010 was approved as amended below on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-1 vote. Council Member Troxclair voted nay.

The amendment to add a new fourth Whereas clause was made by Mayor Adler and accepted without objection.

The amendment was to read: “Whereas, the Austin City Council approved Resolution No. 20170817-053 which created a residents’ anti-displacement task force, to be referred to as “Anti-Displacement Task Force,” to review and recommend specific strategies for displacement prevention; and”

The amendment to strike the three bullet points to the first Be It Resolved clause and revise the first Be It Resolved clause was made by Mayor Pro Tem Tovo and accepted without objection.

The amendment was to read: “The Council directs the City Manager to propose a preference policy that relates to the distribution of affordable housing units for low-and moderate-income households based on generational ties to the City. The proposed policy must be designed to further the City’s obligation to affirmatively further fair housing and should include a method to prioritize the waitlist for programs and resources, such as homeownership and rental assistance programs, for low- and moderate-income households who are displaced.”

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

Items 21 and 22 were acted on in a combined motion.

21. NPA-2017-0002.01 - 4 East - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 19990513-70 the East Cesar Chavez Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1600, 1602, 1604, 1606, 1608, 1610 E. 4th (Town Lake Watershed) from Specific Regulating District to Specific Regulating District land use. Staff Recommendation: To grant Applicant’s request. Planning Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner: CC Third and Comal, LP and Tocayo Investments GP, LLC (Robert Gandy). Agent: Armbrust & Brown, PLLC (Michael Whellan). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

The public hearing was conducted and a motion to approve the ordinance on first reading only to change the land use designation on the future land use map (FLUM) to Specific Regulating District land use was approved as amended below on Council Member Garza’s motion, Council Member Flannigan’s second on an 11-0 vote.

A motion to postpone the item was made by Council Member Casar. The motion was later withdrawn without objection.

A friendly amendment to revise the height to 60 feet was made by Council Member Renteria and accepted without objection.

Direction was given to staff to: explore the possibility of a longer term on the dedication of the space for creative arts; consider the possibility of a right of first refusal so that the space could be purchased at some point; consider how to direct the use of that space for artists that have a connection to that community; continue conversations with all the stakeholders involved including the artist community and the neighborhoods; indication if the case

changes back to residential that a certain percentage of units be constructed onsite as affordable housing; provide a monetary basis for the cost of homes replaced.

22. C14-2017-0105 - 4 East - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 1600, 1602, 1604, 1606, 1608, and 1610 East 4th Street (Lady Bird Lake Watershed). Applicant Request: To rezone from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment- neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment- neighborhood plan (TOD-CURE-NP) combining district zoning, with conditions. Planning Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner: Tocayo Investments GP, LLC & CC Third and Comal, LP (Robert Gandy IV). Applicant: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Heather Chaffin, 512- 974-2122. District(s) Affected: District 3.
- The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for transit oriented development-central urban redevelopment- neighborhood plan (TOD-CURE-NP) combining district zoning, with conditions was approved on Council Member Garza's motion, Council Member Flannigan's second on an 11-0 vote.**

Items 23, 24, 27, 29 and 31 were acted on in a combined motion.

23. NPA-2016-0014.01 - Nuckols Crossing Road - District 2 -Conduct a public hearing and approve an ordinance amending Ordinance No. 021010-11, the Southeast Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4500 Nuckols Crossing Road (Williamson Creek Watershed) from Single Family to Multifamily land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 27, 2018. Owner/Applicant: Angelos Angelou and John Sasaridis. Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 2.
- This item was postponed to April 12, 2018 at the request of staff on Mayor Adler's motion, Council Member Garza's second on an 11-0 vote.**
24. C14-2017-0010 - 4500 Nuckols Crossing Road Rezoning - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4500 Nuckols Crossing Road (Williamson Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 27, 2018. Owner/Applicant: Angelou Angelos and John Sasaridis. Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.
- This item was postponed to April 12, 2018 at the request of staff on Mayor Adler's motion, Council Member Garza's second on an 11-0 vote.**
27. C14-2017-0123 - South Chisholm Professional Offices - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1109 West Slaughter Lane (Slaughter Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU)

combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on March 6, 2018. Owner/Applicant: Mario Solis. Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719..De District(s) Affected: District 3.

