

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 31, 2019****Invocation: Reverend Anna Shouse, Unity Church of Austin**

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, October 31, 2019 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:18 a.m. Mayor Pro Tem Garza was off the dais.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of October 15, 2019 and regular meeting of October 17, 2019.
The minutes of the Austin City Council work session of October 15, 2019 and regular meeting of October 17, 2019 were approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.
2. Authorize issuance by Austin Energy of energy efficiency program rebates during Fiscal Year 2019-20, in an amount not to exceed \$2,120,000 for multifamily energy efficiency rebates and \$2,335,000 for commercial energy efficiency rebates, for a total combined amount not to exceed \$4,455,000.
The motion authorizing issuance of energy efficiency program rebates was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

Mayor Pro Tem Garza provided the following written direction to staff:

"Austin Energy will report back to Council by October 15, 2020, on the results and impacts of Council authorization of spending for Austin Energy rebate programs for multifamily and commercial properties energy efficiency upgrades. The report must be discussed by Council before similar authorization in FY2020-21 can be made. This report should include, at a minimum:

- **Year-over-year comparisons of multifamily and commercial properties applying for and receiving energy efficiency rebates, highlighting low and low-to-moderate income multifamily property weatherization rebate applicants and recipients.**
- **Breakdown and analysis of rebate applicants and recipients by Council district, and comparison of FY2019-20 recipients to prior years by Council District, to include descriptive statistics about rebate amount and communities served by participating recipients.**
- **Analysis of the impacts of full-year authorization versus the previous process of authorization on a project-by-project basis, with emphasis on any impacts on equity.**

Austin Energy is directed to provide monthly reports throughout FY2019-20 to the Electric Utility Commission, Resource Management Commission, and to the Austin Energy Utility Oversight Committee about projects approved for rebates, projects in the pipeline for approval, year-to-date amounts spent on rebates, and project fact sheets for all projects.”

3. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire a permanent electric transmission and distribution easement and substation access easement consisting of approximately 7.687 acres or 334,847 square feet of land, a permanent electric transmission and distribution easement consisting of approximately 0.216 acres or 9,930 square feet of land, and a fee simple northeast substation site consisting of approximately 5.575 acres or 242,687 square feet of land, out of the Marquita Castro Survey Number 50, Abstract Number 160, for the relocation of a portion of Austin Energy Transmission Circuit 975 along Howard Lane in Travis County, Texas, and being a portion of that 364.305 acres of land being described in a Warranty Deed to RH Pioneer North, LLC and recorded in Document No. 2017178604, Official Public Records, Travis County, Texas, in an amount not to exceed \$893,000, including standard and customary closing costs.

The motion authorizing negotiation and execution of all documents and instruments necessary or desirable was approved on consent on Council Member Alter’s motion, Council Member Casar’s second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

4. Authorize award and execution of a construction contract with Austin Underground, Inc., (MBE) for the Carson Creek Basin Wastewater Line Improvements project in the amount of \$1,512,981 plus a \$151,298.10 contingency, for a total contract amount not to exceed \$1,664,279.10. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 98.57% MBE and 1.39% WBE participation.] District(s) Affected: District 3.

The motion authorizing the award and execution of a construction contract with Austin Underground, Inc. was approved on consent on Council Member Alter’s motion, Council Member Casar’s second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

5. Authorize award and execution of a construction contract with Gadberry Construction Company, Inc. (MBE) for the Harold Court Nichols Building Renovations project in the amount of \$3,144,000 plus a \$314,400 contingency, for a total contract amount not to exceed \$3,458,400. [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 63.32% MBE and 11.91% WBE participation.] District(s) Affected: District 1, District 3.

The motion authorizing the award and execution of a construction contract with Gadberry Construction Company, Inc. was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

6. Authorize award and execution of a construction contract with Blastco Texas, Inc., for Davis Lane #1 Reservoir Improvements in the amount of \$4,847,473.00 plus contingency of \$484,747.30 for a total contract amount not to exceed \$5,332,220.30. [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 5.02% MBE and 8.32% WBE participation.] District(s) Affected: District 5.

The motion authorizing the award and execution of a construction contract with Blastco Texas, Inc. was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

7. Authorize award and execution of a construction contract with Dalrymple Gravel & Contracting Co., Inc., for Airfield Electrical and Pavement Improvements in the amount of \$9,315,069.10 plus a \$2,328,767.28 contingency, for a total contract amount not to exceed \$11,643,836.38. [Note: This contract will be awarded in compliance with 49 CFR Part 26 (Disadvantaged Business Enterprise Program) by meeting the goals with 34.55% DBE]. District(s) Affected: District 2.

