

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 23, 2019**

Invocation: Major Scott Crosley, Chaplain, Texas Army National Guard; Memorial Day Commemoration Ceremony.

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 23, 2019 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:42 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 May 2, 2019, work session of May 7, 2019.
The motion approving the minutes of the Austin City Council special called meeting of May 2, 2019 and the work session of May 7, 2019 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
2. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire a permanent electric transmission and distribution easement from Chameleon Howard, LP consisting of three tracts of land for a total of approximately 0.514 of an acre or 22,399 square feet being a portion of Lot 1, Reed Central Austin, a subdivision recorded in Volume 94, Page 133 of the Plat Records of Travis County, Texas, situated in the City of Austin, for the public purpose of electric transmission and distribution facilities necessary for the upgrade project of Transmission Circuits 1004 and 961, in an amount not to exceed \$137,286. May 13, 2019 - Recommended by the Electric Utility Commission on an 8-0 vote, with Commissioner Weldon off the dais and Commissioners Hadden and Stone absent. District(s) Affected: District 7.
The motion authorizing negotiation and execution of all documents and instruments necessary or desirable to acquire a permanent electric transmission and distribution easement from Chameleon Howard, LP was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

3. Authorize negotiation and execution of a 15-year power purchase agreement with Pandora Solar, LLC, a NextEra Energy subsidiary, for up to 250 megawatts of electricity from a utility-scale solar-generation facility, in an estimated amount of up to \$13,000,000 per year, for a total estimated amount of up to \$195,000,000. May 13, 2019 - Recommended by the Electric Utility Commission on an 8-0 vote, with Commissioner Weldon off the dais and Commissioners Hadden and Stone absent. May 21, 2019 - Recommended by the Resource Management Commission on a 7-0 vote with Commissioners Brenneman, Fralin and Kohan absent and one vacancy.

The motion authorizing negotiation and execution of a power purchase agreement with Pandora Solar, LCC, a NextEra Energy subsidiary, was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

4. Authorize negotiation and execution of a cost reimbursement agreement with William Lyon Homes for the City to reimburse the developer for an amount not to exceed \$822,855 for costs associated with the design and construction of an oversized wastewater force main and appurtenances related to Service Extension Request No. 4117R that will provide wastewater service to a proposed single-family development located at 6001 Kellam Road. District(s) Affected: District 2.

The motion authorizing negotiation and execution of a cost reimbursement agreement with William Lyon Homes was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

5. Authorize negotiation and execution of a cost reimbursement agreement with William Lyon Homes for the City to reimburse the developer for an amount not to exceed \$526,660 for costs associated with the design and construction of an oversized water main and appurtenances related to Service Extension Request No. 4116R that will provide water service to a proposed single-family development located at 6001 Kellam Road. District(s) Affected: District 2.

The motion authorizing negotiation and execution of a cost reimbursement agreement with William Lyon Homes was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

Item 6 was pulled for discussion.

7. Approve the appointment of Jim Smith to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc., to replace Art Alfaro.

The motion approving the appointment of Jim Smith to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

8. Authorize negotiation and execution of a Competitive Sealed Proposal Agreement with JE Dunn Construction, for construction services for the Consolidated Maintenance Facility project, in an amount not to exceed \$65,000,000. May 14, 2019 - Recommended by the Airport Advisory Commission on a vote of 7-0-1-3, with Commissioner E. Sepulveda abstaining and

Commissioners Todd, V. Sepulveda, and Maldonado were absent. [Note: This contract will be awarded in compliance with 49 CFR Part 26 and City Code Chapter 2-9A through the achievements of Good Faith Efforts with 8.21% DBE participation.]

The motion authorizing negotiation and execution of a Competitive Sealed Proposal Agreement with JE Dunn Construction was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

9. Authorize negotiation and execution of a professional services agreement with the following six staff recommended firms: Weston Solutions, Inc., BGE, Inc., Walker Partners, LLC, Dannenbaum Engineering Company-Austin LLC, Kennedy/Jenks Consultants, Inc. and K Friese & Associates, Inc. (WBE), or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP255 to provide engineering services for the 2019 Small Scale Water and Wastewater Facilities Engineering Services Rotation List in an amount not to exceed \$10,500,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE participation.]

The motion authorizing negotiation and execution of a professional services agreement with the following six staff recommended firms: Weston Solutions, Inc., BGE, Inc., Walker Partners, LLC, Dannenbaum Engineering Company-Austin LLC, Kennedy/Jenks Consultants, Inc. and K Friese & Associates, Inc. (WBE) was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

10. Authorize negotiation and execution of a professional services agreement with the following 10 staff recommended firms: AECOM Technical Services, Inc.; CDM Smith Inc.; Carollo Engineers, Inc.; CP&Y, Inc.; HDR Engineering, Inc.; CAS Consulting and Services, Inc. (MBE); ARCADIS U.S., Inc.; Alan Plummer Associates, Inc.; Freese and Nichols, Inc.; and Black & Veatch Corporation; or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP254 to provide engineering services for the 2019 Large Scale Water and Wastewater Facilities Engineering Services Rotation List in an amount not to exceed \$33,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE participation.]

The motion authorizing negotiation and execution of a professional services agreement with the following 10 staff recommended firms: AECOM Technical Services, Inc.; CDM Smith Inc.; Carollo Engineers, Inc.; CP&Y, Inc.; HDR Engineering, Inc.; CAS Consulting and Services, Inc. (MBE); ARCADIS U.S., Inc.; Alan Plummer Associates, Inc.; was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

11. Approve a resolution finding that the design-build method for buildings, as authorized by Subchapter G, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the project to build a new neighborhood public health center on the adjoining Cooper Tract adjacent to the Dove Springs Metro Park. (Note:

MBE/WBE goals will be established prior to issuance of this solicitation.) District(s) Affected: District 2.

Resolution No. 20190523-011 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

The following direction was given by Mayor Pro Tem Garza:

"Staff will identify ways to expedite the timeline for this project as it moves forward, and seek to bring this project to completion as quickly as possible without sacrificing quality. Approaches to consider will include exploring partnerships or other methods that may speed the design-build process, completing the design criteria manual quickly so that potential bidders can quickly draft high-quality proposals on any future solicitations, prioritizing responsive proposals submitted on future solicitations that have shorter timelines, identifying any regulatory or permitting bottlenecks that may slow the timeline of the project, and working with Council to remedy any anticipated impediments."

