

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, AUGUST 30, 2018**

**Invocation: Very Reverend Father Basil Aguzie, Holy Cross Catholic 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, August 30, 2018 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Adler called the Council Meeting to order at 10:27 a.m.**

**CONSENT AGENDA**

**The following items were acted on by one motion.**

1. Approve the minutes of the Austin City Council special called of August 15, 2018, budget work session of August 15, 2018, work session of August 21, 2018, regular meeting of August 22, 2018, and regular meeting of August 23, 2018.  
**The motion approving the minutes of the City Council special called of August 15, 2018, budget work session of August 15, 2018, work session of August 21, 2018, regular meeting of August 22, 2018, and regular meeting of August 23, 2018 were approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
2. Authorize award and execution of a construction contract with Santa Clara Construction, Ltd. (MBE), for the East 7th Street at Chicon Street and Calles Street Intersection Improvements (REBID) project in the amount of \$387,361.00 plus a \$38,736.10 contingency, for a total contract amount not to exceed \$426,097.10. [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 83.56% MBE and 1.37% WBE participation.] District(s) Affected: District 1, District 3.  
**The motion authorizing award and execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
3. Authorize negotiation and execution of an amendment to the professional services agreement with Jackson and McElhaney Architects for the 2013 General Architectural Services Rotation List for additional design services in the amount of \$86,916 and a new Rotation List contract authorization amount not to exceed \$4,886,916. [Note: This amendment will be awarded in

compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current Participation to date is 31.46% MBE and 17.56% WBE.]

**The motion authorizing negotiation and execution of an amendment to the professional services agreement with Jackson and McElhaney Architects was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

4. Authorize additional contingency funding for the construction contract with Santa Clara Construction Ltd. (MBE), for the Tanglebriar System Improvements Project in the amount of \$66,500, for a total contract amount not to exceed \$1,041,047.50. [Note: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program). Current Participation to date is 74.97% MBE and 0.89% WBE.] District(s) Affected: District 6.  
**The motion authorizing additional contingency funding for the construction contract with Santa Clara Construction Ltd. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

5. Authorize negotiation and execution of a design build agreement with Southwest Corporation, for design and construction services for the Austin Fire Department Locker Room Phase 6 project in an amount not to exceed \$12,700,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 72.00% MBE and 8.00% WBE participation.] District(s) Affected: District 5, District 7, District 9, District 10.  
**The motion authorizing negotiation and execution of a design build agreement with Southwest Corporation was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

6. Authorize the use of the design-build method of contracting for the design and construction of bay and electrical repairs for Austin Fire Department Stations #1, #3, and #22. [Note: MBE/WBE goals will be established prior to issuance of this solicitation.] District(s) Affected: District 3, District 9.  
**The motion authorizing the use of the design-build method of contracting was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

7. Approve a resolution to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Events Trust Fund for the purpose of conducting economic studies, submitting applications, and submitting any required funding to the Texas Office of the Governor for IndyCar events to be held at the Circuit of the Americas facility. District(s) Affected: District 2.  
**Resolution No. 20180830-007 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

8. Approve an ordinance amending the fiscal year 2017-2018 Financial Services Department Operating Budget, (Ordinance No. 20170913-001) to increase appropriations in the Historic Preservation Fund by \$2,491,937, to be funded by a transfer in from the Austin Convention Center Department Operating Budget to 15% of the revenue derived from the hotel occupancy tax in the fiscal year 2017-2018 Historic Preservation Fund.  
**Ordinance No. 20180830-008 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

9. Authorize negotiation and execution of an amendment to an interlocal agreement with Travis County relating to services arising from the closing of the Austin Police Department lab that processed DNA evidence; to extend the term length and make other conforming changes.  
**The motion authorizing negotiation and execution of an amendment to an interlocal agreement with Travis County was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
10. Authorize negotiation and execution of an amendment to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center D/B/A Integral Care for the Homeless Street Outreach Team, which connects homeless individuals and families with the initial services necessary to achieve stability and recovery, to increase funding in the amount of \$195,000 effective September 1, 2018.  
**The motion authorizing negotiation and execution of an amendment to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center doing business as Integral Care was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
11. Authorize negotiation and execution of an interlocal agreement with Travis County and the Austin Travis County Mental Health Retardation Center d/b/a Integral Care for mental health and substance use treatment services for indigent citizens and other eligible clients of the Downtown Austin Community Court, for an initial 12-month term beginning October 1, 2018 in an amount not to exceed \$392,000, with four 12-month renewal options not to exceed \$392,000 per option, for a total contract amount not to exceed \$1,960,000.  
**The motion authorizing negotiation and execution of an interlocal agreement with Travis County and the Austin Travis County Mental Health Retardation Center doing business as Integral Care was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair abstained.**

**Items 12 and 13 were pulled for discussion.**

14. Authorize negotiation and execution of all documents and instruments necessary to acquire in fee simple approximately 4.655 acres out of the A.E. Livingston Survey Abstract No. 478, Travis County, Texas, located at 9804 N. Ranch Road 620, Austin, Texas from Orcid Holdings LLC, for a total amount not to exceed \$1,503,000.00, including closing costs. District(s) Affected: District 6.  
**The motion authorizing negotiation and execution of all documents and instruments necessary to acquire in fee simple approximately 4.655 acres out of the A.E. Livingston Survey Abstract No. 478, Travis County, Texas from Orcid Holdings LLC was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
15. Authorize negotiation and execution of an encroachment agreement with the Board of Regents of The University of Texas System for the subsurface encroachment of approximately 180 square feet of right-of-way for a proposed underground private twelve inch waterline crossing within Comal Street between East 21st Street and Manor Road, site plan address of 2100 Concho Street. District(s) Affected: District 1.  
**The motion authorizing negotiation and execution of an encroachment agreement with the Board of Regents of The University of Texas System was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Item 16 was pulled for discussion.**

17. Authorize the negotiation and execution of an 84-month lease agreement for approximately 9,868 square feet of office space for the Austin Public Health Department with 5204 Ben White 2017, LP, a Texas Limited Partnership, for property located at 5202 Ben White Boulevard, Unit 6 in an amount not to exceed \$1,900,281. District(s) Affected: District 3.  
**The motion authorizing negotiation and execution of an encroachment agreement with 5204 Ben White 2017, LP, a Texas Limited Partnership was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Item 18 was pulled for discussion.**

