

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 25, 2019****Invocation: Reverend Nathan Loudin, Milwood 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, April 25, 2019 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:22 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called meeting of April 2, 2019, work session of April 9, 2019 and regular meeting of April 11, 2019.
The motion approving the minutes of the City Council special called meeting of April 2, 2019, work session of April 9, 2019, and regular meeting of April 11, 2019 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
2. Authorize execution of an agreement with Accesso Services LLC (DBA BRI 1969 Parmer LLC), to provide performance-based incentives for the generation of solar energy at its office park at 7700 W. Parmer Ln., for an estimated \$142,790 per year, for a total amount not to exceed \$1,427,900 over a 10-year period. District(s) Affected: District 6. April 16, 2019 – Recommended by the Resource Management Commission on a 7-0 vote, with Commissioner Smith off the dais, Commissioners Babyak and Kohan absent, and one vacancy.
The motion authorizing execution of an agreement with Accesso Services LLC doing business as BRI 1969 Parmer LLC was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
3. Approve an ordinance amending the Fiscal Year 2018-2019 Austin Water Operating Budget (Ordinance No. 20180911-001) to increase the transfer in from the Capital Improvements Program by \$1,000,000 and increase the transfer out by \$11,000,000; and amending the Fiscal Year 2018-2019 Combined Utility Revenue Bond Redemption Fund (Ordinance No. 20180911-001) to increase the transfer in from Austin Water Operating Budget by \$11,000,000 and increase

the other operating requirement expenditures by \$11,000,000 to fund debt defeasance. Related to Item #40

Ordinance No. 20190425-003 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

4. Authorize negotiation and execution of a cost participation agreement with Meritage Homes for the City to reimburse the developer for an amount not to exceed \$1,478,152.50 for costs associated with the design and construction of an oversized water main and appurtenances related to Service Extension Request No. 4238 that will provide water service to a proposed mixed-use development located at S SH-45 and N Turnersville Road. District(s) Affected: District 2, District 5.

The motion authorizing negotiation and execution of a cost participation agreement with Meritage Homes was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

5. Authorize negotiation and execution of a cost participation agreement with Meritage Homes for the City to reimburse the developer for an amount not to exceed \$1,231,397.00 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 4239 that will provide wastewater service to a proposed mixed-use development located at S SH-45 and N Turnersville Road. District(s) Affected: District 2, District 5.

The motion authorizing negotiation and execution of a cost participation agreement with Meritage Homes was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

6. Authorize negotiation and execution of an amendment to the professional services agreement with Carollo Engineers, Inc., for design, bid, and award phase services for the Wild Horse Ranch Wastewater Treatment Plant project in the amount of \$4,638,939.62, for a total contract amount not to exceed \$5,197,939.62. [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 9.95% MBE and 0.00% WBE.] District(s) Affected: District 1.

The motion authorizing negotiation and execution of an amendment to the professional services agreement with Carollo Engineers, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

7. Authorize award and execution of a construction contract with Majestic Services, Inc. (WBE) for the 5th St. Garage Tenant Finish Out project in the amount of \$528,000 plus a \$52,800 contingency, for a total contract amount not to exceed \$580,800. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 28.15% MBE and 32.25% WBE participation.] District(s) Affected: District 9.

The motion authorizing the award and execution of a construction contract with Majestic Services, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

8. Authorize award and execution of a construction contract with HSU Equity, Inc., (WBE) for the Rosewood Neighborhood Park - Pool Bathhouse Rebid project in the amount of \$733,400 plus a \$73,340 contingency, for a total contract amount not to exceed \$806,740. [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 23.62% MBE and 76.38% WBE participation.] District(s) Affected: District 1.

The motion authorizing the award and execution of a construction contract with HSU Equity, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

9. Authorize negotiation and execution of an amendment to the professional services agreement with MWM DesignGroup, Inc. (DBE), for engineering services for the West Rundberg Lane Extension Project in the amount of \$600,000, for a total contract amount not to exceed \$1,088,475.99. Related to Item #37. [Note: This amendment will be awarded in compliance with 49 CFR Part 26 (Disadvantaged Business Enterprise Program). Current participation to date is 83.86% DBE.] District(s) Affected: District 4, District 7.

The motion authorizing negotiation and execution of an amendment to the professional services agreement with MWM DesignGroup, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

10. Authorize additional contingency funding for the competitive sealed proposal agreement with RS Ellis d.b.a. Southwest Corporation, for the Austin Fire Department Locker Room Project Phase 5 and EMS Vehicle Bay Expansion project in the amount of \$225,000 for a total contract amount not to exceed \$5,231,345. (Note: This contract was awarded in compliance with Chapter 2-9A of the City Code Minority Owned and Women Business Enterprise Procurement Program) through achievements of Good Faith Efforts. Current participation to date is 11.21% MBE and 0.35% WBE.) District(s) Affected: District 1, District 2, District 3, District 5, District 8, District 10.

The motion authorizing additional contingency funding for the competitive sealed proposal agreement with RS Ellis doing business as Southwest Corporation was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

Item 11 was pulled for discussion.

12. Authorize dedication of approximately 56.932 acres of City-owned land as parkland, located along Harold Court, North of Boggy Creek, East of Lott Avenue and West of US 183, and the execution and recording of an instrument evidencing the dedication.

The motion authorizing dedication of City-owned land as parkland and the execution and recording of an instrument evidencing the dedication was approved on consent on Council Member Casar's motion, Council Member Renteria's second on a 10-1 vote. Council Member Flannigan voted nay.

Items 13 and 14 were pulled for discussion.

15. Approve an ordinance amending the Fiscal Year 2018-2019 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to add one grant funded position

for the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance through the Sexual Assault Kit Initiative Program.

Ordinance No. 20190425-015 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

16. Authorize negotiation and execution of an interlocal agreement with Del Valle Independent School District for the provision of startup costs for four new Pre-Kindergarten classrooms to expand affordable high-quality early childcare options for Austin/Travis County residents, with a five-month term, in an amount not to exceed \$64,000.

The motion authorizing negotiation and execution of an interlocal agreement with Del Valle Independent School District was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

17. Authorize negotiation and execution of an Advance Funding Agreement with Texas Department of Transportation for the relocation and adjustment of existing water and wastewater lines and appurtenances in conflict with the Texas Department of Transportation RM2222 Mobility Roadway Improvements from RM620 to Bonaventure Drive project in the amount of \$2,928,982.00 plus a 10% contingency of \$292,898.00 for a total amount not to exceed \$3,221,880.00. District(s) Affected: District 6.

The motion authorizing negotiation and execution of an Advance Funding Agreement with Texas Department of Transportation was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

Item 18 was pulled for discussion.

19. Authorize award of two multi-term contracts with DPC Industries Company and DXI Industries, Inc., to provide liquid chlorine, for up to five years for a total contract amount not to exceed \$5,760,000 divided between the contractors. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the award of two multi-term contracts with DPC Industries Company and DXI Industries, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

20. Authorize award of a multi-term contract with Techline Pipe LP, to provide fire hydrants, for up to five years for a total contract amount not to exceed \$805,150. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the award of a multi-term contract with Techline Pipe LP was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

21. Authorize award of a contract with WWaterTech Services, Inc., to provide phase separator dewatering roll-off containers, for a total contract amount not to exceed \$223,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).
The motion authorizing the award of a contract with WWaterTech Services, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
22. Authorize negotiation and execution of a contract with Lakeside Equipment Corporation, for a Raptor® screen cartridge with tank, in an amount not to exceed \$130,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).
The motion authorizing negotiation and execution of a contract with Lakeside Equipment Corporation was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
23. Authorize award of a multi-term contract with JM Engineering, LLC (WBE), to provide maintenance and repair services for variable frequency drives, for up to five years for a total contract amount not to exceed \$820,000. (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 the award of a multi-term contract with JM Engineering, LLC was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
24. Approve ratification of emergency expenditures for bottled water, water treatment plant repairs, and associated purchases, in the amount of \$1,641,512. (Note: This contract is exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).
The motion approving ratification of emergency expenditures was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
25. Authorize amendments to existing contracts with Megawatt Machine Services, LLC and Setpoint Integrated Solutions, Inc., to provide continued specialized valve repair, replacement and testing, for an increase in the amount of \$1,500,000, for revised contract amounts not to exceed \$4,117,000 divided between the contractors. (Note: These contracts were reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for these contracts, there were an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established).

The motion authorizing amendments to existing contracts with Megawatt Machine Services, LLC and Setpoint Integrated Solutions, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

26. Authorize negotiation and execution of a multi-term cooperative contract with ConvergeOne, Inc., to provide Avaya products, services and maintenance, for up to three years for a total contract amount not to exceed \$4,500,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of a multi-term cooperative contract with ConvergeOne, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

27. Authorize negotiation and execution of a cooperative contract with Insight Public Sector, to provide Solarwinds products and services including maintenance, training, and support services, for a term of five years in an amount not to exceed \$700,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of a cooperative contract with Insight Public Sector was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

28. Authorize negotiation and execution of a contract with PA Consulting Group, Inc., to provide consulting services to refresh Austin Energy's strategic plan, in an amount not to exceed \$150,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required, there were no subcontracting opportunities; therefore no subcontracting goals were established).