12. Authorize negotiation and execution of professional services agreements with K Friese & Associates, Inc. (WBE) and CAS Consulting & Services, Inc., (MBE) or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP258 to provide engineering services for Oltorf Street Reclaimed Water Main Phases 1 & 2 projects in an amount not to exceed \$1,300,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals of 15.80% MBE and 15.80% WBE participation.] District(s) Affected: District 3, District 9.

The motion authorizing negotiation and execution of a professional services agreement with K Friese & Associates, Inc. and CAS Consulting Services, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

13. Authorize an amendment to the construction contract with Santa Clara Construction, LTD. (MBE) for the Wastewater Line Renewal and Spot Rehab Service Contract Indefinite Delivery/Indefinite Quantity contract for additional funding in the amount of \$500,000, for a total contract amount not to exceed \$10,100,000. [Note: This contract was awarded in compliance with City Code 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program. Current participation to date is 74.26% MBE and 0.74% WBE.] District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 6, District 7, District 8, District 9, District 10.

The motion authorizing an amendment to the construction contract with Santa Clara Construction, LTD was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

14. Approve a resolution to nominate St. David's HealthCare Partnership, L.P., LLP for designation by the Governor's Office of Economic Development and Tourism as a single Enterprise Project in accordance with Chapter 2303 of the Texas Government Code.

Resolution No. 20190523-014 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

15. Authorize negotiation and execution of an amendment to the legal services agreement with Lloyd Gosselink Rochelle & Townsend, P.C. for legal services related to Data Foundry, Inc. v. City of Austin, Cause No. 14-18-00071-CV in the Texas Fourteenth Court of Appeals, in the amount of \$65,000 for a total contract amount not to exceed \$126,000.
The motion authorizing negotiation and execution of an amendment to the legal services agreement with Lloyd Gosselink Rochelle & Townsend, P.C. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
16. Authorize negotiation and execution of Amendment No. 2 to the interlocal agreement with Austin Independent School District for the provision of resources connecting parents and families to family-centered and other social services, to increase funding in an amount not to exceed \$290,000 for the 12-month period ending December 31, 2019 and each of the three remaining 12-month extension options, for a total agreement amount not to exceed \$6,300,000.
The motion authorizing negotiation and execution of Amendment No. 2 to the interlocal agreement with Austin Independent School District was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
17. Authorize negotiation and execution of an agreement with Catholic Charities of Central Texas to provide homeless prevention services to refugee families in an amount not to exceed \$200,000 for the 23-month period ending June 30, 2021 and \$100,000 for one 12-month extension option, for a total agreement amount not to exceed \$300,000.
The motion authorizing negotiation and execution of an agreement with Catholic Charities of Central Texas was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
18. Authorize negotiation and execution of a contract with the Texas Department of State Health Services for implementation of the Texas Healthy Communities grant for prevention of chronic disease in underserved communities in Travis County in the amount of \$500,000 for a five-year term.
The motion authorizing negotiation and execution of a contract with the Texas Department of State Health Services was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
19. Authorize negotiation and execution of a second amendment to the existing interlocal agreement with Capital Metropolitan Transportation Authority (Capital Metro) for the cooperative development and construction of accessible sidewalks and associated pedestrian improvements at and in the vicinity of Capital Metro bus stops to extend the term by 4.5 years.
The motion authorizing negotiation and execution of a second amendment to the existing interlocal agreement with Capital Metropolitan Transportation Authority was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

20. Authorize award of a multi-term contract with ALTIVIA Chemicals, LLC, to provide liquid ferric sulfate, for up to five years for a total contract amount not to exceed \$2,900,000. (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 multi-term contract with ALTIVIA Chemicals, LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.**
21. Authorize award of a multi-term contract with Summitt Forests, Inc., to provide juniper cutting services at the water quality protection lands, for up to five years for a total contract amount not to exceed \$500,000. (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 Summitt Forests, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.**
22. Authorize award of a contract with Dr. Tania Glenn & Assoc. PA, to provide critical incident stress management services, for a term of five years in an amount not to exceed \$400,000. (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 for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).
- The motion authorizing the award of a contract with Dr. Tania Glenn & Assoc. PA was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.**
23. Authorize award of a multi-term contract with Yosan Inc. D/B/A International Building Services, to provide window cleaning services, for up to five years for a total contract amount not to exceed \$652,500. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).
- The motion authorizing the award of a multi-term contract with Yosan Inc. doing business as International Building Services was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.**

Items 24 and 25 were pulled for discussion.

26. Approve an ordinance amending City Code Section 12-4-64 (D) (Speed Limits) to delete from the table of speed limits Ralph Ablanado Drive from South 1st Street to South Congress Avenue,

which will revert the segment to a 30 mph speed limit, and to reduce the maximum speed limit to 20 mph in a school zone on Ralph Ablanado Drive at Peaceful Hill Lane. District(s) Affected: District 2.

Ordinance No. 20190523-026 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

Item 27 was pulled for discussion.

28. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for QueerBomb, sponsored by QueerBomb Austin, to be held on Saturday, June 1, 2019, at Fair Market. Council Sponsors: Council Member Jimmy Flannigan, Mayor Steve Adler, Council Member Natasha Harper-Madison, Council Member Gregorio Casar, Council Member Paige Ellis.

The motion approving the waiver or reimbursement of fees under City Code Chapter 14-8 for QueerBomb was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

Item 29 was pulled for discussion.

30. Set a public hearing regarding CenterPoint's proposal to increase customer gas rates. (Suggested date: June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

31. Set a public hearing to be conducted in accordance with Texas Parks and Wildlife Code Section 26.001, et seq., to consider a resolution authorizing a change in use of dedicated parkland for approximately 13,431 square feet of permanent waterline and electric utilities and approximately 10,745 square feet of temporary work area, to construct, use, maintain, repair, and install the waterline and electric utilities through dedicated parkland, known as Lamar Beach at Town Lake Metro Park. (Suggested date: June 20th, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX.) District(s) Affected: District 9.

This item was postponed indefinitely on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

32. Set public hearings for the full purpose annexation of approximately 126 acres located in Williamson and Travis Counties, approximately four-tenths of a mile north of the intersection of Parmer Lane and McNeil Drive, and authorize negotiation and execution of a written agreement with the owner of land in the area for the provision of services. (Suggested dates: June 6, 2019 and June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX). District(s) Affected: District 6.