19. Authorize negotiation and execution of an increase to a contract with AIDS Services of Austin, Inc, for the Housing Opportunities for Persons Living With HIV/AIDS Program in an amount not to exceed \$102,039 for each of the 12-month terms beginning October 1, 2018 and October 1, 2019, for a total revised contract amount not to exceed \$2,918,819.  
**The motion authorizing negotiation and execution of an increase to a contract with AIDS Services of Austin, Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Troxclair abstained.**
20. Approve an amendment to an interlocal agreement with the Austin Independent School District to authorize the City to provide parking meter infrastructure and parking enforcement on Stephen F. Austin Drive. District(s) Affected: District 8, District 9, District 10.  
**The motion authorizing an amendment to an interlocal agreement with the Austin Independent School District was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-1 vote. Council Member Troxclair voted nay.**

**Direction was given to staff to monitor any impacts that might occur to the parking lot in the immediate surrounding area.**

21. Approve the Colorado River Area application to create a parking and transportation management district (PTMD) and an ordinance establishing a Colorado River Area PTMD. District(s) Affected: District 8, District 9, District 10.  
**Ordinance No. 20180830-021 and the Colorado River Area application were approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Direction was given to staff to monitor any impacts that might occur to the parking lot in the immediate surrounding area and to meet on a quarterly basis with the West Austin Neighborhood group to confirm the area north of Lake Austin is not experiencing new problems in terms of parking in the community.**

**Items 22 and 23 were pulled for discussion.**

24. Approve a resolution encouraging retailers to continue to honor the City's 2013 Single-Use Bag Ordinance. Council Sponsors: Council Member Leslie Pool, Council Member Ora Houston, Council Member Gregorio Casar, Council Member Alison Alter, Mayor Pro Tem Kathie Tovo.  
**Resolution No. 20180830-024 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on a 10-1 vote. Council Member Troxclair voted nay.**

**Item 25 was pulled for discussion.**

26. Approve an ordinance waiving or reimbursing certain fees required for hanging banners designed to assist the Young Men's Christian Association (YMCA) of Austin with advertising for jobs sponsored by the YMCA. Council Sponsors: Mayor Pro Tem Kathie Tovo, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Alison Alter, Council Member Delia Garza.  
**Ordinance No. 20180830-026 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
27. Set a public hearing to consider an ordinance amending City Code Chapter 25-2 (Zoning) to modify the definition of Administrative Services and add Administrative Services as a permitted use in the Downtown Mixed Use (DMU) and Central Business District (CBD) zoning districts. (Suggested date and time: September 20, 2018, 4:00 p.m. at 301 West Second St., Austin, TX).  
**The public hearing was set on consent for September 20, 2018, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
53. Authorize award and execution of a construction contract with G. Hyatt Construction, Inc., for the Shipe Neighborhood Park Pool Renovation project in the amount of \$2,925,000 plus a \$292,500 contingency, for a total contract amount not to exceed \$3,217,500. Related to Items #60 and #61. [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 26.91% MBE and 25.54% WBE participation.] District(s) Affected: District 9.  
**The motion authorizing award and execution of a construction contract with G. Hyatt Construction, Inc. was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Direction was given to staff to provide an update on the development of a plan to expedite the process for site specific variances for Parks and it be used to the extent necessary to facilitate the implementation of the contract.**

**Item 54 was pulled for discussion.**

55. Approve an ordinance amending Ordinance No. 20180809-113 calling the November 6, 2018 general and special elections, to provide for the conduct of the elections and declaring an emergency.  
**This item was withdrawn on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

**Items 56 through 58 were pulled for discussion.**

59. Approve a payment of an amount not to exceed \$360,000 to satisfy the balance of a judgment in Reagan National Advertising, Inc. v. City of Austin, et al, D-1-GN-14-003594 in the 201st Judicial District of Travis County.  
**The motion approving the payment in the above-referenced lawsuit, by the City paying an amount not to exceed \$360,000 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**
60. Approve an ordinance amending the Fiscal Year 2017-2018 Parks and Recreation Department Capital Budget (Ordinance No. 20170913-001) to increase appropriations by \$1,300,000 for the Shipe Neighborhood Park Pool Renovation. Related to Items #53 and #61. District(s) Affected: District 9.

**Ordinance No. 20180830-060 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

61. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of certificates of obligations or public improvement bonds to be issued for the Shipe Neighborhood Park Pool Renovation in the total amount of \$1,300,000. Related to Items #53 and #60. District(s) Affected: District 9.

**Resolution No. 20180830-061 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

62. Authorize negotiation and execution of an interlocal agreement with the Austin-Travis County Sobriety Center Local Government Corporation (LGC) and Travis County for operation by the LGC of the Sobering Center in an amount not to exceed \$1,123,359 for the 12-month period beginning October 1, 2018, with up to four 12-month extension options not to exceed \$1,123,359 per extension option, for a total amount not to exceed \$5,616,795.

**The motion authorizing negotiation and execution of an interlocal agreement with the Austin-Travis County Sobriety Center Local Government Corporation (LGC) and Travis County was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

63. Approve a resolution that adopts a newly updated list of projects approved for Quarter Cent funding. Related to item #64.

**Resolution No. 20180830-063 was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

64. Authorize negotiation and execution of an interlocal agreement with Travis County for sidewalk improvements to the south side of Hog Eye Road from Decker Lane to 9301 Hog Eye Road in an amount not to exceed \$63,000. Related to item #63.

**The motion authorizing negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

65. Authorize negotiation and execution of a contract with GILA LLC, D/B/A Municipal Services Bureau D/B/A MSB or one of the other qualified offerors to Request For Qualification Statements 4600 EAD0302, to provide collection of delinquent Municipal Court case balances, for a term of five years. (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).

**This item was postponed to October 4, 2018 on Council Member Garza's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

## **DISCUSSION ITEMS**

12. Approve a resolution authorizing the execution of an interlocal agreement with Travis County, Travis County Housing Finance Corporation, Housing Authority of the City of Austin, and Housing Authority of Travis County related to procuring and managing a contract to conduct a Housing Market Analysis.