The motion authorizing the negotiation and execution of a contract with PA Consulting Group, Inc. was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

Items 29 and 30 were pulled for discussion.

31. Authorize an amendment to the existing contract with Landis+Gyr Analytics, LLC, for software upgrades and implementation, support, and system enhancing services of the meter data management system to extend the term for five years, and for an increase in the amount of \$3,130,000 for a revised total contract amount not to exceed \$6,845,750. (Note: This contract was awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established).

The motion authorizing an amendment to the existing contract Landis+Gyr Analytics, LLC was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

Item 32 was pulled for discussion.

33. Authorize negotiation and execution of two multi-term contracts with Hill Country Conservancy and The Nature Conservancy, to provide land acquisitions and consulting services for the acquisition of land interests to preserve water quality and quantity, for up to 10 years for total contract amounts not to exceed \$750,000 divided between the contractors. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of two multi-term contracts with Hill Country Conservancy and The Nature Conservancy was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

34. There was no item 34 on the agenda.

35. Approve issuance of a street closure permit under City Code Chapter 14-8 for the Hi, How Are You Festival, a fee-paid event in the 1100 block of Branch Street, to be held on Friday, May 24, 2019, from 7:00 p.m. to 10:00 p.m., with street closures from Thursday, May 23, 2019, 5:00 p.m. to Saturday, May 25, 8:00 a.m. District(s) Affected: District 1.

The motion approving the issuance of a street closure permit for the Hi, How Are You Festival was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

36. Approve further design and implementation of the Corridor Construction Program consistent with Resolution No. 20160818-074 relating to the 2016 Transportation and Mobility General Obligation bonds and Resolution No. 20180426-028 relating to the implementation of the Corridor Construction Program. District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10.

This item was withdrawn on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

37. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the design and construction of an extension of West Rundberg Lane from Metric Boulevard to Burnet Road to provide connectivity and capacity within the roadway network; amending the Fiscal Year 2018-2019 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to accept funds from the Texas Department of Transportation in the amount of \$8,800,000; and amending the Austin Transportation Department Capital Budget (Ordinance No. 20180911-001) to transfer in and appropriate \$8,800,000 for design and construction of this project. Related to Item #9. District(s) Affected: District 4, District 7.

Ordinance No. 20190425-037 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

38. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the design and construction of transportation and mobility improvements on Slaughter Lane from South Loop 1 (MoPAC) to Brodie Lane to provide increased connectivity and capacity within the roadway network; amending the Fiscal Year 2018-2019 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to accept funds from the Texas Department of Transportation in the amount of \$12,581,000; and amending the Austin Transportation Department Capital Budget (Ordinance No. 20180911-001) to transfer in and appropriate \$12,581,000 for design and construction of this project. District(s) Affected: District 5, District 8.

Ordinance No. 20190425-038 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

39. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the design and construction of transportation and mobility improvements on William Cannon Drive from Running Water Drive to McKinney Falls Parkway to provide increased connectivity and capacity within the roadway network; amending the Fiscal Year 2018-2019 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to accept funds from the Texas Department of Transportation in the amount of \$11,750,000; and amending the Austin Transportation Department Capital Budget (Ordinance No. 20180911-001) to transfer in and appropriate \$11,750,000 for design and construction of this project. District(s) Affected: District 2.

Ordinance No. 20190425-039 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

40. Approve a resolution authorizing the defeasance of certain outstanding Water and Wastewater System Revenue Refunding Bonds, authorizing the execution of an escrow agreement, and authorizing related documents. Related to Item #3.

Resolution No. 20190425-040 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

41. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.

The following appointments and waivers were approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote:

Nominations

Board/Nominee

Nominated by

Animal Advisory Commission

Monica Frenden

Council Member Ellis

Austin-Travis County Food Policy Board

Roman Gonzalez

Mayor Adler

Community Technology and Telecommunications Commission

Sophie Gairo

Mayor Adler

Downtown Austin Community Court Advisory Commission

Kergin Bedell

Council Member Ellis

Environmental Commission

Kevin Ramberg

Council Member Ellis

Ethics Review Commission

Robin Lerner

Mayor Adler

Human Rights Commission

Alicia Weigel

Council Member Casar

Human Rights Commission

Maram Museitif

Council Member Tovo

Joint Inclusion Committee

Sandra Chavez (Primary)

LGBTQ Quality of Life Advisory Commission

Joint Inclusion Committee

Charles Curry (Alternate)

LGBTQ Quality of Life Advisory Commission

Parks & Recreation Board

Kim Taylor

Council Member Ellis

Special Events Task Force

Jeff Smith

Council Member Kitchen

Tourism Commission

Brian Rodgers

Council Member Tovo

Zoning and Platting Commission

Hank Smith

Council Member Ellis

Reappointments

Ethics Review Commission

Debra Danburg

Council Member Kitchen

Democratically Selected Members**Community Development Commission**

Madra Mays

Montopolis

Community Development Commission

Lottie Dailey (re-elected)

Rosewood Zaragosa/Blackland

Community Development Commission

Alberto Mejia

Dove Springs

Community Development Commission

Julia Woods (re-elected)

South Austin

Community Development Commission

Michael Tolliver (re-elected)

Colony Park

Community Development Commission

Cesar Acosta

St John

Community Development Commission

Tandera Louie

North Austin

A motion to postpone consideration of the re-election of Bertha Marie Delgado to the Community Development Commission to May 23, 2019 was made by Council Member Renteria and accepted without objection.

Waivers

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Maram Museitif. The waiver allows simultaneous service on the Human Rights Commission and Central Health Board of Managers.

42. Approve an ordinance waiving or reimbursing certain fees for the Queen Tribute Concert 2019, sponsored by the Rock It Choir, to be held on Wednesday May 8, 2019 at the George Washington Carver Museum Cultural and Genealogy Center. Council Sponsors: Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Delia Garza, Council Member Paige Ellis.
- Ordinance No. 20190425-042 was approved on consent on Council Member Cesar's motion, Council Member Renteria's second on an 11-0 vote.**

43. Approve an ordinance waiving or reimbursing certain fees for the 2019 Violet Crown Festival, sponsored by Violet Crown Community Works, to be held on Saturday May 4, 2019 at Brentwood Park. Council Sponsors: Council Member Leslie Pool, Council Member Alison Alter, Council Member Kathie Tovo, Council Member Ann Kitchen.

Ordinance No. 20190425-043 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

44. Approve a resolution directing the City Manager to provide recommendations to Council for financially partnering with the Workforce Solutions Capital Area Workforce Board. Council Sponsors: Mayor Steve Adler, Council Member Gregorio Casar, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria, Council Member Natasha-Harper Madison.

Resolution No. 20190425-044 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

45. Approve an ordinance waiving or reimbursing certain fees for the Property Tax Town Hall Meeting, sponsored by the Austin Revitalization Authority, to be held on Saturday May 4, 2019, at the Conley-Guerrero Senior Activity Center. Council Sponsors: Council Member Natasha Harper-Madison, Mayor Pro Tem Delia Garza, Council Member Jimmy Flannigan, Council Member Ann Kitchen, Council Member Leslie Pool.

Ordinance No. 20190425-045 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

46. Approve a resolution supporting the state's efforts to fund planning, research, and monitoring in areas with air quality issues. Council Sponsors: Council Member Paige Ellis, Council Member Alison Alter, Council Member Ann Kitchen, Council Member Kathie Tovo, Mayor Steve Adler.

Resolution No. 20190425-046 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

47. Approve a resolution directing the City Manager to identify funding options in the Fiscal Year 2020 budget that could support the Capital Area Council of Governments Air Quality Program. Council Sponsors: Council Member Paige Ellis, Council Member Alison Alter, Council Member Kathie Tovo, Council Member Ann Kitchen, Mayor Steve Adler.

Resolution No. 20190425-047 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

48. Approve an ordinance waiving or reimbursing certain fees for the Vaisakhi Mela, sponsored by the Singh Sabha Gurdwara of Austin, which was held on Saturday April 20, 2019 at the Asian American Resource Center. Council Sponsors: Council Member Alison Alter, Council Member Jimmy Flannigan, Council Member Leslie Pool, Council Member Kathie Tovo, Council Member Natasha Harper-Madison.

Ordinance No. 20190425-048 was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

Direction was given to staff to include the following amounts towards the fee waiver:

\$235 by Council Member Ellis

\$200 by Council Member Kitchen

49. Set a public hearing to consider the expansion of the Austin Downtown Public Improvement District by adding one parcel of land at 501 West 3rd Street, as requested by the property owner.

(Suggested date: May 23, 2019 at Austin City Hall, at 301 W. Second Street, Austin, TX).
District(s) Affected: District 9.

The public hearing was set on consent for May 23, 2019 at Austin City Hall, at 301 W. 2nd Street, Austin, TX on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

50. Set a public hearing to consider an ordinance regarding Texas Gas Service's proposal to change customer rates. (Suggested date: May 23, 2019 at Austin City Hall, 301 West 2nd Street, Austin, Texas).

The public hearing was set on consent for May 23, 2019 at Austin City Hall, at 301 W. 2nd Street, Austin, TX on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

51. Set a public hearing to receive citizen input on the City of Austin's Draft Fiscal Year 2019-2024 Consolidated Plan, and Fiscal Year 2019-2020 Annual Action Plan, which together serve as planning documents for the City of Austin and as an application for federal funding. (Suggested date: May 9, 2019 at Austin City Hall, 301 West 2nd Street, Austin, Texas.)