The public hearing was set on consent for June 6, 2019 and June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

33. Set a public hearing to consider a resolution regarding the expansion of the Austin Downtown Public Improvement District by adding one parcel of land at 601 West Second Street, as requested by the property owner. (Suggested date: June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX). District(s) Affected: District 9.
This item was withdrawn.
34. Set a public hearing related to an application by Cesar Chavez Foundation, or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Govalle Terrace, located at or near 5225 Jain Lane, located in District 3. (Suggested date: June 6, 2019 at City Hall, 301 W. Second Street, Austin, TX). District(s) Affected: District 3.
The public hearing was set on consent for June 6, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
35. Set a public hearing related to an application by Bridge at Granada, LLC, or an affiliated entity, for housing tax credits for a multi-family rental development that will be financed through the private activity bond program to be known as Granada Apartments, located at or near 504 East Wonsley Drive, located in District 4. (Suggested date: June 6, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX). District(s) Affected: District 4.
The public hearing was set on consent for June 6, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
55. Ratify an emergency professional services agreement with HDR Engineering, Inc., to provide engineering consulting services for the Shoal Creek Emergency Landslide Repair near the 2500 Block of North Lamar Boulevard project in an amount not to exceed \$92,247.82. Related to items #56, #57, and #60. (Note: Emergency contracts are exempt from the City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). District(s) Affected: District 9.
The motion ratifying the emergency professional services agreement with HDR Engineering, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.
56. Ratify a professional services agreement with Freese & Nichols, Inc. to provide engineering consulting services for the Shoal Creek Storm Drain emergency contract in an amount not to exceed \$268,357.00. Related to items #55, #57, and #60. (Note: Emergency contracts are exempt from the City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). District(s) Affected: District 9.
The motion ratifying the professional services agreement with Freese & Nichols, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

57. Ratify a professional services agreement with Geostabilization International, LLC to provide engineering services for the Shoal Creek Emergency Landslide Repair in an amount not to exceed \$494,169.13. Related to items #55, #56, and #60. (Note: Emergency contracts are exempt from the City Code Chapter 2-9B Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). District(s) Affected: District 9.

The motion ratifying the professional services agreement with Geostabilization International, LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

58. Approve an ordinance amending City Code Section 12-1 (Traffic Regulation and Administration) and 12-2 (Bicycles) relating to the safe operation of micro-mobility devices.
This item was withdrawn.

Item 59 was pulled for discussion.

60. Ratify an emergency cost reimbursement agreement with Michael MacDougall and Bremond MacDougall for preliminary design alternatives analysis for the Shoal Creek Emergency Landslide Repair near the 2500 Block of North Lamar Boulevard for a total contract amount of \$185,000. Related to items #55, #56, and #57. District(s) Affected: District 9.

The motion ratifying the emergency cost reimbursement agreement with Michael MacDougall and Bremond MacDougall was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

61. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Duck Derby, sponsored by The Boys and Girls Club of Austin, to be held on Saturday, August 3, 2019, on the Ann W. Richards Congress Bridge. Council Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Alison Alter, Council Member Gregorio Casar, Council Member Natasha Harper-Madison.

The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Duck Derby was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

62. Set a public hearing to consider an ordinance amending Austin City Code Section 25-2-1205 (Site Development Regulations for Mobile Home Parks) to allow recreational vehicles in mobile home parks. (Suggested date: June 6, 2019, at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 6, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

63. Set a public hearing to consider a resolution regarding the expansion of the Austin Downtown Public Improvement District by adding one parcel of land at 600 W. Cesar Chavez Street, Austin, TX 78701, also noted as 601 West 2nd Street, Austin, TX 78701, as requested by the property

owner. (Suggested date: June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX).
District(s) Affected: District 9.

The public hearing was set on consent for June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

64. Set a public hearing to be conducted in accordance with Texas Parks and Wildlife Code Section 26.001, et seq., to consider a resolution authorizing a change in use of dedicated parkland for approximately 31,800 square feet of permanent waterline, waste waterline and electric utilities and approximately 40,900 square feet for a temporary staging area to construct, use, maintain, repair, and install waterline and electric utilities through dedicated parkland known as Waller Beach at Town Lake Metro Park. (Suggested date: June 20, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX.).

This item was postponed indefinitely on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Pool was off the dais.

DISCUSSION ITEMS

6. Approve an ordinance to amend Ordinance No. 20180911-002, which authorized fees, fines, and other charges to be set or charged by the City for fiscal year 2018-2019, to increase the Austin Water Industrial Waste Surcharge for ammonia-nitrogen.

Ordinance No. 20190523-006 was approved on Council Member Tovo's motion, Council Member Alter's second on an 11-0 vote.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 11:07 a.m. See separate minutes.

36. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (see separate minutes)

Mayor Adler reconvened the Council Meeting at 11:13 a.m.

CITIZEN COMMUNICATIONS: GENERAL

Christopher Daniels – Homeless people – **Not present**

Gustavo (Gus) Peña – 1. Memorial Day is a holiday. We remember those military members who died in combat. You all will have the day off. We veterans will work and we veterans will honor our military veterans who gave their lives to protect freedom safety and democracy: Wiley Guerrero, Toby Rodriguez, Alex Quinoz , Booker T. Lofton all friends of mine who died in combat in Vietnam. All graduates of the former Johnston High School. I miss you my friends. I will never stop remembering you all and the sacrifices you made to preserve freedom safety and democracy. I will never let people forget the sacrifices you all made. I miss you all. Alex Quinoz my friend the last infantry man to die in Vietnam. I will miss you all my classmate.

Clifford Dalton – Police Issues

Valerie Deyo – Local Zoning

Frank Harren – Housing Affordability

Ambrosia Azuila – TBD – **Not present**

Carlos León – 1) God, Jesus Christ, & the Holy Spirit cannot be defeated or destroyed; 2) Chemtrails are alien air attacks that must be stopped 3) Losing your marbles, Vol. V, part ?

Mariana Loomis – TBD

Bryan Kerr – Advocate company – **Not present**

Mayor Adler recessed the Council Meeting at 12:25 p.m.

EXECUTIVE SESSION

37. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
38. 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.
65. Discuss legal issues related to procurement requirements and anti-lobbying regulations (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.

Mayor Adler stated that items 24, 25, 27, and 59 would be discussed in Executive Session.