**Resolution No. 20180830-012 was approved on Council Member Troxclair's motion, Council Member Houston's second on an 11-0 vote.**

16. Authorize negotiation and execution of an encroachment agreement with 208 Nueces Street LLC for the surface and subsurface encroachment of approximately sixteen square feet (surface) and eighteen square feet (subsurface) of right-of-way by an existing building, building grade beam and pier within Nueces Street between West 3rd Street and West 2nd Street, site plan address of 607 West 3rd Street. District(s) Affected: District 9.  
**The motion authorizing negotiation and execution of an encroachment agreement with 208 Nueces Street LLC was approved on Mayor Pro Tem Tovo's motion, Council Member Casar's second on an 11-0 vote.**
18. Approve an ordinance authorizing acceptance of \$75,000 in grant funds from the University of Utah and amending the Fiscal Year 2017-2018 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance 201709013-001) to appropriate \$75,000 for the Pritzker Children's Initiative (PCI) Fellows Program; and authorizing negotiation and execution of an agreement with the University of Utah for the PCI Fellows Program for a 12-month term with one 12-month renewal option, each in an amount not to exceed \$75,000, for a total agreement amount not to exceed \$150,000.  
**Ordinance No. 20180830-018 was approved on Council Member Garza's motion, Council Member Alter's second on an 11-0 vote.**
22. Approve an ordinance amending City Code Section 12-4-64 (D) to reduce the length of an existing school zone by 170 feet on East Live Oak Street. District(s) Affected: District 9.  
**Ordinance No. 20180830-022 was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on an 11-0 vote.**
54. Authorize negotiation and execution of a Design-Build agreement with SpawGlass Contractors, Inc., for design and construction services for the Downtown Chiller Capacity Addition project in an amount not to exceed \$14,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 9.66% MBE and 2.99% WBE participation.]  
**The motion authorizing negotiation and execution of a Design-Build agreement with SpawGlass Contractors, Inc. was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-1 vote. Council Member Troxclair voted nay.**  
  
**Direction was given to staff that if during the design process if it appears that the chiller capacity addition project options for the Convention Center do not make it a good fit to regroup.**
13. Approve negotiation and execution of all documents and instruments necessary or desirable to transfer in fee simple Lot 19, Block 1, Westridge, a subdivision in Travis County, Texas, located at 1611 W. 10th Street to the Austin Housing Finance Corporation for the development of affordable residential housing. District(s) Affected: District 9.  
**The motion authorizing negotiation and execution of all documents and instruments necessary or desirable to transfer in fee simple Lot 19, Block 1, Westridge, a subdivision in Travis County, Texas to the Austin Housing Finance Corporation was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 10-1 vote. Council Member Troxclair voted nay.**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing and Finance Corporation to order at 11:24 a.m. See separate minutes.**

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

**Mayor Adler reconvened the Council Meeting at 11:25 a.m.**

25. Approve a resolution directing the City Manager to explore and develop recommendations to ensure that the City of Austin does not provide financial support to organizations whose activities result in the separation of children from their parent/parents and/or siblings or that result in the mass incarceration of immigrant children. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Gregorio Casar, Council Member Delia Garza, Council Member Ann Kitchen, Mayor Steve Adler.  
**A motion to amend the resolution by deleting the final whereas clause was made by Council Member Renteria and seconded by Council Member Houston.**

**Resolution No. 20180830-025 was approved as amended above on Council Member Renteria's motion, Council Member Houston's second on a 10-1 vote. Council Member Troxclair voted nay.**

**Mayor Adler recessed the Council Meeting to go into Executive Session at 11:28 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.**

29. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
30. Consider compensation and benefits for the City Manager (Personnel matters - Section 551.074 of the Government Code).
31. Consider compensation and benefits for the City Clerk (Personnel matters - Section 551.074 of the Government Code).
32. Consider compensation and benefits for the City Auditor (Personnel matters - Section 551.074 of the Government Code).
33. Consider compensation and benefits for the Municipal Court Clerk (Personnel matters - Section 551.074 of the Government Code).
34. Discuss legal issues related to Quentin Perkins v. City of Austin et al, Cause No. 1:18-cv-00651, In the United States District Court for the Western District of Texas, Austin Division (Private consultation with legal counsel-Section 551.071 of the Government Code).  
**This item was withdrawn.**
35. Discuss legal issues related to In re Ed English, Cause No. 18-0749 in the Supreme Court of Texas (Private consultation with legal counsel-Section 551.071 of the Government Code).



**This item was withdrawn.**

36. Discuss legal issues related to the November 2018 election (Private consultation with legal counsel - Section 551.071 of the Government Code).

**This item was withdrawn.**

67. Discuss legal issues related to oversight of the Austin Police Department (Private consultation with legal counsel - Section 551.071 of the Government Code).

**This item was withdrawn.**

**Mayor Adler stated items 23 and 66 would also be discussed in Executive Session.**

23. 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.
66. Approve an ordinance amending City Code Chapter 2-1 relating to the Community Development Commission and Chapter 2-7 regarding financial disclosure requirements, and approve amendments to the bylaws of the Community Development Commission relating to an appointment and removal process for commission members. Council Sponsors: Audit and Finance Committee.

**Executive Session ended and Mayor Pro Tem Tovo called the Council Meeting back to order at 12:12 p.m.**

**CITIZENS COMMUNICATIONS: GENERAL**

Joanne Molinyawe – Austin Animal Center

Jane Rubenstein – Dog Walking

Kathy Muelker – Animal Services – **Not present.**

Andrea Schwartz – Animal Shelter

Michael Fuchs – Dockless mobility, Action emergency plan, Liability insurance

Cynthia Valadez – Equity issues, Neighborhood issues – **Not present.**

Donna Hoffman – Blackshear Bridge request – **Not present.**

Kelsea Barlow – TBA

Angela Gettis – Women helping women with a hand up

Michael Fossum – Renaming confederate icons, Equity office

**Mayor Pro Tem Tovo recessed the Council Meeting at 12:33 p.m.**

**Mayor Adler reconvened the Council Meeting at 1:50 p.m.**

**DISCUSSION ITEMS CONTINUED**

23. 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.