The public hearing was set on consent for May 9, 2019 at Austin City Hall, at 301 W. 2nd Street, Austin, TX on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

52. Set a public hearing to consider an ordinance amending City Code Title 25 (Land Development Code) establishing a residential affordable housing development bonus program and authorizing certain modifications, waivers, and requirements related to site development. (Suggested date: May 9, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for May 9, 2019 at Austin City Hall, at 301 W. 2nd Street, Austin, TX on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

53. Set a public hearing to consider an ordinance to amend Title 25 of the Land Development Code to amend allowable building height in the Outer West Campus Subdistrict of the University Neighborhood Overlay District. (Suggested date: May 23, 2019, at 301 W. Second St., Austin, TX).

The public hearing was set on consent for May 23, 2019 at Austin City Hall, at 301 W. 2nd Street, Austin, TX on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

54. Set a public hearing to consider an ordinance to amend Title 25 of the Land Development Code to exempt properties within a Planned Development Area that do not contain industrial uses from specific industrially-focused regulations. (Suggested date: May 23, 2019, at 301 W. Second St., Austin, TX).

The public hearing was set on consent for May 23, 2019 at Austin City Hall, at 301 W. 2nd Street, Austin, TX on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

73. Authorize the City Manager to begin further design and implementation of transportation and mobility improvements on nine transportation corridors (Airport Blvd, Burnet Road, North Lamar, East Martin Luther King Blvd., Guadalupe Street, South Lamar Blvd., Riverside Drive, William Cannon Drive, and Slaughter Lane) as part of the Corridor Construction Program.
The motion authorizing the City Manager to begin further design and implementation of transportation and mobility improvements on nine transportation corridors was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.
74. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Sunshine Run, sponsored by the Young Men's Business League of Austin, to be held on Sunday, May 5, 2019, at Vic Mathias Shores. Council Sponsors: Council Member Natasha Harper-Madison, Council Member Ann Kitchen, Mayor Steve Adler, Mayor Pro Tem Delia Garza, Council Member Sabino 'Pio' Renteria.
The motion authorizing the waiver or reimbursement of fees for the Sunshine Run was approved on consent on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

**Direction was given to staff to include the following amounts towards the fee waiver:
\$150 by Council Member Ellis**

DISCUSSION ITEMS

13. Authorize negotiation and execution of an amendment to an interlocal agreement with the Houston Forensic Science Center to include in the scope of services forensic DNA services, including ownership review and Combined DNA Index System entry, for three additional one year terms, and to increase funding by \$630,000, for a total amount not to exceed \$730,000.
The motion authorizing negotiation and execution of an amendment to an interlocal agreement with the Houston Forensic Science Center was approved on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.
14. Authorize negotiation and execution of an interlocal agreement with the University of North Texas Health Science Center to provide forensic DNA services, including Combined DNA Index System services, for the Austin Police Department, with an initial term ending on September 30, 2020, and up to three additional one-year renewal terms, in a total amount not to exceed \$727,200.
The motion authorizing negotiation and execution of an interlocal agreement with the University of North Texas Health Science Center was approved on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.
- Direction was given to staff to provide additional information regarding the DNA results disclosure process to the public.**
29. Authorize an amendment to an existing contract with Bode Cellmark Forensics, Inc., for continued forensic analysis of biological evidence, for an increase in the amount of \$703,500, and to extend the term by five years, for a total revised contract amount not to exceed \$2,003,500.

(Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

The motion authorizing an amendment to an existing contract with Bode Cellmark Forensics, Inc. was approved on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.

30. Authorize an amendment to an existing contract with Signature Science LLC, for continued forensic analysis of biological evidence, for an increase in the amount of \$3,780,000 and to extend the term by up to five years, for a revised total contract amount not to exceed \$5,780,000. (Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

The motion authorizing an amendment to an existing contract Signature Science LLC was approved on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.

18. Authorize award of a multi-term contract with Premier Magnesia LLC, to provide magnesium hydroxide slurry and equipment, for up to five years for a total contract amount not to exceed \$35,500,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the award of a multi-term contract with Premier Magnesia LLC was approved on Council Member Tovo's motion, Council Member Alter's second on an 11-0 vote.

Direction was given to staff to bring back an ordinance raising the Ammonia treatment surcharge to cover the increased contract cost to avoid passing the additional cost to rate payers during the May-September period between contract execution and budget adjustment.

32. Authorize an amendment to an existing contract with GCA Services Group Mountain States LP, to provide continued janitorial services, for an increase in the amount of \$818,000, for a revised total contract amount not to exceed \$2,453,932. (Note: This contract was awarded in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this contract, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing an amendment to an existing contract GCA Services Group Mountain States LP for one year was approved on consent on Council Member Tovo's motion, Council Member Flannigan's second on an 11-0 vote.

Direction was given to staff to report back to the Austin Energy Committee, or at staff's earliest other opportunity, with a budget analysis for discussion during the next budget process on the goal of making custodial positions full-time City positions.

55. Approve the appointment of Julie Zuñiga, PhD, RN to the Central Health Board of Managers. Council Sponsors: Health and Human Services Committee.
The appointment of Julie Zuñiga, PhD, RN to the Central Health Board of Managers was approved on Council Member Harper-Madison's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Mayor Adler recessed the meeting at 11:23 a.m.

Mayor Adler reconvened the meeting at 11:48 a.m.

CITIZEN COMMUNICATIONS: GENERAL

Richard Spencer – Low cost housing

Declan Kim – propose a city ordinance to require increased information to be provided to gun buyers at the time of sale to increase awareness of gun safety.

Kelsea Barlow – Animal Services

Owen Shroyer – TBD

Julie Marquis – Animal Services

Ramesses II Setepenre – 'COA: Cease and disist from Poverty Wages & Workplace Harassment – Pay people a living wage.' – **Not Present**

Chuck Reynolds – River Place

Barbara Szalay – Creating false fear of proposed property tax cuts: It's well past time to ponder – why threat to cut our first repsonders?

Matthew Kim – Students for climate change

Ricardo Trevino – Bicycle Safety

Council Member Kitchen recessed the Council Meeting to go into Executive Session at 12:39 p.m.

EXECUTIVE SESSION

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

56. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
57. Consider matters related to Austin Energy generation resources (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).

This item was withdrawn.

Council Member Kitchen stated item 11 would be discussed in Executive Session.

11. Discuss and take possible action on policy direction and guidance relating to the Land Development Code revision.
Conducted.

Executive Session ended and Mayor Adler called the Council Meeting back to order at 2:16 p.m.

ZONING ORDINANCES / RESTRICTIVE COVENANTS (HEARINGS CLOSED)

58. C14-2018-0102 Pioneer Hill MF-1 Rezoning - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2100, 2102, 2104, 2106, 2108, 2110, 2200, 2202, 2204, 2206, 2208 and 2210 Arborside Drive, and 10611 Tildon Avenue (Walnut Creek Watershed). Applicant request: from multifamily residence-limited density-conditional overlay (MF-1-CO) combining district zoning to small lot-single family residential (SF-4A) district zoning. First reading approved on March 28, 2019. Vote: 11-0. Owner/Applicant: Continental Homes of Texas LP. Agent: Pape-Dawson Engineers (Terry S. Reynolds). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.
Ordinance No. 20190425-058 for small lot-single family residential (SF-4A) district zoning was approved on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
59. C14H-2018-0151 - Cisco's Bakery and Restaurant- Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1511 E. 6th Street. Applicant's Request: To rezone from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-historic landmark- neighborhood plan (TOD-H-NP) combining district zoning. First reading approved on March 28, 2019. Vote: 9-0. Council Members Alter and Renteria off the dais. Applicant: Ogee Preservation, LLC. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Zoning Department, 512-974-6454. District(s) Affected: District 3.
Ordinance No. 20190425-059 for transit oriented development-historic landmark-neighborhood plan (TOD-H-NP) combining district zoning was approved on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
60. C14-2018-0115 - Sigma Chi Fraternity - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2701 Nueces Street (Waller Creek Watershed). Applicant Request: To rezone from multifamily residence - moderate-high density - conditional overlay - neighborhood plan (MF-4-CO-NP) combining district zoning to multifamily residence - moderate-high density - neighborhood plan (MF-4-NP) combining district zoning as amended. First Reading approved on March 28, 201. Vote: 11-0. Owner/Applicant: Alpha Nu Chapter of Sigma Chi (Linden Welsch). Thrower Design (Victoria Haase). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 9.