24. Approve an ordinance amending City Code Title 13 (Transportation Services) to add a new Chapter 13-8 related to franchise requirements for Shared Bicycle Services and Shared Micro-Mobility Services.
25. Approve an ordinance amending City Code Chapter 14-9, (Traffic or Sidewalk Obstructions) to broaden services regulated in the City's right-of-way, to include bicycles and micro-mobility devices, and repealing certain City Code sections. Prior Council Action: Ordinance No. 20180426-027 approved an ordinance amending City Code Chapter 14-9, (Traffic or Sidewalk Obstructions) to expand the types of acts that are prohibited; creating a City-wide services license; and declaring an emergency, on a 10-0 vote.
27. 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.

59. Approve an ordinance amending City Code Chapters 12-1 (Traffic Regulation and Administration) and 12-2 (Bicycles) relating to the operation of micro-mobility devices and bicycles on sidewalks and roadways. May 14, 2019 - Urban Transportation Commission approved recommendations related to micro-mobility.

Mayor Adler reconvened the Council Meeting at 2:36 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

44. C14-2018-0140 - Norwood Park - Approve second and third readings of 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). Applicant request: 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. First reading approved on April 25, 2019. Vote: 11-0. 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 in opposition to this rezoning case. District(s) Affected: District 4.

The motion to postpone this item to June 6, 2019 at the request of the applicant was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

45. NPA-2018-0021.01 - 5101 East Oltorf - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5101 East Oltorf Street. (Country Club Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To be reviewed on May 14, 2019. Owner/Applicant: Charitable Holdings, II. Agent: Armbrust & Brown (Richard Suttle and Ferris Clements). City Staff: Kathleen Fox, (512) 974-7877. District(s) Affected: District 3.

The motion to postpone this item to June 6, 2019 at the request of staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

46. C14-2018-0080 - 5101 East Oltorf - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5101 East Oltorf Street (Country Club West Watershed). Applicant's Request: To rezone from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services - conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May 14, 2019. Owner/Applicant: Charitable Holdings, II (Michael Nellis). Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 3.

The motion to postpone this item to June 6, 2019 at the request of staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

47. NPA-2018-0005.01 - 1501 Airport Commerce Drive - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1501 Airport Commerce Drive, (Carson Creek Watershed) from Commercial to Mixed Use land use. Staff recommendation: To deny Mixed Use land use. Planning Commission recommendation: To be reviewed on May 14, 2019. Owner/Applicant: W2 Hill ACP II LP; W2 Real Estate Partners. Agent: Amanda Swor; Drenner Group City Staff: Jesse Gutierrez, (512) 974-1606. District(s) Affected: District 3.

The motion to postpone this item to June 20, 2019 at the request of staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

48. C14-2019-0029 - 1501 Airport Commerce Dr - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1501 Airport Commerce Drive (Carson Creek Watershed). Applicant Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May 14, 2019. Owner/Applicant: W2 Hill ACP II, LP. Agent: Drenner Group, PC (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 3.

The motion to postpone this item to June 20, 2019 at the request of staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

50. 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 ½ Anderson Mill Road (Lake Creek Watershed). Applicant Request: To zone from interim-single-family residence-standard lot (I-SF-2) district to general commercial services (CS) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning, with conditions. Owner/Applicant: Margaret Joseph. Agent: 2P Consultants, LLC (Don J. Pool). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for community commercial-mixed use (GR-MU) district zoning, with conditions was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

51. C14-85-244(RCT) - 10001 Stonelake - Conduct a public hearing and approve a restrictive covenant amendment on a property locally as 10001 Stonelake Boulevard (Shoal Creek Watershed). Applicant Request: To terminate the public restrictive covenant associated with zoning case C14-85-244. Staff Recommendation: To grant the restrictive covenant termination.

Planning Commission Recommendation: To be reviewed on May 14, 2019. Owner/Applicant: Mary Elizabeth Notley Morse, Fredrick Clarke Morse, III, Scott Morse 2012 Family Trust (Scott Notley Morse, Trustee). Agent: The Drenner Group, P.C. (Leah M. Bojo). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

The motion to postpone this item to June 20, 2019 at the request of staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

52. C14-2019-0044.SH - FC North Lamar - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11704 and 11706 North Lamar Boulevard (Walnut Creek Watershed). Applicant Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning and limited office (LO) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-mixed use (LO-MU) combining district zoning for Tract 2. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-mixed use (LO-MU) combining district zoning for Tract 2. Owner/Applicant: Mau Tran. Agent: Civiltude, LLC (Eyad Kasemi). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190523-052 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-mixed use (LO-MU) combining district zoning for Tract 2 was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

53. 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.

The motion to postpone this item to June 20, 2019 at the request of staff was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

54. C14-2019-0038 Rodeo Crossing-Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5301 Decker Lane (Elm Creek Watershed) from industrial park-conditional overlay (IP-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district to multifamily residence-moderate high density (MF-4) district zoning on Tract 1 and community commercial-mixed use (GR-MU) combining district zoning on Tract 2. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high

density (MF-4) district zoning on Tract 1 and community commercial- mixed use (GR-MU) combining district zoning on Tract 2. Owners: C. W. Chick Ltd. And John Baunach. Applicant: JCI Residential, LLC (Alex Clarke) Agent: Alice Glasco Consulting (Alice Glasco,). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190523-054 for multifamily residence-moderate high density (MF-4) district zoning on Tract 1 and community commercial- mixed use (GR-MU) combining district zoning on Tract 2 was approved on Council Member Flannigan's motion, Council Member Casar's second on an 11-0 vote.

PUBLIC HEARINGS

39. Conduct a public hearing and consider a resolution to expand the Austin Downtown Public Improvement District by adding one parcel of land at 501 West 3rd Street, as requested by the property owner. District(s) Affected: District 9.

The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20190523-039 was approved on Council Member Flannigan's motion, Council Member Ellis's second on an 11-0 vote.

40. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's proposal to change customer rates.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190523-040 was approved on Council Member Flannigan's motion, Council Member Ellis's second on an 11-0 vote.

A motion to reopen the public hearing to receive testimony from Paul Robbins was made on Mayor Adler's motion and accepted without objection.

42. Conduct a public hearing and 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.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190523-042 was approved on Council Member Flannigan's motion, Council Member Ellis's second on an 11-0 vote.

43. Conduct a public hearing related to an application by Generation Housing Development, LLC., or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Heritage Estates, located at or near 14101 Owen Tech Boulevard, located in the City's extraterritorial jurisdiction; and consider a resolution that relates to the proposed development, the application, and, if necessary, the allocation of housing tax credits and private activity bonds within the City and near the proposed development.