**A motion to approve the appointments and certain related waivers was made by Mayor Adler.**

**A motion to divide the question was accepted without objection.**

**A motion to approve the following appointments was approved on Council Member Pool's motion, Council Member Flannigan's second on a 9-0 vote. Council Members Alter and Renteria were off the dais.**

**Nominations**

**Board/Nominee**

**Nominated by**

**Mexican American Cultural Center Advisory Board**

**Claudia Massey**

**Council Member Alter**

**Small Area Planning Joint Committee**

**Tracy Witte**

**Planning Commission**

**Community Development Commission**

**Julia Woods**

**Dawson Neighborhood Association**

**A motion to approve the appointment of Fred McGhee by the Montopolis Neighborhood Association to the Community Development Commission was approved as amended below on Council Member Pool's motion, Council Member Troxclair's second on an 11-0 vote.**

**A motion to include an additional statement was made by Council Member Casar and accepted without objection. The additional statement was to read:**

**"We understand that we are required to accept and approve the democratically selected members to the CDC and will fulfill that requirement. However, we are gravely concerned about public comments that the democratically selected member has made and strongly recommend that all individuals serving on the CDC act respectfully throughout their term."**

**Direction was given to staff to make appropriate changes to the board and commission requirements in order to cover boards and commissions with city personnel policies that prevent all appointees from engaging in conduct that is discriminatory, harassing, sexually suggestive or that demonstrates hostility toward anyone based on a protected class.**

66. Approve an ordinance amending City Code Chapter 2-1 relating to the Community Development Commission and Chapter 2-7 regarding financial disclosure requirements, and approve amendments to the bylaws of the Community Development Commission relating to an appointment and removal process for commission members. Council Sponsors: Audit and Finance Committee.

**A motion to approve the ordinance was made by Council Member Pool and seconded by Mayor Pro Tem Tovo.**

**An amendment was made by Mayor Adler and seconded by Council Member Flannigan. The amendment was to revise Section 2-1-128 (A) (2) to read: "Seven members nominated by the Mayor and appointed by the council." The amendment failed on a 5-6 vote. Those voting aye were: Mayor Adler, Council Members Alter, Casar, Flannigan, and Renteria. Those voting nay were: Mayor Pro Tem Tovo, Council Members Garza, Houston, Kitchen, Pool, and Troxclair.**

**Ordinance No. 20180830-066 was approved on Council Member Pool's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.**

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

37. C14-2017-0022 - Bluff Springs Commercial - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6901 and 7001 Bluff Springs Road (Williamson Creek Watershed; South Boggy Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on August 21, 2018. Owner/Applicant: Buda Bluff, LLC (Salim Haddad). Agent: South Llano Strategies (Glen Coleman). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.  
**This item was postponed indefinitely at the request of staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**
38. C14-2018-0069 - South Bluff Park - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7309 South IH-35 Service Road Northbound (South Boggy Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services--mixed use-conditional overlay (CS-MU-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services--mixed use-conditional overlay (CS-MU-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: Bennett Realty Group, Inc. (Delbert C. Bennett). Agent: Mathias Company (Richard Mathias). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.  
**This item was postponed to September 20, 2018 at the request of Council Member Garza on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**
39. C10-V-82-033(RCT) - Caruth Administration Center (AISD Site) - District 9 - Conduct a public hearing and approve termination of a restrictive covenant and termination of conditions A, B, C and D included as part of quit claim deed recorded as Volume 8156, Pages 490 - 501 on property locally known as 1111 W. 6th Street (Lady Bird Lake Watershed). Staff Recommendation: To grant the restrictive covenant termination and termination of conditions A, B, C and D of the quit claim deed. Planning Commission Recommendation: To grant the restrictive covenant termination. Owner/Applicant: Austin Independent School District. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180830-039 to grant the restrictive covenant termination was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

40. C14-2018-0048 - 3503 Oak Creek Drive Rezoning - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3503 Oak Creek Drive (Walnut Creek Watershed). Applicant Request: To rezone from single family residence-standard lot (SF-2) district zoning to townhouse & condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse & condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse & condominium residence-conditional overlay combining (SF-6-CO) district zoning. Owner/Applicant: Rodney and Marian Chervenka. Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180830-040 for townhouse & condominium residence-conditional overlay combining (SF-6-CO) district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

41. C14-2018-0073 - Hymeadow Office Park - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12343 and 12401 Hymeadow Drive (Lake Creek Watershed). Applicant Request: To rezone from interim-single family residence-standard lot (I-SF-2) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Owner/Applicant: Hymeadow Office Park Condominium Association, Inc. (Gilbert Adamek and Janet Rusk-Adamek), North Creek Partners, LP, Ascsha Holding, LLC. Agent: Liddiard Real Estate, Inc. (Brian Liddiard). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180830-041 for limited office (LO) district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

42. C14-2018-0076 - Sam's Auto, Part 2 - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11815 Buckner Road (Lake Travis Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning and community commercial (GR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Owner: Samar Siavash and Famoori-Sheshdeh Nooshin. Applicant: City of Austin Planning and Zoning Department (Sherri Sirwaitis). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180830-042 for community commercial (GR) district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

45. C14H-2018-0032 - Thomas and Jessie Ellison House - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4605 Leslie Avenue 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. Applicant: Historic Landmark Commission; Owner: Thomas Kim. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 974-6454. District(s) Affected: District 1.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180830-045 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

68. C14-2016-0094 - Parmer Village - District 7 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 800 East Parmer Lane (Walnut Creek Watershed, Harris Branch Watershed). Applicant Request: To rezone from community commercial (GR) district zoning to community commercial-mixed use (GR-MU) combining district zoning. First reading approved on August 23, 2018. Vote: 11-0. Owner/Applicant: Austin Ly & Nguyen, LP (Kevin Nguyen). Agent: TRI-County Consultants (Phillip T. Duprey). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.  
**This item was postponed to September 20, 2018 at the request of staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**
69. C14-2007-0087(RCA) - Parmer Village - District 7 - Conduct a public hearing and approve a restrictive covenant termination on a property locally known as 800 East Parmer Lane (Walnut Creek Watershed, Harris Branch Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To grant the restrictive covenant amendment. Owner/Applicant: Ly Austin and Nguyen, L.P. (Kevin Nguyen). Agent: Tri County Consultants (Phillip Duprey). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.  
**This item was postponed to September 20, 2018 at the request of staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