This item was postponed to May 9, 2019 at the request of the applicant on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

61. C14-2018-0004 -Braker Office/Condo Park -Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1308 East Braker Lane (Walnut Creek Watershed). Applicant request: From multifamily residence low density-conditional overlay (MF-2-CO) combining district zoning to general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. First reading approved on January 31, 2019. Vote: 10-0. Council Member Flannigan absent. Owner/Applicant: Realty One Texas (Vu Chung and Sinh Le). Agent: Impact Design & Architecture Group, Inc. (James Fisher). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.
- Ordinance No. 20190425-061 for general office-mixed use (GO-MU) combining district zoning was approved on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.**

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

62. C14-2018-0141 - 1907 Inverness Zoning Change - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1907 Inverness Boulevard (Williamson Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning, as amended. Staff Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on April 23, 2019. Owner/Applicant: Marquee Investments, LLC (Alex Bahrami). Agent: Austex Building Consultants (Jonathan Perlstein). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 5.
- This item was postponed to May 9, 2019 at the request of staff on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.**
63. C14-2018-0126 -Pioneer Hill Apartments-Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1420 Dessau Road (Walnut Creek Watershed). Applicant Request: From limited industrial services-conditional overlay (LI-CO) combining district zoning to multifamily residence-moderate high density (MF-4) district zoning. Staff Recommendation: To grant multifamily residence-moderate high density (MF-4) district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning. Owner: F C Morse Jr. Exempt Family Trust, Et. al (Scott Morse). Applicant: Three Hills Land, LLC (Ross Hamilton) Agent: Alice Glasco Consulting (Alice Glasco,). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.
- This item was postponed to May 9, 2019 at the request of the neighborhood on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.**
65. C14-2019-0006 - Verizon Wireless-Mopac Parmer - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 3502 ½ West

Parmer Lane (Walnut Creek Watershed). Applicant Request: To rezone from limited office-conditional overlay (LO-CO) combining district zoning and Rural Residence (RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning and Rural Residence (RR) district zoning, to change a condition of zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning and Rural Residence (RR) district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on May 21, 2019. Owner/Applicant: United Christian Church. Agent: Vincent Gerard & Associates, Inc. (Vincent G. Huebinger). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

This item was postponed to May 23, 2019 at the request of staff on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

66. C14-2019-0001 - 9328 ½ Anderson Mill Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 9328 1/2/ Anderson Mill Road (Lake Creek Watershed). Applicant Request: To zone from interim-single family residence-standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on April 16, 2019. Owner/Applicant: Margaret Joseph. Agent: 2P Consultants, LLC (Don J. Pool). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

This item was postponed to May 23, 2019 at the request of staff on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

67. C14-2018-0108 - Airport Gateway, Lots 1, 5 and 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3112 Caseybridge Court (Carson Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial services-conditional overlay-neighborhood overlay (LI-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Owner/Applicant: Airport Gateway LP (Kenneth R. Satterlee). Agent: Land Strategies (Erin Welch). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

This item was postponed to May 9, 2019 at the request of the applicant on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

68. C14-2018-0109 - Airport Gateway, Lot 9 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3111 Caseybridge Court (Carson Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district

zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Owner/Applicant: Airport Gateway LP (Kenneth R. Satterlee). Agent: Land Strategies (Erin Welch). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

This item was postponed to May 9, 2019 at the request of the applicant on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

69. C14-2018-0149 -MLK Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3300 and 3302 East Martin Luther King, Jr. Boulevard (Tannehill Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to urban family residence-neighborhood plan (SF-5-NP) combining district zoning. Staff Recommendation: To grant urban family residence-neighborhood plan (SF-5-NP) combining district zoning. Planning Commission Recommendation: To grant urban family residence-conditional overlay- neighborhood plan (SF-5-CO-NP) combining district zoning. Owner/Applicant: Deborah Boatner. Agent: Hector Avila. City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

This item was withdrawn at the request of the applicant on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

70. NPA-2017-0018.01 -2106 Payne Avenue-Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30 the Brentwood/Highland 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 2106 Payne Avenue (Shoal Creek Watershed) from Single Family to Mixed Use/Office land use. Staff recommendation: Pending. Planning Commission recommendation: To be reviewed on April 23, 2019. Owner/Applicant: Arch Properties, Inc. Trustee. Agent: Drenner Group, PC (Amanda Swor). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 7.

This item was postponed to June 6, 2019 at the request of staff on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

71. C14-2018-0118 - 8900 South Congress - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 8900 South Congress Avenue (Onion 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, with conditions. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning, with conditions. Owner/Applicant: ER South by South Congress, LLC (Nicholas K. Barber). Agent: Drenner Group (Amanda Swor). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance for general commercial services-conditional overlay (CS-CO) combining district

zoning to change a condition of zoning was approved on Council Member Renteria's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

64. CC14-2018-0140 -Norwood Park -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 916 and 918 Norwood Park Boulevard (Little Walnut Creek and Buttermilk Branch Watersheds) from community commercial services-neighborhood plan (GR-NP) combining district zoning to community commercial services-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant community commercial services-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Owner/Applicant: Vxchnge-Facilities, LLC (Robert Doherty) Agent: Costello, Inc. (Steven Buffum). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed for this case. District(s) Affected: District 4.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only to grant community commercial services-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on Council Member Casar's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

PUBLIC HEARINGS

72. Conduct a public hearing and consider an appeal by interested parties regarding the decision by the Development Services Department to issue an Outdoor Music Venue permit to Yard Bar, located at 6700 Burnet Rd. District(s) Affected: District 7.

The public hearing was conducted and a motion to close the public hearing and deny the appeal was approved on Council Member Pool's motion, Council Member Kitchen's second on a 7-1 vote. Council Member Tovo voted nay. Mayor Pro Tem Garza abstained. Council Members Alter and Harper-Madison were off the dais.

Mayor Adler recessed the meeting at 5:47 p.m.

LIVE MUSIC

Parks Project

PROCLAMATIONS

Proclamation – National Small Business Week – To be presented by Mayor Steve Adler and to be accepted by Sylnovia Holt-Rabb, Assistant Director, Economic Development Department.

Proclamation – National Wildfire Awareness Month – To be presented by Mayor Steve Adler.

Proclamation – National Community Development Week – To be presented by Mayor Steve Adler.

Proclamation and Key to the City Presentation – Carlos Gonzalez Gutierrez Day – To be presented by Mayor Steve Adler and to be accepted by Carlos Gonzalez Gutierrez, Consul-General, Mexican Consulate in Austin.

Proclamation - Blackshear Elementary and Legacy of Principal Friendly R. Rice Day – To be presented by Council Member Natasha Harper-Madison.

Proclamation - Start by Believing Day – To be presented by Council Member Alison Alter and to be accepted by Sydni Kipp, Austin Travis County Sexual Assault Response & Resource Team.

Mayor Adler reconvened the meeting at 7:17 p.m.

The motion to continue the meeting past 10 p.m. was approved on Mayor Adler's motion, Council Member Pool's second on a 10-1 vote. Council Member Alter voted nay.

DISCUSSION ITEMS

11. Discuss and take possible action on policy direction and guidance relating to the Land Development Code revision.

The motion to adopt the version dated April 13, 2019 as the base document was made by Council Member Ellis and seconded by Council Member Casar. The April 13th version of the policy document is attached as Appendix A of the minutes.

A motion to approve Amendment A was made by Council Member Ellis and seconded by Council Member Casar. The amendments to the policy document are as follows. The complete Amendment A document is attached as Appendix B of the minutes.

To revise the following sections to read as follows:

In response to Question 1, the City Council selects Option A.i. and provides the following additional direction:

1. **Overall Scope.** The code revision process should use the staff-recommended Draft 3 (text and map) as a baseline, with revisions made to implement policy direction provided below and in response to Questions 2-5. Staff should also review recommendations previously made by boards and commissions on Draft 3 and incorporate those with which staff agrees (all or in part), using a process such as that used for the Austin Strategic Mobility Plan.
2. **Timeline.** The manager should have a revised Land Development Code (text) and Zoning Map ready for Council action on First Reading in October of this year (after Planning Commission issues their report on the text and map as part of the required process.)
3. **Communication.** The Manager should establish and communicate clearly the public input process for Council's adoption of the revised Land Development Code, including timelines and opportunities for public input.
4. **Code Text.** The revised Land Development Code should be sufficiently clear and unambiguous that administrative criteria manuals are not relied upon to establish policy, except in circumstances where Council has directed that particular requirements be established administratively. The revised Code text and map should result in reduced city-wide impervious cover and improved city-wide water quality.

5. **Zoning Map.** The revised zoning map should limit the Former Title 25 (F25) zoning classification to unique zoning districts (e.g., NCCDs and PDAs) for which no similar district exists under the revised Land Development Code. Specialized zoning districts that exist today and are of a type contained in the new Code, such as Planned Unit Developments and regulating plans, should be carried over and not be classified as F25.
 - a. Existing NCCDs should be preserved and carried forward in the new code and map, however, Code and Zoning Map changes related to ADUs, Parking, Preservation Bonuses, and Transition Area mapping (consistent with Council direction provided below and in response to Questions 2-5) should be applied to those NCCDs.
 - b. Common COs that are generally incorporated into new zoning classifications are not to be carried forward; other, unique COs are carried forward and are subject to change with any future rezoning.