This item was postponed to April 12, 2018 at the request of staff on Mayor Adler's motion, Council Member Garza's second on an 11-0 vote.

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

This item was postponed to April 12, 2018 at the request of staff on Mayor Adler's motion, Council Member Garza's second on an 11-0 vote.

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

This item was postponed to April 12, 2018 at the request of staff on Mayor Adler's motion, Council Member Garza's second on an 11-0 vote.

PUBLIC HEARINGS

32. Conduct a public hearing and consider an ordinance regarding floodplain variances for the remodel of a commercial building at 1200 Barton Springs Road within the 25-year and 100-year floodplains of West Bouldin Creek.

This item was postponed to March 22, 2018 at the request of staff without objection.

33. Conduct a public hearing and consider an ordinance amending Title 25 to remove the applicability of the Central Urban Redevelopment (CURE) combining district boundaries east of IH-35. March 13, 2018 – To be reviewed by the Planning Commission.

This item was postponed to March 22, 2018 at the request of staff without objection.

DISCUSSION ITEMS CONTINUED

Items 25 and 26 were acted on in a combined motion.

25. NPA-2017-0005.04 - 2514 Thrasher Lane - 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 2514 Thrasher Lane (Carson Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission recommendation: To grant Mixed use land use. Owner/Applicant: Larry and Elizabeth Petree). Agent: Drenner Group (Leah Bojo). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180308-025 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Renteria's motion, Council Member Houston's second on a 9-1 vote. Mayor Pro Tem Tovo voted nay. Council Member Pool abstained.
26. C14-2017-0125 - 2514 Thrasher - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2514 Thrasher Lane (West Country Club Creek and Carson Creek Watersheds). Applicant Request: To rezone from general commercial services -conditional overlay- neighborhood plan (CS-CO-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 grant general commercial services - mixed use-conditional overlay - neighborhood plan (CS-MU-CO-NP) combining district zoning. Agent: Drenner Group (Leah Bojo). Owner: Larry and Elizabeth Petree. City Staff: Andrew Moore, 512-974-7604. District(s) Affected: District 3.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180308-026 for general commercial services - mixed use-conditional overlay - neighborhood plan (CS-MU-CO-NP) combining district zoning with the following additional condition was approved on Council Member Renteria's motion, Council Member Houston's second on a 9-1 vote. Mayor Pro Tem Tovo voted nay. Council Member Pool abstained.
- The additional condition was to prohibit vehicular traffic associated with residential use of the Property to or from Thrasher Lane except for pedestrian, bicycle, and emergency ingress and egress. Access to the Property for all vehicular traffic associated with a residential use shall be from other adjacent public streets or through other adjacent property.**
34. Conduct a public hearing and consider an ordinance amending the Regulating Plan for the Plaza Saltillo Transit Oriented Development Station Area Plan to amend provisions regarding an additional density bonus program applicable to 1409 and 1411 East 4th Street. District(s) Affected: District 3. February 27, 2018 – Approved by the Planning Commission on an 8-2 vote with Commissioners McGraw and Shaw voting nay, Commissioner Shieh abstained, Commissioner Anderson recused on this item and Commissioner Thompson absent.
This item was postponed to April 26, 2018 at the request of staff on Council Member Garza's motion, Council Member Casar's second on an 11-0 vote.
36. Discuss recommendations for appointment of municipal court judges, including the presiding judge, and take appropriate action; and declaring an emergency. Council Sponsors: Judicial Committee.

Ordinance No. 20180308-036 was approved on Council Member Flannigan’s motion, Council Member Casar’s second on an 8-0 vote. Council Members Kitchen, Renteria and Troxclair abstained.

Mayor Adler recessed the meeting at 5:50 p.m.

LIVE MUSIC

Aaron McDonnell

Mayor Adler reconvened the meeting at 6:11 p.m.