The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20190523-043 was approved on Council Member Flannigan's motion, Council Member Ellis's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

29. Approve resolution related to creating the Palm District Master Plan and Waller Creek District Master Plan, designating the Fifth Street Mexican American Heritage Corridor, negotiating options for public ownership and operation of the Palm School and surrounding site, providing funds for the Rainey Street District Fund, expanding the Austin Convention Center, and creating a Tourism Public Improvement District. Council Sponsors: Council Member Kathie Tovo, Council Member Sabino 'Pio' Renteria, Mayor Steve Adler, Mayor Pro Tem Delia Garza, Council Member Natasha Harper-Madison.

A motion to approve the resolution with the following amendments was made on Council Member Tovo's motion and Council Member Renteria's second.

The amendments were as follows:

To amend "*Rainey Street District Fund*", Section 1 to read:

"1. The City Manager shall return to Council with an ordinance by June 20, 2019 that will require funds from right-of-way fees, alley vacation sales, and license agreements for developments with the Rainey Street Historic District to be deposited into the Rainey Street District Fund."

To amend "*Convention Center Expansion*", Section 4 to read:

"4. The City Manager should work with stakeholders in the Austin Hotel and Lodging Association, the Downtown Austin Alliance, Visit Austin, ECHO and other homelessness providers to prepare for the establishment of a Tourism Public Improvement District allowing for up to a two percent assessment on a taxable hotel room night to generate revenue that would make available funding, directly or indirectly, to help address homelessness in Austin, especially in the area near the Austin Convention Center."

An amendment was made by Council Member Alter as follows:

To amend "*Convention Center Expansion*", by renumbering Section 3 to Section 2, renumbering Section 2 to Section 3, and amending the new Section 3 to read:

"3. The City Manager is directed to analyze and recommend a financing plan for a Convention Center expansion as described above. This analysis must include the following:

- a. **Funding Mechanisms. Funding mechanisms should include but not be limited to consideration of the recommendations of the Visitor Impact Task Force, a potential two percent increase to the Hotel Occupancy Tax under Section 351.1065 of the Texas Tax Code, and public-private partnerships. Expansion financing and funding for ongoing Convention Center operations may not include general obligation debt, any property tax pledge, General Fund revenue, or General Fund reserves. However, should it be recommended that non-convention center elements be included in the**

expansion (for example, a fire station relocation), separate financing or funding may be proposed.

- b. **Due Diligence.** This analysis should include the economic and financial information needed by Council related to: different scenarios for paying down the Austin Convention Center's current debt; options for land leasing and acquisition; different methods of establishing public-private partnerships; current and projected operations and maintenance costs; current and projected hotel industry growth citywide and within the Central Business District; further evaluation of possible HOT revenue projections beyond those presented in the UT study (including an evaluation based on the average of the last three years of actual room night data relative to attendance for Denver, San Antonio, and Nashville, peer cities considered in the UT study); an evaluation of the state of the national convention center industry and its implications for future revenue flows for the Austin Convention Center; and opportunities to maintain and/or expand future HOT revenue allocation percentages towards cultural arts and historic preservation.
- c. **Risks.** For every financing and funding mechanism considered, the City Manager is directed to present a thorough analysis of the associated opportunity costs and risks, such as (but not limited to) implications for the City's ability to move forward with non-convention center projects. Consideration of Hotel Occupancy Tax revenue bonds must include an evaluation of what might happen if pledged HOT revenues are insufficient to cover the 30-year bond obligations (e.g. risks to the city's revenue bond credit rating, risks to current and future allocation flows towards cultural arts and historic preservation), and the relative merits of using Chapter 334 vs. Chapter 351 tax revenue."

To amend "*Convention Center Expansion*", Section 5, paragraph three to read:

"The assumptions should also take into account the Council's desire to create a zero waste, net zero energy, and net positive water facility. The efforts should consider including, if practical, a new Downtown fire station, an Austin Energy water chiller, as well as any other municipal needs (such as City office space) the Manager may identify."

Council Member Alter's amendments were accepted without objection.

An amendment was made by Council Member Pool as follows:

To amend "*Convention Center Expansion*", Part 2 to read:

- "2. The City Manager is directed to analyze and recommend a financing plan for a Convention Center expansion as described above. Funding mechanisms should include but not be limited to consideration of the recommendations of the Visitor Impact Task Force, a potential two percent increase to the Hotel Occupancy Tax

under Section 351.1065 of the Texas Tax Code, 4.5 cents of the Convention Center Tax Fund also under Section 351.1065, 2% venue tax by public election under Section 334.024, Convention Center facility revenue, and public-private partnerships. The financing plan should reflect maintenance of the annual funding of both the historic Preservation Fund and the Cultural Arts Fund at the full 15% of Hotel Occupancy Tax revenue allowed. Expansion financing and funding for ongoing Convention Center operations may not include general obligation debt, any property tax pledge, General Fund revenue, or General Fund reserves. However, should it be recommended that non-convention center elements be included in the expansion (for example, a fire station relocation), separate financing or funding may be proposed.”

An amendment was made by Council Member Tovo and accepted without objection to read:

- “2. The City Manager is directed to analyze and recommend a financing plan for a Convention Center expansion as described above. Funding mechanisms should include but not be limited to consideration of the recommendations of the Visitor Impact Task Force, a potential two percent increase to the Hotel Occupancy Tax under Section 351.1065 of the Texas Tax Cod, 4.5 cents of the Convention Center Tax Fund also under Section 351.1065, 2% venue tax by public election under Section 334.024, Convention Center facility revenue, and public-private partnerships. The financing plan should reflect maintenance of the annual funding of both the historic Preservation Fund and the Cultural Arts Fund at the full 15% of Hotel Occupancy Tax revenue allowed, for each allocation. Expansion financing and funding for ongoing Convention Center operations may not include general obligation debt, any property tax pledge, General Fund revenue, or General Fund reserves. However, should it be recommended that non-convention center elements be included in the expansion (for example, a fire station relocation), separate financing or funding may be proposed.”

An amendment was made by Council Member Kitchen as follows:

To amend the last paragraph of the last Be It Resolved Clause, “*Timeline*”, to read:

“Except for elements and timeframes articulated above, the City Manager is directed to present a work program for the Palm District Plan process and any necessary resources to develop the plan to the City Council not later than August 1, 2019. For potential inclusion in the 2020 budget, the City Manager is directed to identify resources and a timeline for the district-level planning process as detailed in the Land Development Code Policy Direction to the City Manager May 2, 2019.