In response to Question 2, the City Council selects Option C and provides the following additional direction:

1. **Objective.** The revised Land Development Code should provide a greater level of housing capacity than Draft 3, and the City Manager should consider this goal in developing proposed revisions to the Code text and zoning map.
 - a. The new code and map should allow for housing capacity equivalent to three times the Austin Strategic Housing Blueprint (ASHB) goal of 135,000 new housing units, as well as for ASHB goals of 60,000 affordable housing units, and 30% Missing Middle Housing, and be achieved in a manner consistent with direction provided throughout this document.
 - b. In general, within activity centers, along activity corridors, along the transit priority network, and in transition areas, additional entitlements beyond current zoning should only be provided:
 - i. to increase the supply of missing middle housing, or,
 - ii. through a density bonus that requires some measure of affordable housing.
 - c. The granting of new entitlements in areas currently or susceptible to gentrification should be limited so as to reduce displacement and disincentivize the redevelopment of older, multi-family residential development, unless substantial increases in long-term affordable housing will be otherwise achieved.
2. **Code Text.** Code revisions to provide additional housing capacity should include:
 - a. For parcels within activity centers and on activity corridors, application of non-zoning regulations should be prioritized in a manner that allows for greater potential housing unit yields than would otherwise be achieved without prioritization.
 - b. A city-led testing process to assess the impact of revised regulations which includes participation by design and technical professionals. The testing should examine how the proposed zoning and non-zoning code provisions perform when applied to various types and scales of development.

- c. Measures to dis-incentivize the demolition and replacement of an existing housing unit(s) with a single, larger housing unit.
 - d. Residential uses should be allowed in commercial zoning categories.
 - e. Preservation incentives should be expanded everywhere in the Urban Core (defined as the McMansion Area) and outside the Urban Core but within a ¼ mile walkshed from an activity center, activity corridor, or the transit priority network, so that an additional unit, beyond what would otherwise be allowed, is allowed with the preservation of an existing structure.
3. **Zoning Map.** Map revisions to provide additional housing capacity should include broader use of zones that allow for affordable housing density bonuses than in Draft 3.
- a. Greater housing capacity in the urban core will be mapped as an organic result of the direction in Questions 3 and 4 regarding Missing Middle Housing Types and transition area mapping criteria; at the same time, all parts of town should be expected to contribute to reaching our ASHB and Austin Strategic Mobility Plan (ASMP) housing and mode shift goals as well.

In response to Question 3, the City Council selects Option C and provides the following additional direction,

1. **Code Text.** Code revisions to increase the supply of missing middle housing should include:
- A. Allowing accessory dwelling units (ADUs), both external and internal/attached, to be permitted and more easily developed in all residential zones;
 - B. Where appropriate, allowing new housing types to qualify as ADUs, including tiny homes on wheels, Airstream-style trailers, modular homes, and 3D-printed homes; and
 - C. Reduced site development standards for missing middle housing options such as duplexes, multiplexes, townhomes, and cottage courts in order to facilitate development of additional units.
2. **Zoning Map.** The goal of providing additional missing middle housing should inform the mapping of transition zones, consistent with the direction provided throughout this document.
- A. Map new Missing Middle housing in transition areas adjacent to activity centers, activity corridors, or the transit priority network.
 - i. Generally, the transition area should be two (2) to (5) lots deep beyond the corridor lot.
 - ii. The depth and scale of any transition area should be set considering context-sensitive factors and planning principles such as those set out in the direction for Question 4.

In response to Question 4, the City Council selects Option C and provides the following additional direction:

1. **Objective.** The code revision should reduce the impact of compatibility standards on development within activity centers and activity corridors to a greater extent than Draft 3.
2. **Code Text.** Maintain Draft 3's no-build and vegetative buffers between residential and commercial uses, as well as compatibility triggers and standards for properties adjacent to a Residential House-Scale zone. The only exception should be that the highest density Residential House- Scale zones should not trigger compatibility onto the lowest density Residential Multifamily zones in order to create smooth transitions.
3. **Zoning Map.** Compatibility standards and initial mapping should work together in a way that maximizes housing capacity on parcels fronting activity corridors, the Transit Priority Network, and within activity centers, consistent with applicable base zoning regulations and with any Affordable Housing Bonus otherwise available.
4. The revised zoning map should include a transition zone that will eliminate the impact of compatibility for parcels along all activity corridors and within activity centers.
 - a. At a minimum, lot(s) adjacent to parcels fronting an activity corridor will be mapped with a residential multi-unit zoning category that does not trigger compatibility and is in scale with any adjacent residential house-scale zones. – this could also occur at the back end of a deep corridor lot if such is necessary to achieve the same result.
 - i. Such mapping of this minimal transition zone may not occur in some situations, if Council can craft specific, context sensitive general criteria that provide staff with sufficient mapping direction. [Such criteria, if any, would need to be provided by Council.]
 - b. The LDC Revisions should map properties for missing middle housing in transition areas that meet some or all of the following criteria. Entitlements and length of transition areas should be relatively more or less intense for areas that meet more or fewer of the criteria listed below, respectively:
 - i. Located on Transit Priority Network, or Imagine Austin Centers or Corridors
 - ii. Located within the Urban Core as defined by the Residential Design and Compatibility Standards Area (McMansion Ordinance)
 - iii. Has a well-connected street grid
 - iv. Located in a higher opportunity area as defined in the Enterprise Opportunity360 Index
 - c. The depth and scale of transition zones should be reduced so that the transition zone(s) do not overlap with the majority of the existing single- family neighborhood area.
 - d. The length and level of entitlement in transition zones should be substantially reduced in “Vulnerable” areas identified in the UT Gentrification Study, regardless of the number of criteria met above.
 - e. Lot(s) adjacent to parcels fronting an activity corridor will be mapped with a zone (RM1 and above) that does not trigger compatibility and that could provide a step-down in scale from the zone of the parcel fronting an activity

corridor. For a shallow lot on a corridor, consideration will be given to maintaining the zoning of the corridor-fronting lot to the adjoining rear lot, if appropriate.

- f. Transitions in scale should generally occur mid-block
- g. Parcels on opposite sides of streets should generally be mapped with zones of similar scale.
- h. Transition areas should step down to residential house scale as quickly as possible, while providing for a graceful transition in scale from the zone of the parcel fronting an activity corridor.
- i. Transition zones should generally end mid-block.
- j. R4 should be the least intense zone within a transition area.
- k. Staff will provide a projection of how much missing middle housing capacity the mapping of transition areas consistent with these guidelines will provide, and how effectively the map enables us to achieve ASHB and ASMP goals.

In response to Question 5, the City Council selects Option C and provides the following additional direction:

- 1. **Objective.** The code revision should seek to reduce the impact of minimum parking requirements on development to a greater degree than Draft 3.
- 2. **Code Text.**
 - a. Minimum parking requirements should be eliminated in areas that are within the ¼ mile walkshed of activity centers, activity corridors, and transit priority network, transit stations with high-frequency service, except for areas where reductions in parking would be particularly disruptive (conditions to be determined by staff e.g., neighborhoods with narrow streets and no sidewalks, areas near urban schools).
 - b. ADA-compliant parking should be required for certain larger scale developments (commercial and residential), even if no minimum parking is otherwise required.
 - c. Code revisions should provide that parking structures are able to evolve over time as transportation patterns change, including design standards for structured parking that will facilitate eventual conversion to residential or commercial uses.

A motion to amend Question 1, Section “5. Zoning Map” as follows was made by Council Member Flannigan and seconded by Council Member Harper Madison. The amendment was to have the section read as follows:

- 5. **Zoning Map.** The new zoning map should contain no “Former Title 25” (F25) zoning classification. Specialized zoning districts, such as Planned Unit Developments and regulating plans, which exist today and are of a type contained in the new Code should be carried over. Unique zoning districts (e.g., NCCDs) should be reevaluated in the current context of Austin’s housing and transportation needs, and any tool that are beneficial to said needs should be codified Citywide. Unique zoning districts should be mapped using the same planning principles as the rest of the City.

A motion was made by Council Member Flannigan to determine if the City is going to continuing using NCCDs and if overlays should apply was approved on a 6-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Ellis, Flannigan, Garza and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool and Tovo. Council Member Harper-Madison abstained.

A motion was made by Mayor Adler to determine if the City was going to preserve the NCCDs with the overlays was approved on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Alter, Casar, Ellis, Kitchen, Pool, Renteria and Tovo. Those voting nay were: Council Members Flannigan and Harper-Madison.

A motion by Mayor Adler to revise Question 1, Section 5 Zoning Map to include the following language was approved on an 11-0 vote. The included language was: "Unique zoning districts (e.g., NCCDs) should be reevaluated in the current context of Austin's housing and transportation needs."

A motion by Council Member Tovo to revise Question 1, Section 5 Zoning Map to include the following language was accepted without objection. The language was "in addition to analyzing the extent to which NCCDs currently contain missing middle housing."

A motion by Council Member Flannigan to revise Question 1, Section 5 b. to read "COs that are generally incorporated into the new code are not to be carried forward..."

A motion by Council Member Flannigan to revise Question 2: 1.a to include "...at least three times..." was accepted without objection.

A motion was made by Council Member Kitchen and seconded by Council Member Tovo to revise Question 2: 1.b.i to insert "smaller scale" before "missing middle".

An amendment was made by Council Member Casar to revise the motion to read "to increase the supply of missing middle housing, which shall include an affordable bonus program where economically viable." The amendment was accepted without objection.

A motion by Council Member Pool to revise Question 2: 2.a to read as follows was accepted without objection: For parcels within activity centers and fronting on activity corridors, application of non-zoning regulations, including utilities should be prioritized in a manner that allows for greater potential housing unit yields than would otherwise be achieved without prioritization."