**Items 70 and 71 were acted on in one combined motion.**

70. NPA-2018-0026.02 - Powell Lane Apartments - District 4 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20100624-110, the North Lamar 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 411 & 601 E. Powell Lane & 410, 500, 502, 504, 508 and 606 E. Wonsley Drive (Little Walnut Creek Watershed) from Neighborhood Mixed Use and Mixed Use/Office to Multifamily land use. Staff Recommendation: To grant Multifamily land use. Planning Commission Recommendation: To grant Multifamily land use. Owners: HDF Investments, Ltd. (Helen Doris Clark Foster) and Behzad Bahrami. Applicant: JCI Residential, LLC (Sam Kumar). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 4.  
**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only was approved on Council Member Casar's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was off the dais.**

**Direction was given to staff to bring the item back to Council at the September 20, 2018 meeting.**

71. C14-2018-0024 - Powell Lane Apartments - District 4 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 411 & 601 East

Powell Lane and 410, 500, 502, 504, 508, and 606 East Wonsley Drive (Little Walnut Creek Watershed). Applicant Request: To rezone from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning and neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning to multifamily residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant multifamily residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning, with conditions. Owner: HDF Investments, Ltd. (Helen Doris Clark Foster) and Behzad Bahrami. Applicant: JCI Residential, LLC (Sam Kumar). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 4.

**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only was approved on Council Member Casar's motion, Council Member Alter's second on a 10-0 vote. Council Member Troxclair was off the dais.**

**Direction was given to staff to bring the item back to Council at the September 20, 2018 meeting.**

44. C14H-2017-0129 - Vogtsberger-Duarte House -District 3 - Conduct a public hearing and approve an ordinance amending City Code Title25 by rezoning property locally known as 1402 E. 2nd Street 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. Applicant: Amy Thompson, owner. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 974-6454. District(s) Affected: District 3.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180830-044 for family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Renteria's motion, Mayor Pro Tem Tovo's second on an 8-1 vote. Council Member Flannigan voted nay. Council Member Garza abstained. Council Member Troxclair was off the dais.**

43. C14H-2018-0013 - Smoot/Terrace Park Historic District - District 9 - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property within the proposed boundaries of the Smoot/Terrace Park Historic District, roughly bounded by Pressler Street on the east, including the parcels on both sides of the street; W. 9th Street on the north, including the parcels on both sides of the street; W. 6th Street on the south, including only the parcels on the north side of the street; and Highland Avenue on the west, including the parcels on both sides of the street by adding historic area (HD) combining district overlay to all existing base zoning, but making no other zoning changes. First Reading approved on May 10, 2018. Vote: 7-3, with Flannigan, Garza, and Renteria against; Councilmember Troxclair off the dais. Applicant: Denise Younger. City Staff: Cara Bertron, 512-974-1446. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 9.
- The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20180830-043 for adding historic area (HD) combining district overlay to all existing base zoning with the applicant's revised zoning map, but making no other zoning changes, was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's**

second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Flannigan, Garza, and Troxclair.

#### **DISCUSSION ITEMS CONTINUED**

Items 56 through 58 were acted on in one combined motion.

56. Approve a resolution repealing resolutions related to economic development programs and adopting economic development Guiding Principles and a Chapter 380 Policy.

**A motion to approve the resolution with the following amendments was made by Mayor Adler and accepted without objection:**

**To insert clarifying language as proposed by Council Member Alter: The Chapter 380 Policy framework document, p. 6, section titled “Approval Process” replacing the third bullet item beginning with “Incentive agreement applicants are considered...”; and The Business Expansion Program document, p. 5, section titled “Minimum Requirements for Business Expansion Program Portfolio Qualification,” replacing the second bullet item beginning with “Project complies with current water quality regulations...”**

**To include language as proposed by Council Member Casar to the Business Expansion Program Guidelines to read: “For economic incentive provided to higher-wage firms, economic incentives shall only be granted to those firms for providing other community benefits other than high wage jobs. Such community benefits could include, but would not be limited to, achieving the goal of the Workforce Master Plan: bringing Austinites up from below 200% of the federal poverty line into jobs that lift them above that standard.”**

**To include a bonus qualifier as proposed by Council Member Casar to the Business Expansion Program Guidelines to read: “Incentives should be targeted, and additional incentives should be considered, for businesses and employers in lower-wage sectors who choose to pay their employees above the City living wage.”**

**To include a bonus qualifier as proposed by Council Member Casar to the Business Expansion Program Guidelines to read: “Incentives should be targeted, and extra incentives should be considered, for business and employers that are cooperatively owned or managed, or who have democratic forms of representation for their workforce, or who build their projects using workers that have democratic forms of representation in the workplace.”**

**To replace “healthy food options” with “grocery stores to address food access” in the Guiding Principles as proposed by Council Member Garza. The revised language is to read: “Increased access to goods and services in communities that are traditionally underinvested, including grocery stores to address food access in the Eastern Crescent;”**

**To replace all references to City of Austin “water quality” regulations conformity requirements with City of Austin “environmental” regulations in the Chapter 380 Policy document (p.6) and in the Business Expansion Program document (p.5) as proposed by Council Member Pool.**

To reference existing termination policies in both the Chapter 380 Policy document and the Business Expansion Program document as proposed by Council Member Pool. The references should be included into the:

- Chapter 380 Policy document, p. 13, “Terms of Agreements” paragraph
- Business Expansion Program document, p. 24, “Terms of Agreements & Grandfathering” paragraph.”

To insert language in the Business Expansion Program Guidelines as proposed by Mayor Pro Tem Tovo to read:

- Page 10: Category 1: Existing Local Expansions – Bonus Qualifiers

“The company will provide an on-site day care facility for employees and/or provide subsidized daycare for employees. The company will garner extra bonus qualifiers if the on-site day care facility is made open to the public.”

- Page 19: Category 3: External Relocations – Bonus Qualifiers

“The company will provide an on-site day care facility for employees and/or provide subsidized daycare for employees. The company will garner extra bonus qualifiers if the on-site day care facility is made open to the public.”

A motion was made by Mayor Adler to accept Council Member Casar’s proposed amendment to replace “hard to employ” with “targeted hiring” under Category 2: Opportunity for Employment and the staff recommendation to further define the Targeted Hiring population as provided below and to remove previous language:

- Individuals without a high-school diploma or GED or transitioning from GED/high-school equivalent programs;
- Individuals experiencing homelessness, transitioning from homelessness or residents of Permanent Supportive Housing (PSH) and publicly funded housing programs to include Housing Choice Voucher Programs;
- Individuals served by other local, state, or federal social services contracts;
- Individuals with a past criminal justice system experience;
- Individuals transitioning from drug, alcohol, or other treatment programs;
- Those who either lack sustained labor force experience or those returning to the labor force from a sustained absence; and
- Individuals with a disability that has been identified by a qualified third-party service provider engaged in workforce development and supportive services as a barrier to employment.