An amendment was made by Council Member Tovo and accepted without objection. The amendment was to revise the amendment to read:

“Except for elements and timeframes articulated above, the City Manager is directed to present a work program for the Palm District Plan process and any necessary resources to develop the plan to the City Council not later than August 1, 2019, for potential inclusion in the 2020 budget. Also for potential inclusion in the 2020 budget, the City Manager is directed to identify resources and a timeline for the district-level planning process as detailed in the Land Development Code Policy Direction to the City Manager May 2, 2019.

An amendment was made by Council Member Harper-Madison and accepted without objection. The amendment was to read:

“Except for elements and timeframes articulated above, the City Manager is directed to present a work program for the Palm District Plan process and any necessary resources to develop the plan to the City Council not later than August 1, 2019, for potential inclusion in the 2020 budget. Also for potential inclusion in the 2020 budget, the City Manager is directed to identify resources and a timeline for the proposed district-level planning process as detailed in the Land Development Code Policy Direction to the City Manager May 2, 2019; to include at a minimum the Palm District Plan and Project Connect corridors, along Pleasant Valley Road, and portions of the orange, blue, and yellow line corridors identified on the Project Connect vision map.”

Council Member Harper-Madison’s amendment was accepted without objection.

An amendment was made by Council Member Flannigan and accepted without objection.

The amendment was to revise the section “Convention Center Expansion” Part 4 to read:

“4. The City Manager should work with stakeholders in the Austin Hotel and Lodging Association, the Downtown Austin Alliance, and Visit Austin to prepare for the establishment of a Tourism Public Improvement District allowing for up to a two percent assessment on a taxable hotel room night to generate revenue that would make available funding, directly or indirectly, to help address homelessness in Austin, especially in the area near the Austin Convention Center.

An amendment was made by Mayor Adler to add an additional Whereas clause to the section “*Austin Convention Center*” to read:

“WHEREAS, on May 13, 2019, the Tourism Commission recommended that the City Council adopt and implement the recommendation of the Visitor Impact Task Force as a guiding framework for the expansion of the convention center and allocation of Hotel Occupancy Taxes; and”

An amendment was made by Council Member Kitchen to revise the amendment to read:

“WHEREAS, on May 13, 2019, the Tourism Commission recommended that the City Council adopt and implement the recommendation of the Visitor Impact Task Force as a guiding framework for the expansion of the convention center; and”

The amendment was accepted without objection.

The amendment was approved on Mayor Adler’s motion on an 11-0 vote.

A motion to amend the resolution was made by Mayor Adler and accepted without objection. The amendment was:

To amend “*Convention Center Expansion*”, Section 4 to read:

- “4. The City Manager should work with stakeholders including, but not limited to, the Austin Hotel and Lodging Association, the Downtown Austin Alliance, Visit Austin, ECHO and other homelessness providers to prepare for the establishment of a Tourism Public Improvement District allowing for up to a two percent assessment on a taxable hotel room night to generate revenue that would make available funding, directly or indirectly, to help address homelessness in Austin, especially in the area near the Austin Convention Center.”**

Direction was given by Council Member Alter for staff to consider the following in relation to the Be It Resolved clause titled “*Convention Center Expansion*”, Section 1:

- Creative spaces: within Scenario 5, explore ways to incorporate Austin’s own music and arts community into the design and proposed uses of the convention center. For example, a theatre or art gallery.**
- Public use: Identify and present on ways to bring the public inside the building day-to-day.**
- Land acquisition. Invite staff to have an executive session with Council regarding land acquisition topics.**
- Retail. Initial design plans should include what the ground level retail will look like and incorporate industry-level trends of brick-and-mortar retail.**

An amendment was made by Mayor Adler to revise the following:

To amend the Be It Resolved clause titled “*District Planning Process*”, Section 2 to include the Red River Cultural District among the listed stakeholders.

Mayor Adler’s amendment was accepted without objection.

An amendment was made by Council Member Casar to read as follows:

To amend the “Be It Resolved” Section “*Convention Center Expansion*” to add a new Subsection 8 to read:

- “8. As part of the convention center expansion process, the City Manager is directed to provide options for expansion or modification of the Board of Directors of Austin**

Convention Enterprises, Inc. that would create more formalized representation of the interests of employees (both public and private) at the convention center and at the publicly-owned convention center hotel. Such options should be provided concurrently with the convention center expansion analysis by July 31, 2019.”

Council Member Casar’s amendment was accepted without objection.

An amendment was made by Council Member Alter to revise the previous direction and incorporate it in the “Be It Resolved” Section “*Convention Center Expansion*”, Section 1 to read:

- “1. The City Manager is directed to recommend an initial design for a Convention Center expansion and to begin with Convention Center Scenario 5 (as outlined in the UT Center for Sustainable Development Study). Of the scenarios presented, this one best embodies the desired re-envisioning of what a convention center can be, including not only additional convention space but also removing existing elements to create and enhance public space, place-making, and connectivity within the Palm District, especially along Second Street, Waller Creek, and Palm Park.

Initial design explorations should aim to create flexible convention spaces that could be used or transformed for other purposes if convention demand ebbs and flows. The City Manager is also directed to explore ways to incorporate Austin’s own music and arts community into the design and proposed uses of the convention center; to identify and present options for bringing the public inside the building day-to-day; and to provide information about how to make ground-level retail successful and engaging.

The Council directs this action with the understanding that additional elements could and perhaps should be included, that any design will need to meet practical and financial considerations, and that the City Council, the staff, and the public will need to be afforded ample opportunities for appropriate explorations of different aspects of this scenario, including the financial rationale, estimated costs, and potential funding options.”

Council Member Alter’s amendment was accepted without objection.

An amendment was made by Council Member Casar and seconded by Council Member Flannigan as follows:

To revise the “Be It Resolved” clause, section “*Rainey Street District Fund*”, Section 1 to read:

- “1. The City Manager shall return to Council with an ordinance by June 20, 2019 that will require funds from right-of-way fees, alley vacation sales, and license agreements for developments within the Rainey Street Historic District to be deposited into the Rainey Street District Fund. The City Manager is directed to return with a positive or negative recommendation on the ordinance based on: 1)

previous investments made in the Rainey Street Historic District, 2) needed investments in the District, 3) citywide funding needs and strategic priorities, and 4) an analysis of equity of such an ordinance, recognizing the importance of safe access to the MACC and Fifth Street Mexican American Heritage Corridor, and recognizing the importance of investing in communities of color currently underserved by the City.”