DISCUSSION ITEMS CONTINUED

- 35. Conduct a public hearing and consider an ordinance amending the rates charged to Austin Water's retail customers for water and wastewater services (Exhibit A to Ordinance No. 20170913-002) and amending Austin Water's 2017-2018 Operating Budget (Ordinance No. 20170913-001) to account for the corresponding reduction in revenue.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180308-035 was made by Council Member Troxclair and seconded by Council Member Flannigan.

A motion to revise Part 1 and Exhibit A of the ordinance was approved on Mayor Pro Tem Tovo’s motion, Council Member Pool’s second on a 10-0 vote. Council Member Casar was off the dais.

The amendment was to revise the ordinance to read: “Part 1. The Council amends Fiscal Year 2017-2018 Austin Water Operating Budget of Ordinance No. 20170913-001 to reduce total water and wastewater revenue by \$11, 643, 355.00, decrease debt service requirements by \$2,978,413.00, and increase transfers out by \$9,566,159.00, resulting in an ending balance decrease of \$18,231,101.00.

The amendment was to add a new Industrial Waste Surcharge for ammonia-nitrogen to Exhibit A to read as follows:

**CITY OF AUSTIN, TEXAS
AUSTIN WATER
PROPOSED WATER RATES (Continued)
FY 2017-18**

**PROPOSED RATES EFFECTIVE MAY 1, 2018
(Rates for bills generated on or after May 1, 2018)**

Industrial Waste Surcharge Rate for Ammonia-Nitrogen

	<u>Current Rate</u>	<u>Proposed Rate</u>
Ammonia-Nitrogen	\$0.00	\$1.559

**Rate is \$1.559 per pound of ammonia-nitrogen discharged into Austin Water's wastewater system by an Industrial User when the ammonia-nitrogen concentration is in excess of 35 mg/l. The surcharge fee for ammonia nitrogen will be charged to an Industrial User that uses or produces ammonia-nitrogen in a manufacturing process. The surcharge fee for ammonia-nitrogen will be determined by calculating the difference between the average concentrations discharged from such an Industrial User and the 35 mg/l threshold as described in the formula below:*

Surcharge fee for ammonia-nitrogen = Volume of wastewater discharged (in millions of gallons) x 8.34 pounds per gallon x [\$1.559 per pound x (Industrial User's average ammonia-nitrogen (in mg/l) – 35 mg/l)]

Industrial Water Surcharges for BOD, COD, or SS remain unchanged.

A motion to include direction to staff was made as follows: “approve the latest staff recommended rate reduction and associated budget amendments on all 3 readings with direction to staff that prior to the next rate change being implemented, the independent hearings process for Austin Water will be completed” was approved on Council Member Troxclair’s motion, Council Member Kitchen’s second on a 7-2 vote. Those voting aye were: Mayor Adler, Council Members Alter, Flannigan, Houston, Kitchen, Pool and Troxclair. Those voting nay were: Mayor Pro Tem Tovo and Council Member Renteria. Council Members Casar and Garza were off the dais.

A motion to revise the direction to read “Council directs the manager to engage in independent hearing examiner process prior to proposing a rate increase to council if the rate increase is 3% or greater per year or 7% over five years” failed on Mayor Pro Tem Tovo’s motion, Council Member Garza’s second on a 5-5 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Flannigan, Houston, Garza and Renteria. Those voting nay were: Mayor Adler, Council Members Alter, Kitchen, Pool and Troxclair. Council Member Casar was off the dais.

A motion to revise the direction to read “Council directs the manager to engage in independent hearing examiner process prior to a proposing rate increase to council if the rate is more than 1% in any given year and more than 3% in any five years” was made by Mayor Adler and seconded by Council Member Flannigan. The amendment was later withdrawn.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180308-035 was approved as amended above on Council Member Troxclair’s motion, Council Member Flannigan’s second on a 9-0 vote. Council Members Casar and Garza were off the dais.

Mayor Adler adjourned the meeting at 7:51 p.m. without objection.

The minutes were approved on this the 22nd day of March 2018 on Council Member Casar’s motion, Council Member Houston’s second on an 11-0 vote.