In addition, other individuals who are considered “hard to employ” may be included in the hiring population upon City receipt of, and agreement with, the justification for inclusion. The motion was accepted without objection.

A motion was made by Mayor Adler to include language proposed by Council Member Garza to strengthen support for manufacturing entities in the Business Expansion Program Guidelines by requiring staff to develop a bonus qualifier in addition to the Target Industry Bonus Qualifier for manufacturing operations in the Business Expansion Program Category I and Category 3. The motion was accepted without objection.

A motion was made by Mayor Adler and accepted without objection to insert language relating to the five year assessment as proposed by Council Member Pool to include:



- **Chapter 380 Policy Document:** “Staff will provide a briefing to the City Council on the results of the 5-year reassessment. Council must approve the continuation of and/or any changes to Chapter 380 programs after the reassessment is complete. Staff will continue to operate and administer programs until Council action.”

**Business Expansion Program Document:** “Staff will provide a briefing to the City Council on the results of the 5-year reassessment. Council must approve the continuation of and/or any changes to the program after the reassessment is complete. Staff will continue to operate and administer programs until Council action.”

A motion was made by Mayor Adler to include the following language into the Chapter 380 Policy Framework and the Business Expansion Program Guidelines as proposed by Mayor Pro Tem Tovo: “Applicants to all Chapter 380 grant and loan programs shall be required to sign and comply with a City-provided form specifying non-discrimination and anti-harassment policies and practices. Evidence of noncompliance may be grounds for terminating the agreement. At its discretion, the City may work with the recipient to develop a plan and timeline for becoming compliant.” The motion was accepted without objection.

A motion was made by Mayor Adler to include the following language into the Chapter 380 Policy Framework and the Business Expansion Program Guidelines as proposed by Mayor Pro Tem Tovo to read: “Applicants to all Chapter 380 grant and loan programs shall be required to sign and comply with a City-provided form specifying the entity is in compliance with all federal, state and local laws and authorities. Evidence of noncompliance may be grounds for terminating the agreement. At its discretion, the City may work with the recipient to develop a plan and timeline for becoming compliant. The motion was accepted without objection.

A motion was made by Mayor Adler and accepted without objection to revise language in the Business Expansion Program Guidelines, page 7 and 8 as proposed by Mayor Pro Tem Tovo to read:

**“Medium Projects: 25-74 Jobs Created: Projects creating 25 to 74 full-time jobs that employ Austin MSA residents (defined as any individual having a permanent address within the Austin MSA before starting date of employment).”**

**“Large Projects: 75 and Above Jobs Created: Projects creating more than 75 full-time jobs that employ Austin MSA residents (defined as any individual having a permanent address within the Austin MSA before starting date of employment).”**

A motion was made by Mayor Adler to retain language included in the process for medium tier projects and including a recommendation that will preclude items from being approved on a “consent” vote by Council as proposed by Council Member Pool. The motion was accepted without objection.

A motion was made by Mayor Adler and accepted without objection to include the staff recommendation to strike the following Resolutions from the Draft Resolution for the Economic Development Guiding Principles and Chapter 380 Policy:

- Resolution 20071108-127
- Resolution 20100204-003

- Resolution 20120112-058
- Resolution 20130822-016

A motion was made by Mayor Adler to include the following language as proposed by Council Member Alter: “Incentive recipients will comply with all City Code requirements, including environmental requirements, in effect at the time the Chapter 380 agreement is executed. Absent a negotiated agreement with the City, an incentive recipient shall not petition for potential vested rights under any provision of Chapter 25 of the City Code, or Chapter 245 of the Texas Local Government Code, for the Chapter 380 project that is the subject of the agreement. Incentive recipients agree to comply with City environmental requirements on all future developments that is the subject of the agreement. If the recipient is cited with a City Code environmental violation for the subject of the agreed incentivized project during the term of the agreement, the City of Austin reserves the right to negotiate a cure period in which payment of the incentive will be withheld and, failure to cure the violation results in termination of the incentive agreement in accordance with the standard termination provisions in the Chapter 380 agreements.” The motion was accepted without objection.

A motion was made by Council Member Casar to include the following language to the Business Expansion Program Guidelines:

- “The City living wage must be paid to the Austin-based employees of the business receiving incentives, and there will be no waiver or exception process for this wage requirement. This requirement applies in addition to and not as a substitute for the requirement for firms to provide wages above the industry median wage.”

The amendment was approved on Council Member Casar’s motion, Council Member Renteria’s second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Alter was off the dais.

A motion was made by Council Member Flannigan and seconded by Mayor Adler to include language to waive application of the Minority-Women Owned Business Enterprises (M/WBE) Program solely for categories 1 and 2 of the Business Expansion Program.” The amendment was later withdrawn.

A motion was made by Council Member Garza to include job centers under the 4<sup>th</sup> bullet on page 9 as a bonus qualifier. The motion was accepted without objection

A motion was made by Council Member Garza to remove non-downtown “Regional Center” in Category 3 in the Business Expansion Program Guidelines and revise the bonus qualifier. The motion was accepted without objection.

Resolution No. 20180830-056 was approved as amended above on Mayor Adler’s motion on a 9-1 vote. Council Member Troxclair voted nay. Council Member Alter was off the dais.

Council Member Alter was off the dais but later requested the record show her support of the item.

57. Approve an ordinance establishing a Business Expansion Program pursuant to Texas Local Government Code Chapter 380.

A motion to approve the ordinance with the following amendments was made by Mayor Adler and accepted without objection:

To insert clarifying language as proposed by Council Member Alter: The Chapter 380 Policy framework document, p. 6, section titled “Approval Process” replacing the third bullet item beginning with “Incentive agreement applicants are considered...”; and The Business Expansion Program document, p. 5, section titled “Minimum Requirements for Business Expansion Program Portfolio Qualification,” replacing the second bullet item beginning with “Project complies with current water quality regulations...”