An amendment was made by Council Member Tovo to revise the “Be It Resolved” clause, section “*Rainey Street District Fund*”, Section 1 to read:

- “1. The City Manager shall return to Council with an ordinance by June 20, 2019 that will require funds from right-of-way fees, alley vacation sales, and license agreements for developments within the Rainey Street Historic District to be deposited into the Rainey Street District Fund.

The City Manager is directed to return with a positive or negative recommendation on the ordinance based on:

- a) Previous investments made in the Rainey Street Historic District;
- b) Needed investments in the Rainey Street Historic District;
- c) Citywide funding needs and strategic priorities; and
- d) An analysis of equity of such an ordinance, recognizing the importance of safe access to the MACC and Fifth Street Mexican American Heritage Corridor, and recognizing the importance of investing in communities of color currently underserved by the City.

The request for this additional information shall not prevent the City Manager from returning with the ordinance on the date specified above, nor shall it prevent the Council from taking action on this ordinance.”

Council Member Tovo’s amendment was accepted without objection.

A motion to approve the amendment was approved on Council Member Casar’s motion, Council Member Flannigan’s second on a 7-4 vote. Those voting aye were: Mayor Adler and Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, and Renteria. Those voting nay were: Mayor Pro Tem Garza and Council Members Alter, Pool, and Tovo.

Resolution No. 20190523-029 was approved as amended above on Council Member Tovo’s motion, Council Member Renteria’s second on an 11-0 vote.

59. Approve an ordinance amending City Code Chapters 12-1 (Traffic Regulation and Administration) and 12-2 (Bicycles) relating to the operation of micro-mobility devices and bicycles on sidewalks and roadways. May 14, 2019 - Urban Transportation Commission approved recommendations related to micro-mobility.

A motion to approve the ordinance was made by Council Member Alter and seconded by Council Member Pool.

Council Member Alter provided the following direction to staff:

“Direct the City Manager to work with PARD staff to include the appropriate provisions of the Safe Rider Behavior ordinance into the PARD pilot, including the helmet provision for children, the parking rules as appropriate, rider duties in case of injury to a person or damage to property, the provision guarding use of portable electronic devices while riding, and any other provisions that staff thinks is appropriate.”

“Direct the City Manager to explore the feasibility of giving park rangers the authority to enforce micro mobility ordinances on parkland and to identify other options for expanding City enforcement resources with regard to micro-mobility City-wide.”

Council Member Kitchen provided the following direction to staff:

“For staff to create a dedicated enforcement program, similar to Don’t Block the Box, whereby the public is educated on the new rules, followed by warnings, followed by fines to enforce rider behavior in accordance with the ordinance and to report that information back to the Council Mobility Committee and/or to the Council as a whole.”

An amendment was made by Council Member Harper-Madison and seconded by Council Member Renteria.

The amendment was to revise Part 2, Section 12-1-32, Subsection B to read:

“A person may not operate a micro-mobility device, or ride a skateboard, toy vehicle, or similar device on furniture, utilities, and architectural features.”

Council Member Harper-Madison’s amendment was accepted without objection.

Direction was given to staff to either:

1) Amend Part 2, Section 12-1-32, Subsection B to read:

“A person may not operate a micro-mobility device, or ride a skateboard, toy vehicle, or similar device on furniture, utilities, and architectural features.”

Or

2) Add language to Part 1, *Definitions*, clarifying the definition of the term “amenities” in Part 2, Section 12-1-32, Subsection B of the original draft ordinance as meaning ‘furniture, utilities, and architectural features’.

Ordinance No. 20190523-059 was approved as amended above on Council Member Alter's motion, Council Member Pool's second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

49. C14-2019-0035 - Lakeline Mixed Use - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 9500 North Lake Creek Parkway (Butter Cup Creek, South Brushy Creek, and Lake Creek Watersheds). Applicant Request: To zone from interim-rural residence (I-RR) to multifamily residence-moderate-high density (MF-4) district zoning for Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning for Tract 2. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate-high density (MF-4) district zoning for Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning for Tract 2. Owner/Applicant: State of Texas (Kyle Madsen). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190523-049 for multifamily residence-moderate-high density (MF-4) district zoning for Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning for Tract 2 was approved on Council Member Flannigan's motion, Council Member Harper-Madison's second on a 9-0 vote. Council Members Alter and Casar were off the dais.

PUBLIC HEARINGS CONTINUED

41. Conduct a public hearing and 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.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190523-041 was approved on Council Member Tovo's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Alter was off the dais.

DISCUSSION ITEMS CONTINUED

Action was taken on Item 27 but later reconsidered.

24. Approve an ordinance amending City Code Title 13 (Transportation Services) to add a new Chapter 13-8 related to franchise requirements for Shared Bicycle Services and Shared Micro-Mobility Services.

A motion to postpone this item to August 8, 2019 with the following direction was made by Council Member Flannigan and seconded by Council Member Ellis:

"The City Manager is directed to work with stakeholders to explore, develop, and present all potential models, including a revised franchise model, for regulating Shared Bicycle Services and Shared Micro-Mobility Services that accomplish the following:

- a. Provides a predictable regulatory framework that can quickly respond to innovative technologies wanting to deploy in Austin;
- b. Includes regulations to help protect the general welfare of our residents and visitors, including basic design specifications for micro-mobility devices;
- c. Includes a mechanism to collect revenue to be reinvested in the community by funding the maintenance, improvement, and expansion of infrastructure that supports safe operation of micro-mobility devices and bicycles;
- d. Refrains from creating unnecessary regulatory barriers to providing micro-mobility services; encourages new entrants, competition and innovation; and does not unduly limit access to micro-mobility options, especially in areas outside downtown;
- e. Includes requirements related to data sharing, but does not include requirements that risk the privacy and due process rights of micro-mobility users; and
- f. Considers liability and insurance regulations if recommended by staff after reviewing current micro-mobility business models and industry standards, regulations in other cities in Texas and cities around the country, and common causes of severe injuries.

The City Manager is further directed to present all options to City Council for consideration of First Reading no later than August 8, 2019.”

Revised direction was made by Council Member Kitchen and accepted without objection.