A motion by Council Member Kitchen revise Question 2, Section 2a to include the following language was accepted without objection as amended by Council Member Casar. The language was "Non-zoning regulations should provide flexibility to allow for higher unit yields for parcels within activity centers and activity corridors. The Code should create alternative equivalent means to ensure the balance of needs, while protecting environment and sustainability (landscaping, parkland and tree preservation), public safety, transportation, utility and right of way needs."

A motion by Council Member Alter was accepted without objection to revise Question 2, Section 2d to read: "Residential uses should be allowed in commercial zoning categories. Draft 3 mapping included affordability requirements for commercial properties where

residential uses are not permitted and these requirements should be maintained in the new draft.”

A motion by Council Member Kitchen was accepted without objection to revise Question 2, Section 2e to include: “Remodeling or adding units should be very simple, so it is much easier to preserve an existing home than tear down and replace it with another larger structure. Provide options to revise McMansion ordinance that provide for ability to add a room or limited remodel but constrain ability to demolish existing home and replace with another larger single family home. If an existing affordable home is preserved, the balance of the lot’s entitlements can be used to add more dwelling units.”

A motion by Council Member Flannigan was accepted without objection to revise Question 2, Section 2e by striking the word “walkshed” and change “1/4” to “1/2”.

A motion by Council Member Tovo and seconded by Council Member Pool to revise Question 2, Section 2e to read as follows failed on a 2-9 vote. The amendment was: “Preservation incentives should be expanded everywhere within ½ mile walkshed from an activity center or activity corridor or transit priority network...” Those voting aye were Council Members Alter and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, Pool and Renteria.

A motion was made by Mayor Adler to revise Question 2, Section 3 to read: “The majority of new housing capacity should be within ½ mile of transit priority networks as identified by the Austin Strategic Mobility Plan, and Imagine Austin Activity Centers and Corridors.”

An amendment was made by Council Member Flannigan to revise Question 2, Section 3 to read: “75% of new housing capacity should be within ½ mile of transit priority networks as identified by the Austin Strategic Mobility Plan and Imagine Austin Activity Centers. Staff should update the Imagine Austin Growth Maps and Imagine Austin Corridors.”

A request to divide the question was made by Council Member Pool.

A motion to revise Question 2, Section 3 to read: “75% of new housing capacity should be within ½ mile of transit priority networks as identified by the Austin Strategic Mobility Plan and Imagine Austin Activity Centers and Corridors.” was approved on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen and Renteria. Those voting nay were: Council Members Alter, Pool and Tovo.

A motion to revise Question 2, Section 3 to include: “Staff should update the Imagine Austin Growth Maps and Imagine Austin Corridors” was approved on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, Pool and Renteria. Those voting nay were: Council Members Alter and Tovo.

The motion by Council Member Tovo to revise Question 2, Section 3 to include “all of parts of town should be expected to contribute to reaching our Austin Housing Strategic Housing Plan and Austin Strategic Mobility plan housing and mode shift goals.” was accepted with objection.

A motion failed on a 4-7 vote on Council Member Alter, Council Member Kitchen's second to revise Question 3 to include "Notwithstanding any other context-sensitive criteria adopted in this document, the mapping of "missing-middle" housing types should not extend any further than one to four lots into the interior of existing residential neighborhoods. This may be revisited in the future in the context of small area planning efforts." Those voting aye were: Council Members Alter, Kitchen, Pool and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison and Renteria.

A motion by Council Member Kitchen to revise Question 3, Section 2 to include "In addition to mapping, provide options and a timeline for making changes to zoning to achieve additional housing capacity and affordable housing goals to include provisions such as use of upzoning, Future Land Use Maps, and/or zoning upon sale of property, especially to achieve beyond the 10-year housing goals" was made by Council Member Kitchen and seconded by Council Member Pool. The motion failed on a 5-6 vote. Those voting aye were: Council Members Alter, Flannigan, Kitchen, Pool and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Harper-Madison and Renteria.

A motion by Council Member Kitchen and seconded by Council Member Casar to revise Question 4, Section 3 and 4 was accepted without objection. The amendments were:

3. Zoning Map. Compatibility standards and initial mapping should work together in a way that maximizes housing capacity on parcels fronting activity corridors, the Transit Priority Network, and within activity centers, consistent with applicable base zoning regulations and with any Affordable Housing Bonus otherwise available. Employment and other uses to create "complete communities" along transit and Imagine Austin corridors and centers should also be allowed in a way that is context-sensitive. In addition, regulations should still allow "village center" type low-density mixed-use and commercial use in neighborhoods to create "complete communities."

- a. The revised zoning maps should reduce the impact of compatibility standards on development for parcels along the transit priority network, all activity corridors, and with activity centers. In redefining compatibility standards, the code revision should:
 - i. Define the maximum height allowed by-right plus affordable housing bonus, along activity corridors and in activity centers, and then establish regulations that create a step-down effect in the transition zones.
- b. Lot(s) adjacent to parcels fronting an activity corridor will not trigger compatibility and will be in scale with any adjacent residential house-scale zones.

To include the following as amended by Council Member Casar:

The City Manager should also use the following conditions as appropriate, when mapping transition areas:

- Orientation of blocks relative to corridors
- Residential blocks sided by main street or mixed use type zoned lots

- Bound by other zones, use or environmental features (including typography)
- Drainage considerations
- Whether it is most appropriate to split zone or not split zone a lot

To include “The City Manager shall provide to Council an analysis of the affordable housing and housing capacity yield when presenting the proposed mapping.

A motion to remove items “f” and “i” from Question 4, Section 4 was accepted without objection on Council Member Flannigan’s motion.

A motion to remove item “g” from Question 4, Section 4 was accepted without objection on Council Member Flannigan’s motion.

A motion to revise item “h” from Question 4, Section 4 by removing “as quickly as possible” failed on Council Member Flannigan’s motion, Council Member Casar’s second on 4-7 vote. Those voting aye were: Council Members Casar, Flannigan, Harper-Madison and Renteria. Those voting nay were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Ellis, Kitchen, Pool and Tovo.

A motion by Council Member Tovo to revise the language “The City Manager shall provide to Council an analysis of the affordable housing and housing capacity yield when presenting the proposed mapping” to include “and potential redevelopment using the envision tomorrow tool” was accepted without objection.

A motion by Council Member Kitchen and seconded by Council Member Flannigan was accepted without objection. The amendment was to revise Question 5, Section 2b to read: “The City’s visitability ordinance should be retained and expanded to ground floor missing middle housing in the new code and staff shall provide options for how it is expanded. ADA-compliant parking should be required for commercial and multifamily developments, even if no minimum parking is otherwise required to ensure adequate number of dedicated parking spaces exist to safeguard those with permanent disabilities, temporary illness or injury are afforded a place to park near where they live, shop, or visit others. Off-site or on-street parking may challenge safety and accessibility and should be carefully considered before being used as means to provide for this parking. This is of critical importance with an aging population and generational housing.

A motion was made by Council Member Pool to revise Question 5, Section 2a. The amendment was to have the section read: “Minimum parking requirements should be generally eliminated in areas that are within the ¼ mile walkshed of activity centers, activity corridors, and transit priority network except that some parking requirements may be maintained for areas where elimination of parking requirements would be particularly disruptive. (Conditions to be proposed by staff.) The amendment was accepted without objection.

The motion was accepted without objection on Council Member Flannigan’s motion to include the following to Question 5, Section 2 the following:

“The Manager should:

- a. Explore options for adopting parking maximums or minimum unit-yield in areas necessary to ensure sufficient transit-supportive development (e.g., TODs);
- b. Determine if parking in certain areas should be counted against FAR;
- c. Explore the feasibility of decoupling parking from leases; and
- d. Explore options for utilizing public parking and ROW to provide more ADA-compliant parking across the City.”

A motion by Council Member Tovo to revise Question 2, Section 2e to make preservation incentives apply city-wide was approved on a 9-0 vote. Council Members Alter and Harper-Madison abstained.

A motion to adopt Amendment A as amended above was approved on Council Member Ellis’s motion, Council Member Casar’s second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, Pool and Renteria. Those voting nay were: Council Members Alter and Tovo.

A motion to amend Question 1, Section 1 was made by Council Member Flannigan and accepted without objection. The amendment was to add “The Manager should work to deliver a new code that is simplified, can be applied consistently, and furthers the goals of the City.”

A motion to amend Question 1, Section 4 was made by Council Member Flannigan and accepted without objection. The amendment was to include the following:

- a. Age Friendly Policies. Propose options for provisions in the LDC to carry out the land use recommendations from the Age Friendly Action Plan, including supports for multigenerational housing, visitability, and other provisions. Additionally, there should be provisions that enable day cares and senior living centers in all parts of the City, at a scale commensurate with its surroundings.
- b. Land Use and Zoning Categories.
 - i. The new LDC should focus on the size and scale of the built environment and regulate uses through context-sensitive policies that are clearly identified in the code and apply equitability throughout the City instead of through by-lot zoning regulations. Use restrictions should continue and be improved through a framework that identifies a range of incompatible uses among zoning categories, such as to avoid adult entertainment, hazardous industrial, or other activities that aren’t supportive to surrounding residential or civic uses. Simple, clear requirements of conditions should be established, such as distance requirements and hours of operation.
 - ii. Proposed options for prohibiting uses along corridors that displace potential housing opportunities, such as self-storage facilities or other uses that do not contribute to overall policy goals.
- c. Transportation and VMT. Developments should be able to use a predetermined set of transportation demand management tools such as building additional bike lanes or sidewalks, providing bike storage, public transit stops and other mechanisms.