To include language as proposed by Council Member Casar to the Business Expansion Program Guidelines to read: “For economic incentives provided to higher-wage firms, economic incentives shall only be granted to those firms for providing other community benefits other than high wage jobs. Such community benefits could include, but would not be limited to, achieving the goal of the Workforce Master Plan: bringing Austinites up from below 200% of the federal poverty line into jobs that lift them above that standard.”

To include a bonus qualifier as proposed by Council Member Casar to the Business Expansion Program Guidelines to read: “Incentives should be targeted, and additional incentives should be considered, for businesses and employers in lower-wage sectors who choose to pay their employees above the City living wage.”

To include a bonus qualifier as proposed by Council Member Casar to the Business Expansion Program Guidelines to read: “Incentives should be targeted, and extra incentives should be considered, for business and employers that are cooperatively owned or managed, or who have democratic forms of representation for their workforce, or who build their projects using workers that have democratic forms of representation in the workplace.”

To replace “healthy food options” with “grocery stores to address food access” in the Guiding Principles as proposed by Council Member Garza. The revised language is to read: “Increased access to goods and services in communities that are traditionally underinvested, including grocery stores to address food access in the Eastern Crescent;”

To replace all references to City of Austin “water quality” regulations conformity requirements with City of Austin “environmental” regulations in the Chapter 380 Policy document (p.6) and in the Business Expansion Program document (p.5) as proposed by Council Member Pool.

To reference existing termination policies in both the Chapter 380 Policy document and the Business Expansion Program document as proposed by Council Member Pool. The references should be included into the:

- Chapter 380 Policy document, p. 13, “Terms of Agreements” paragraph
- Business Expansion Program document, p. 24, “Terms of Agreements & Grandfathering” paragraph.”

To insert language in the Business Expansion Program Guidelines as proposed by Mayor Pro Tem Tovo to read:

- Page 10: Category 1: Existing Local Expansions – Bonus Qualifiers

**“The company will provide an on-site day care facility for employees and/or provide subsidized daycare for employees. The company will garner extra bonus qualifiers if the on-site day care facility is made open to the public.”**

- **Page 19: Category 3: External Relocations – Bonus Qualifiers**

**“The company will provide an on-site day care facility for employees and/or provide subsidized daycare for employees. The company will garner extra bonus qualifiers if the on-site day care facility is made open to the public.”**

**A motion was made by Mayor Adler to accept Council Member Casar’s proposed amendment to replace “hard to employ” with “targeted hiring” under Category 2: Opportunity for Employment and the staff recommendation to further define the Targeted Hiring population as provided below and to remove previous language:**

- **Individuals without a high-school diploma or GED or transitioning from GED/high-school equivalent programs;**
- **Individuals experiencing homelessness, transitioning from homelessness or residents of Permanent Supportive Housing (PSH) and publicly funded housing programs to include Housing Choice Voucher Programs;**
- **Individuals served by other local, state, or federal social services contracts;**
- **Individuals with a past criminal justice system experience;**
- **Individuals transitioning from drug, alcohol, or other treatment programs;**
- **Those who either lack sustained labor force experience or those returning to the labor force from a sustained absence; and**
- **Individuals with a disability that has been identified by a qualified third-party service provider engaged in workforce development and supportive services as a barrier to employment.**

**In addition, other individuals who are considered “hard to employ” may be included in the hiring population upon City receipt of, and agreement with, the justification for inclusion. The motion was accepted without objection.**

**A motion was made by Mayor Adler to include language proposed by Council Member Garza to strengthen support for manufacturing entities in the Business Expansion Program Guidelines by requiring staff to develop a bonus qualifier in addition to the Target Industry Bonus Qualifier for manufacturing operations in the Business Expansion Program Category I and Category 3. The motion was accepted without objection.**

**A motion was made by Mayor Adler and accepted without objection to insert language relating to the five year assessment as proposed by Council Member Pool to include:**

- **Chapter 380 Policy Document: “Staff will provide a briefing to the City Council on the results of the 5-year reassessment. Council must approve the continuation of and/or any changes to Chapter 380 programs after the reassessment is complete. Staff will continue to operate and administer programs until Council action.”**

**Business Expansion Program Document: “Staff will provide a briefing to the City Council on the results of the 5-year reassessment. Council must approve the continuation of and/or any changes to the program after the reassessment is complete. Staff will continue to operate and administer programs until Council action.”**

A motion was made by Mayor Adler to include the following language into the Chapter 380 Policy Framework and the Business Expansion Program Guidelines as proposed by Mayor Pro Tem Tovo: “Applicants to all Chapter 380 grant and loan programs shall be required to sign and comply with a City-provided form specifying non-discrimination and anti-harassment policies and practices. Evidence of noncompliance may be grounds for terminating the agreement. At its discretion, the City may work with the recipient to develop a plan and timeline for becoming compliant.” The motion was accepted without objection.

A motion was made by Mayor Adler to include the following language into the Chapter 380 Policy Framework and the Business Expansion Program Guidelines as proposed by Mayor Pro Tem Tovo to read: “Applicants to all Chapter 380 grant and loan programs shall be required to sign and comply with a City-provided form specifying the entity is in compliance with all federal, state and local laws and authorities. Evidence of noncompliance may be grounds for terminating the agreement. At its discretion, the City may work with the recipient to develop a plan and timeline for becoming compliant. The motion was accepted without objection.

A motion was made by Mayor Adler and accepted without objection to revise language in the Business Expansion Program Guidelines, page 7 and 8 as proposed by Mayor Pro Tem Tovo to read:

“Medium Projects: 25-74 Jobs Created: Projects creating 25 to 74 full-time jobs that employ Austin MSA residents (defined as any individual having a permanent address within the Austin MSA before starting date of employment).”

“Large Projects: 75 and Above Jobs Created: Projects creating more than 75 full-time jobs that employ Austin MSA residents (defined as any individual having a permanent address within the Austin MSA before starting date of employment).”

A motion was made by Mayor Adler to retain language included in the process for medium tier projects and including a recommendation that will preclude items from being approved on a “consent” vote by Council as proposed by Council Member Pool. The motion was accepted without objection.