The amended direction was to read:

“The City Manager is directed to work with stakeholders to explore, develop, and present all potential models, including a revised franchise model, for regulating Shared Bicycle Services and Shared Micro-Mobility Services that accomplish the following:

- a. Provides a predictable regulatory framework that can quickly respond to innovative technologies wanting to deploy in Austin;
- b. Includes regulations to help protect the general welfare of our residents and visitors, including basic design specifications for micro-mobility devices, service areas, and fleet sizes;
- c. Includes a mechanism to collect revenue to be reinvested in the community by funding the maintenance, improvement, and expansion of infrastructure that supports safe operation of micro-mobility devices and bicycles;
- d. Refrains from creating unnecessary regulatory barriers to providing micro-mobility services; encourages new entrants, competition and innovation; creates a level playing field for service providers; and does not unduly limit access to micro-mobility options, especially in areas outside downtown;
- e. Includes requirements related to data sharing, but does not include requirements that risk the privacy and due process rights of micro-mobility users;
- f. Considers liability and insurance regulations if recommended by staff after reviewing current micro-mobility business models and industry standards,

regulations in other cities in Texas and cities around the country, and common causes of severe injuries; and

- g. Considers appropriate penalties and other enforcement mechanisms for failure to comply.

The City Manager is further directed to present all options to City Council for consideration of First Reading no later than August 8, 2019.”

Direction was given to staff by Council Member Pool and accepted without objection. The direction was:

“Direct the City Manager to work with the franchise holders, once the pilot program is completed, to deactivate those select areas where the services will ultimately not be allowed.”

This item was postponed to August 8, 2019 on Council Member Flannigan’s motion, Council Member Ellis’ second on a 10-0 vote. Council Member Alter was off the dais.

- 25. Approve an ordinance amending City Code Chapter 14-9, (Traffic or Sidewalk Obstructions) to broaden services regulated in the City's right-of-way, to include bicycles and micro-mobility devices, and repealing certain City Code sections. Prior Council Action: Ordinance No. 20180426-027 approved an ordinance amending City Code Chapter 14-9, (Traffic or Sidewalk Obstructions) to expand the types of acts that are prohibited; creating a City-wide services license; and declaring an emergency, on a 10-0 vote.

This item was postponed to August 8, 2019 on Council Member Flannigan’s motion, Council Member Ellis’ second on a 10-0 vote. Council Member Alter was off the dais.

- 27. 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 nominations were approved on Council Member Flannigan’s motion, Council Member Ellis’s second on an 8-0 vote. Council Member Renteria abstained. Council Members Alter and Pool were off the dais.

Nominations

Board/Nominee

Nominated by

African American Resource Advisory Commission

Cherelle Vanbrakle

Council Member Casar

African American Resource Advisory Commission

Elton Randel

Mayor Pro Tem Garza

Austin-Travis County EMS Advisory Board

Brett Steffen

Mayor Adler

Bond Oversight Commission

John McNabb

Council Member Kitchen

Community Technology and Telecommunications Commission

Elizabeth Thompson-Beavers

Council Member Tovo

Construction Advisory Committee

Jolsna Thomas

Mayor Adler

Design Commission

Josue Meiners

Council Member Casar

Electric Board

Rogelio “Ro” Wallace

Mayor Adler

Electric Utility Commission

Cyrus Reed

Council Member Tovo

Joint Sustainability Committee

David Carroll

Design Commission

Library Commission

Danny Ramos

Council Member Casar

Resource Management Commission

Shane Johnson

Council Member Casar

Special Events Task Force

Frances Thompson

Council Member Alter

Special Events Task Force

Bobby Garza

Mayor Pro Tem Garza

Special Events Task Force

Mandi Thomas

Council Member Pool

Urban Transportation Commission

Allie Runas

Council Member Tovo

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Zaira Garcia on the Hispanic/Latino Quality of Life Commission. The waiver includes absences through today's date.

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

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Jolsna Thomas. The waiver allows simultaneous service on the Construction Advisory Committee and City of Austin Firefighters ' Police Officers' and Emergency Medical Services Personnel Civil Service Commission.

Approve a waiver under Section 2-1-27(E) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for the following persons appointed to a City board if the person completes the training required by Section 2-1-23 on or before July 23, 2019:

Carmen Llanes	Hispanic/Latino Quality of Life Resource Advisory Commission
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Approve a waiver of the filing deadline for the statement of financial information as prescribed in Sections 2-1-25 and 2-7-72 of the City Code and establishing a new deadline of Monday, June 24, 2019 for the following members:

Nathaniel Bradford	Urban Renewal Board
Nicole Sunstrum	Urban Renewal Board
Mary Apostolou	Housing Authority of the City of Austin
Mary Ann Neely	Environmental Commission
Annie Schmitt	Water and Wastewater Commission
Romteen Farasat	Parks and Recreation Board
Mary Ellen Latouf	Arts Commission

A motion to approve the following waiver was approved on Council Member Flannigan's motion, Council Member Ellis' second on an 8-1 vote. Council Member Tovo voted nay. Council Member Renteria abstained. Council Members Alter and Pool were off the dais.

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Eric Goff. The waiver allows simultaneous service on the Board of Adjustment and Zoning and Platting Commission.

A motion to approve the following appointment was approved on Council Member Flannigan's motion, Council Member Ellis' second on an 8-0 vote. Council Members Tovo and Renteria abstained. Council Members Alter and Pool were off the dais.

Zoning and Platting Commission

Eric Goff

Council Member Renteria

A motion to reconsider the item was made on Mayor Pro Tem Garza's motion and accepted without objection.

A motion to change Council Member Renteria's vote from an abstention to an aye for all nominations and waivers, with the exception of the nomination to the Community Development Commission reflecting a vote of nay. Council Members Alter and Pool were off the dais.

Community Development Commission

Bertha Delgado

East Austin Neighborhood

Mayor Adler adjourned the meeting at 5:10 p.m. without objection.

LIVE MUSIC

Roger Wallace

PROCLAMATIONS

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

Proclamation – National Public Works Week; Distinguished Service Award – Ed Poppitt – To be presented by Mayor Steve Adler and to be accepted by Richard Mendoza, Director, Public Works Department and Ed Poppitt.

Proclamation – National EMS Week – To be presented by Mayor Steve Adler and to be accepted by Chief Ernesto Rodriguez, Emergency Medical Services.

Proclamation – Asian/Pacific American Heritage Month – To be presented by Mayor Steve Adler and to be accepted by Pooja Sethi, Asian American Quality of Life Commission.

Proclamation – Ann Howard Day – To be presented by Council Member Kathie Tovo and to be accepted by the honoree.

The minutes were approved on this the 6th day of June 2019 on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Harper-Madison was absent.