A motion by Council Member Flannigan to revise Question 2, Section 1 to add a new subsection “D” was accepted without objection. The amendment was:

D. In general, housing affordability should be the primary policy driver of code and mapping revisions and the Manager should explore:

iii. options to allow some level of administrative variances for some building form regulations (setbacks, height, building cover, etc.) to help maximize the shared community values of housing, tree preservation, parks, and mitigating flood risk;

iv. the feasibility of how regulations can overlap (e.g., how a drainage field can also safely serve as open space).

A motion to revise Question 2 was made by Council Member Tovo to include the following language was accepted without objection. The language was “Review non-zoning regulations related to Austin Energy and Austin Water (other than regular fees) that can significantly impact the cost of development. Review and suggest changes to non-zoning regulations that may encourage demolition rather than the redevelopment of existing structures.”

A motion to revise Question 2 was made by Council Member Tovo to include the following language was accepted without objection. The language was “d. Identifying and implementing opportunities throughout the code to encourage preservation of existing housing, especially market affordable housing.”

A motion to revise Question 2, Section 3 was made by Council Member Tovo and accepted without objection. The amendment was to add the following language “Additional direction to staff to develop specific, context-sensitive criteria for areas where the distance between corridors in less than ½ mile.”

A motion to revise Question 3, Section 1c was made by Council Member Tovo and accepted without objection. The amendment was to revise “c” to read: Reduced site development standards as appropriate for missing middle housing options such as duplexes, multiplexes, townhomes, and cottage courts in order to facilitate development of additional units.”

A motion to include the following relating to Affordable Housing was made by Council Member Kitchen and accepted without objection. The language was:

1. Objective: The Land Development Code should support the city’s 10-year Affordable Housing Goals and align resources and ensure a unified strategic direction to achieve a shared vision of housing affordability for all Austinites in all parts of the city. The City Manager should identify and propose for Council approval amendments to the Land Development Code that will (1) address the housing goals established on page 16 of the Austin Strategic Housing Blueprint (ASHB) and (2) implement recommendations for achieving these goals included in the Austin Strategic Housing Blueprint (ASHB) and the ASHB Implementation Plan (once adopted by Council).

2. Code Text: Code revisions for Council approval should include provisions to achieve the following (in addition to those already included in response to City Managers question 1 to 5):

- **Update Affordable Housing Bonus Programs:** Provide options to update, streamline and/or expand, and evaluate going forward our catalogue of Affordable Housing Bonus Programs. Require owners to partner with the city and Housing Authority or other affordable housing provider to manage and make units created more affordable; to accept housing vouchers; and to accept funding from the city or other sources to buy down rents in these units in order to target affordable housing goals in the Blueprint. Require any development that receives city funds or additional entitlements through a variance or other voluntary exchange to accept housing vouchers.
- **Implement a Consistent Density Bonus Program for Centers and Corridors:** Tie any increase in development capacity to an affordability requirement as provided in this document. Incent and provide additional opportunities for housing units with two bedrooms or more, particularly in high opportunity areas. Housing Blueprint, p. 29.
- **Revise Smart Housing Program:** Revise the SMART Housing Program to lengthen the affordability period and to better balance developer benefits with unit construction. Housing Blueprint, p. 32.
- **Better utilize land for affordable housing:** Continue to offer density bonuses as well as reduced parking and lot width and setback requirements for developments that include a significant number or percentage of units that are required to be affordable to very low-, low- or moderate-income households for at minimum 40 years. Explore options for tax abatements for multifamily affordable housing. Housing Blueprint, p. 32.
- **Relax Regulations on both Internal and External Accessory Dwelling Units (ADUs):** Also ensure accessibility and/or visitability. Housing Blueprint, p. 33.
- **Allow the Development of Smaller Houses on Smaller Lots:** Propose revisions to small lot regulations using a context sensitive approach to require a higher level of design and improved compatibility with neighboring properties. Housing Blueprint, p. 32.
- **Relax Regulations on Housing Cooperatives (Co-ops):** Relax zoning barriers, density restrictions and mandatory parking requirements to shared housing communities, and cooperatives. Housing Blueprint, p. 34.
- **Increase Housing Diversity in New Subdivisions:** Propose options for new subdivision regulations to incent the development of a range of housing types, including missing middle housing and co-housing formats. The regulations should also incent a connected street grid and promote a range of more affordable transportation choices. Once Council has approved options, work with the county to revise the subdivision ordinance applicable to the ETJ. Housing Blueprint, p. 35.
- **Minimize the Displacement of Core Transit Riders:** Provide options that encourage the preservation of affordable housing near transit corridors, while ensuring that this housing remains affordable to current residents. Redevelopment and major rehabilitation threaten the stock of market rate affordable rental housing, where many residents may depend on transit. Housing Blueprint, p. 37.
- **Link Housing Choices with Transportation Choices:** Propose amendments to regulations and entitlements to ensure density is supported around transit stations. Utilize tools such as density bonuses and parking reductions when income-restricted affordable housing is provided in and around transit stops. Housing Blueprint, p. 37.
- **Preserve existing affordable housing:** Target and preserve 10,000 existing affordable housing units over 10 years. Incorporate into the permitting process mechanisms that will facilitate achieving these goals and create a dashboard for DSD to track and report to Council on progress,
- **Produce Permanent Supportive Housing (PSH):** Produce enough PSH units each year, sufficient to address needs. Incorporate into the permitting process mechanisms that

will facilitate achieving these goals and create a dashboard for DSD to track and report to Council on progress.

3. Zoning Map: Propose options for mapping the provisions above to achieve affordable housing goals over the next ten years (60,000 affordable units, 10,000 preserved units, 100 PSH, 25% of new income restricted housing in high opportunity areas). Consider mechanisms such as upzoning, use of Future Land Use Maps (FLUM), zoning changes upon sale of a property, and/or other mechanisms.

A motion to revise Question 1, Section 3 was made by Council Member Kitchen to include the following language was accepted without objection. The amendment was to include the following: “Include a transparent and educational public process under which stakeholders are informed on how their input has been received and is being evaluated.”

A motion to revise Question 1, Section 4 to include the following was made by Council Member Kitchen and accepted without objection. The amendment was to include: “Creative Spaces. Propose options to support creative spaces, including but not limited to zoning categories specific to cultural spaces and incentives to create dedicated, below market rate creative spaces in developments along corridors and in centers.”

A motion to revise Question 1, Section 4 to include the following language was made by Council Member Kitchen and amended by Council Member Casar. The amendment as revised was accepted without objection. The amendment was to include:

“The new LDC should provide for the following as it relates to shaping the City's sustainable water future by preventing flooding, protecting water quality, and promoting water conservation.

- i. Developments should retain more water on-site and encourage beneficial reuse.
- ii. Require developments where total of new and redeveloped impervious cover is 5,000 sq. ft and greater to treat water quality. Through the land development code process, this provision should be tested, and staff should potentially create separate requirements for missing middle housing if such separate requirements are needed to achieve the goals of producing more small and missing middle housing types, while improving water quality in the city and the region overall.
- iii. Expand the use of Green Stormwater Infrastructure (GSI) controls to treat residential subdivisions including roads.
- iv. Provide options to significantly reform and/or remove exemptions to impervious cover limits in the redevelopment exceptions throughout the water quality section for all watersheds. Provide such options with the goal of actually achieving the most meaningful reductions in impervious cover locally and regionally, while balancing near-term and longer-term needs to reduce impervious cover and improve water quality.
- v. Coordinate with Water Forward to Reduce Water Demand.”

A motion to revise Question 2, Section 1 to include the following language was made by Council Member Kitchen and accepted without objection. The amendment was to include:

“Preservation of 10,000 affordable housing units, production of sufficient numbers of Permanent Supportive Housing (PSH) units each year sufficient to address needs.”

A motion to revise Question 2, Section 1 to include the following language was made by Council Member Kitchen and accepted without objection. The amendment was to include: “The City Manager shall provide estimates for the potential impacts of the new map on transit ridership as well as affordable housing goals.”

A motion to revise Question 3, Section 1b was made by Council Member Kitchen and accepted without objection. The amendment was to revise the section to read: “b. Where appropriate, allowing new housing types to qualify as ADUs, including existing homes being preserved, mobile and manufactured homes, tiny homes on wheels, Airstream-style trailers, modular homes, mobile and manufactured homes, and 3D-printed homes; and”.

A motion to revise Question 3, Section 1c to include the following language was made by Council Member Kitchen and accepted without objection. The amendment was to include: “Council will need to determine the appropriate criteria to achieve more affordable housing while protecting environment and sustainability, public safety, transportation, utility and right of way needs.”

A motion to revise Question 3, Section 1c to insert “cooperatives” after the word “townhomes” was made by Council Member Pool and accepted without objection.