A motion was made by Mayor Adler and accepted without objection to include the staff recommendation to strike the following Resolutions from the Draft Resolution for the Economic Development Guiding Principles and Chapter 380 Policy:

- Resolution 20071108-127
- Resolution 20100204-003
- Resolution 20120112-058
- Resolution 20130822-016

A motion was made by Mayor Adler to include the following language as proposed by Council Member Alter: “Incentive recipients will comply with all City Code requirements, including environmental requirements, in effect at the time the Chapter 380 agreement is executed. Absent a negotiated agreement with the City, an incentive recipient shall not petition for potential vested rights under any provision of Chapter 25 of the City Code, or Chapter 245 of the Texas Local Government Code, for the Chapter 380 project that is the subject of the agreement. Incentive recipients agree to comply with City environmental

requirements on all future developments that is the subject of the agreement. If the recipient is cited with a City Code environmental violation for the subject of the agreed incentivized project during the term of the agreement, the City of Austin reserves the right to negotiate a cure period in which payment of the incentive will be withheld and, failure to cure the violation results in termination of the incentive agreement in accordance with the standard termination provisions in the Chapter 380 agreements.” The motion was accepted without objection.

A motion was made by Council Member Casar to include the following language to the Business Expansion Program Guidelines:

- “The City living wage must be paid to the Austin-based employees of the business receiving incentives, and there will be no waiver or exception process for this wage requirement. This requirement applies in addition to and not as a substitute for the requirement for firms to provide wages above the industry median wage.”

The amendment was approved on Council Member Casar’s motion, Council Member Renteria’s second on a 9-1 vote. Council Member Troxclair voted nay. Council Member Alter was off the dais.

A motion was made by Council Member Flannigan and seconded by Mayor Adler to include language to waive application of the Minority-Women Owned Business Enterprises (M/WBE) Program solely for categories 1 and 2 of the Business Expansion Program.” The amendment was later withdrawn.

A motion was made by Council Member Garza to include job centers under the 4<sup>th</sup> bullet on page 9 as a bonus qualifier. The motion was accepted without objection

A motion was made by Council Member Garza to remove “Regional Center” other than downtown in the Business Expansion Program Guidelines and revise the bonus qualifier. The motion was accepted without objection.

Ordinance No. 20180830-057 was approved as amended above on Mayor Adler’s motion on a 9-1 vote. Council Member Troxclair voted nay. Council Member Alter was off the dais.

Council Member Alter was off the dais but later requested the record show her support of the item.

58. Approve an ordinance repealing Part 2 of Ordinance No. 20090312-005 to the extent necessary to authorize the City Manager to develop the Locational Enhancement Program for Economic Development under Chapter 380 of the Texas Local Government Code and to return to council with this program for Council review and possible approval.

Ordinance No. 20180830-058 was approved as amended below on Mayor Adler’s motion on a 9-1 vote. Council Member Troxclair voted nay. Council Member Alter was off the dais.

A motion was made by Council Member Kitchen and accepted without objection to revise Part 4 to include language that the City Manager shall report back to Council by December 2018.

Council Member Alter was off the dais but later requested the record show her support of the item.

**PUBLIC HEARINGS**

47. Conduct a public hearing to receive public comment on growth-related projects within the Drinking Water Protection Zone to be included in the Fiscal Year 2018-2019 Capital Budget.  
**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Pool's motion, Council Member Troxclair's second without objection.**
48. Conduct a public hearing regarding the update of the City of Austin Water and Wastewater Impact Fee Land Use Assumptions and Capital Improvement Plan, including proposed amendments to impact fees.  
**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Houston's motion, Council Member Renteria's second on a 9-0 vote. Council Members Alter and Casar were off the dais.**
49. Conduct a public hearing to receive public comment on the proposed rate and fee changes for Austin Energy as part of the Fiscal Year 2018-2019 proposed budget.  
**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Pool's motion, Council Member Renteria's second without objection.**
52. Conduct a public hearing and consider a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by Dessau East, L.P., or an affiliated entity, for the construction of a multi-family development to be known as Legacy Ranch @ Dessau East, located near the intersection of Dessau Road and Fish Lane. District(s) Affected: District 7.  
**The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20180830-052 was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on an 8-2 vote. Council Members Houston and Troxclair voted nay. Council Member Alter was off the dais.**

**Mayor Adler recessed the meeting at 5:30 p.m. for Live Music and Proclamations.**

**LIVE MUSIC**

Miss Lavelle White

**PROCLAMATIONS**

Proclamation – Miss Lavelle White Day – To be presented by Mayor Steve Adler and to be accepted by the honoree.

Proclamation – Raj Bhattarai Day – To be presented by Mayor Steve Adler and to be accepted by the honoree.

Proclamation – Austin Public Library Day – To be presented by Council Member Leslie Pool and to be accepted by Roosevelt Weeks, Director, Austin Public Library.

**Mayor Adler called the Council Meeting back to order at 7:05 p.m.**

**ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

46. C14H-2018-0084 - Bryson-Krueger-Critz House - Council District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1602 West Lynn Street from family residence (SF-3) district zoning to family residence - historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence - historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence - historic landmark (SF-3-H) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed August 21, 2018. Applicant: Historic Landmark Commission; Owner: Jay Riskind. Agent: Glen Coleman, South Llano Strategies. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 974-6454. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 9.

**The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on first reading only for family residence - historic landmark (SF-3-H) combining district zoning was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Houston, Kitchen, and Pool. Those voting nay were: Council Members Flannigan, Renteria, and Troxclair. Council Members Casar and Garza were off the dais.**

**The following direction was given to staff: how many examples of specific architecture design is appropriate; information on the differences between historical districts and how it relates to historical designation decisions; information on the history of this property with the cotton industry and the significance of the individuals involved with the cotton industry; information on any proposed alterations to the exterior façade; to continue working with the property owner to explore exterior design elements that could be revised that would not alter the façade.**

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

**The motion to waive the rules and allow Council to meet after 10:00 p.m. was made by Council Member Alter and seconded by Council Member Kitchen. The motion was approved without objection.**

**PUBLIC HEARINGS**

50. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2018-2019 Proposed Budget.  
**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Flannigan's motion, Council Member Houston's second on a 10-0 vote. Council Member Garza was off the dais.**
51. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2018-2019.  
**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Alter's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Garza was off the dais.**

**Mayor Adler adjourned the meeting at 10:33 p.m. without objection.**



**The minutes were approved on this the 20<sup>th</sup> day of September 2018 on Council Member Renteria's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Alter was absent.**