A motion to revise Question 3, Section 2 was made by Council Member Pool and accepted without objection. The amendment was have the section read “The goal of providing additional missing middle should inform the mapping of missing middle zones, consistent with the direction provided throughout this document.”

A motion to revise Question 4, Section 3 was made by Council Member Pool and accepted without objection. The amendment was to have the section read: “In general, consider revisions that minimize the impact of compatibility standards on properties facing transportation corridors, particularly in relation to shallow lots.”

The following items were flagged for further discussion:

Council Member Flannigan: Amend Question 2, Section 2. Code Text

- **2.a. Options for eliminating minimum lot size and lot width.**

Council Member Tovo: Question 1

- **6. Additional. To ensure that the Land Development Codes and permitting process are streamlined to the greatest extent possible upon adoption of any revision to the Land Development Code, the regulatory requirements adopted as part of Water Forward, Austin's 100-year integrated water resource plan, should be codified and implemented as part of this comprehensive land development code revision process.**

Council Member Tovo: Question 2

- **Objective 1.b.iii The granting of new entitlements —especially in areas currently or susceptible to gentrification — should be limited so as to reduce displacement and disincentivize the redevelopment of existing housing, especially older multi-family**

residential development, unless substantial increases in long-term affordable housing will be otherwise achieved.

Council Member Tovo: Question 2 - Code Text

- **1.b A city-led testing process to assess the impact of revised regulations that includes participation by design and technical professionals and the substantial involvement of the public. The testing should examine how the proposed zoning and non-zoning code provisions perform when applied to various types and scales of development, and staff should complete this testing prior to review by boards and commissions.**

Council Member Tovo: Question 4 -Compatibility Standards

- **a.i.1. Such mapping of this minimal transition zone may not occur in some situations, including instances where market affordable and/or missing middle housing is adjacent to a property along a corridor.**

Council Member Kitchen: Amendment to base document #2 - 2. Code Text

- **Increase Supply of Multi-Bedroom Housing for Families with Children: Ensure the code is providing an adequate supply of multi-bedroom housing throughout the community, creating diverse housing types and unit mix to meet the goal of 25% of affordable housing units that are created or preserved having two or more bedrooms. Set minimum bedroom requirements that encourage dwellings for families with children and multi-generational households. Propose mechanisms to prioritize areas close to schools. Housing Blueprint, p. 21**

Council Member Kitchen: Amendment to base document #2 - 2. Code Text

- **Bring Options for implementing a Density Bonus Program for Missing Middle: Provide options for a density bonus program at the edges of centers and corridors or on collector streets. In this type of bonus program, the "density" could take the form of units (rather than height or bulk), allowing more units within the same size building. Housing Blueprint, p. 32.**

Council Member Kitchen: Amendment to base document #2 - 2. Code Text

- **j. Utilize Planned Unit Developments (PUDs) to Provide a Range of Affordability: Provide options to leverage or require PUD zoning to produce more affordable housing. PUDs present a unique opportunity to provide a range of affordability through increased housing diversity and improved transportation choices. Housing Blueprint, p. 34.**

Council Member Kitchen: Amendment to base document #2 - 2. Code Text

- **n. Tie and Target increased Entitlements to Affordable Housing: Provide options to prioritize and tie incentives and target mapping to achieve development of the 60,000 housing units (20,000 at 30% MFI and below/ 25,000 at 31-60% MFI/ and 15,000 61-80% MFI). These categories of affordability are the most challenging for the market to address. Focus on centers and corridors targeted for growth under Imagine Austin.**

Council Member Kitchen: Amendment #5 -Question 1 - Third Bullet

- The code revision process should provide consideration of need to upgrade infrastructure capacities in areas proposed for increased density along corridors and Imagine Austin Centers. Additional considerations and means may be needed in older areas that may not currently have adequate infrastructure in place, such as sidewalks, stormwater management, water pressure supply, and sewage line capacity. (Kitchen amendment)

Council Member Kitchen: Amendment to Base Document #1 - Question 2 - Housing Capacity: 2 Code Text

- A city-led testing process to assess the impact of revised regulations which includes participation by design and technical professionals. The testing should examine how the proposed zoning and non-zoning code provisions perform when applied to various types and scales of development. It should provide accurate and careful modeling of corridor and transition area regulations so that Council and community discussions can focus on achieving policy results and include proposed non-zoning regulations as previously directed by Council Resolution No. 20180628-125.

Council Member Kitchen: Question 4 -Compatibility Standards - 2- Code Text.

- Maintain Draft 3's no-build and vegetative buffers between residential and commercial uses, as well as other compatibility triggers and standards for properties adjacent to a Residential House-Scale zone.
 - i. Include standards related to noise, uses, utility screening, trash, loading and pick-up zones as well as shielded lighting.
 - ii. Include Green Infrastructure from Draft 3 and continue tree preservation policy as well as increasing tree canopy along corridors and centers to enhance walkability and curb heat island effect.”

Council Member Pool: Motion Sheet #1 - Adding additional direction as follows to the end of the document:

“Addition 1. Planning.

1) Objective. The Manager should as soon as possible develop a proposed district level (e.g., ERC, North Burnet/Gateway Neighborhood Plan) planning process for Imagine Austin Activity Centers and Corridors susceptible to change, and include specific objectives for each plan related to achieving the goals of the Austin Strategic Mobility Plan, Austin Strategic Housing Blueprint, and other Council policy priorities, such as:

- a) regional storm water and water quality planning,
 - b) parkland accessibility,
 - c) utility infrastructure,
 - d) walkability and connectivity,
 - e) increasing opportunities for missing middle housing, and
 - f) policy priorities associated with complete communities.
- 2) Code Text.** The City Manager shall draft language for Council approval to codify the district level planning process and the criteria for selecting planning areas in the Land Development Code as follows:

- a) **Selection of Planning Areas:** Identify geographic areas along corridors throughout the city where district level planning will have maximum public benefit, paying particular attention to corridors (including streets and arterials) identified in the ASMP, Project Connect, and where construction, planning, and land acquisition with bond dollars will be applied and can be leveraged.
- b) **Planning Process Criteria:** Determine when district-level planning for an area is needed to align with our adopted city goals and plans, including Imagine Austin, ASHB, ASMP, Age Friendly Austin Action Plan, the upcoming Parks Master Plan, and other relevant plans. Criteria should include, but not be limited to, the following information sources:
 - i. Planned transportation investments, including corridors with transportation bonds and public transit investments;
 - ii. Affordable housing investments;
 - iii. Significant number or scale of private development;
 - iv. Market force indicators expressing need and opportunity to leverage an area's potential or significant public investment via facilities or other infrastructure;
 - v. Areas of vulnerability identified using the mapping tool from the UT Gentrification & Displacement Study, "Uprooted"; and
 - vi. Include consideration for inhibiting displacement, preserving cultural and historic assets, promoting multi-generational housing, and support neighborhood schools, particularly schools with under-enrollment or in areas of rapid displacement.
- 3) **Timeline.** Multiple planning efforts for Activity Centers and Activity Corridors should occur concurrently, with a goal of completing those most susceptible to change within 5 years.
- 4) **Resources.** The Council recognizes that additional resources will be required to achieve this scale of planning in this time frame, and the use of consultants should be considered to allow for multiple district-level plans to be developed in order to meet this timeline.
- 5) **Community Engagement.** Planning should include robust engagement of adjacent stakeholders, but also include participation from across our city, as all parts of Austin have an interest in each part of Austin contributing equitably to our goals being met. Community engagement should specifically focus on elevating the voices of populations that have historically been underrepresented in planning processes (as was done with the Austin Strategic Mobility Plan), including: youth, seniors, people of color, and people with disabilities.
- 6) **Triggers for Plan Updates.** Staff should explore mechanisms to trigger when a Small Area Plan is updated, such as demographic changes or infrastructure improvements, and return to Council with recommendations.

Council Member Ellis: Motion Sheet V2 - Question 2.1.c

- c) In general, in transition areas and along transit priority network streets that are not Imagine Austin activity corridors, lots should be assigned entitlements that allow missing middle housing (consistent with direction in this more intense of (a) the base missing middle entitlements and (b) current entitlements should also be available through participation in an affordable housing density bonus program.

Council Member Alter: Motion Sheet #3 - Question 2

- **Amendment 1: For parcels within activity centers and on activity corridors, the application of non-zoning regulations should not waive heritage tree protections or the requirements of the parkland dedication ordinance. Should the testing and modeling of the draft code demonstrate the parkland dedication ordinance significantly constrains our housing capacity goals in these areas, staff should return to council with options for achieving our housing capacity goals while still ensuring we reduce our parkland deficiencies."**

Council Member Casar: Question 2 - 1. Objective

- **1.b.iv. Code and map revisions should maximize potential for employment and residential units within Downtown, with affordable housing benefits included and calibrated.**

Council Member Casar: Question 3 - 2. Code Text

- **2.a.ii. The application of non-zoning regulations to smaller, remaining downtown sites should allow for greater potential for employment and residential units than Draft 3, with affordable housing benefits included and calibrated.**

The motion to postpone final action on item 11 was approved without objection on Mayor Adler's motion.

Mayor Adler adjourned the meeting at 11:30 p.m. without objection.

The minutes were approved on this the 9th day of May 2019 on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on a 11-0 vote.