The motion authorizing the award and execution of a construction contract with Dalrymple Gravel & Contracting Co., Inc. was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

8. Authorize negotiation and execution of an amendment to the design-build agreement with JE Dunn Construction, for design and construction services for the new Fire/EMS Stations in the amount of \$13,500,000, for a total contract amount not to exceed \$25,500,000. [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 20.74% MBE and 9.82% WBE.]

The motion authorizing negotiation and execution of an amendment to the design-build agreement with JE Dunn Construction was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

9. Consider amendments to the fiscal year 2020 Proposed Audit Plan.

This item was withdrawn.

10. Authorize negotiation and execution of an interlocal agreement with Austin Community College to provide matching funds for the Austin Community College's Innovative Manufacturing Prototype Acceleration Central Texas Lab i6 challenge grant awarded by the U.S. Economic Development Authority in partnership with the Austin Technology Incubator with the University

of Texas at Austin to foster and incubate economic development in priority target industries and promote job creation in an amount not to exceed \$50,000 annually for three years.

The motion authorizing negotiation and execution of an interlocal agreement with Austin Community College was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

11. Authorize negotiation and execution of a one-year contract with Business Investment Growth to provide training, technical assistance, and small business coaching services to creative businesses in an amount not to exceed \$200,000.

The motion authorizing negotiation and execution of a one-year contract with Business Investment Growth was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

12. Approve an ordinance authorizing acceptance of \$274,360 in grant funds from Federal Emergency Management Agency Assistance to Firefighters Grant; and amending the Fiscal Year 2019-2020 Austin Fire Department Operating Budget Special Revenue Fund (Ordinance No. 20190910-001) to appropriate \$274,360 in grant funds for training.

Ordinance No. 20191031-012 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

13. Approve negotiation and execution of an automatic aid agreement with Travis County Emergency Service Districts (ESDs), Williamson County ESDs, and the cities of Leander, Cedar Park, Round Rock, and Georgetown to provide services that are mutually beneficial to the fire service agencies and residents in their respective jurisdictions, for an initial term of one year with up to nine additional one-year terms.

This item was postponed to November 14, 2019 on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

14. Authorize negotiation and execution of an amendment to the legal services agreement with Foley & Lardner, LLP for legal services regarding the Shoal Creek Slope Failure Repair Project in an amount not to exceed \$57,000, for a total contract amount not to exceed \$107,000.

The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Foley & Lardner, LLP was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

15. Authorize negotiation and execution of a legal services contract with the law firm of Bickerstaff Heath Delgado Acosta, LLP, in an amount not to exceed \$119,000.00, to represent the City in City of McAllen, et al v. State of Texas, Cause No. D-1-GN-17-004766, in the 353rd Judicial District of Travis County, Texas.

The motion authorizing negotiation and execution of a legal services contract with the law firm of Bickerstaff Heath Delgado Acosta, LLP was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

16. Approve a resolution consenting to the issuance of Multi-Family Private Activity Bonds by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, in an amount not to exceed \$35,000,000 to finance, in part, the new construction of an affordable rental development located at or near 916 and 918 Norwood Park Boulevard. District(s) Affected: District 4.
Resolution No. 20191031-016 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.
17. Approve a resolution consenting to the issuance of Multi-Family Private Activity Bonds by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, in an amount not to exceed \$30,000,000 to finance, in part, the new construction of an affordable rental development located at or near 6420 Loyola Lane. District(s) Affected: District 1.
Resolution No. 20191031-017 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

Item 18 was pulled for discussion.

19. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire three drainage easements and one temporary working space easement; drainage easement, (1) being 0.011 of an acre of land, drainage easement (2) being 0.011 of an acre of land, and drainage easement (3) being 0.050 of an acre of land, and a temporary working space easement being 0.033 of an acre of land; all easements being situated in the Isaac Decker League Survey No.20, in the City of Austin, Travis County, Texas, being out of that certain tract of land the East 59 feet of Lot 16, Block 1, Fredericksburg Road Acres, a Subdivision of Record in Volume 3, Page 168, Plat Records of Travis County, Texas, said certain tract of land out of said Lot 16, Block 1, being described in a Warranty Deed to Heath Marr recorded in Document No. 2009123905, Official Public Records, Travis County, Texas; located at 2111 Thornton Road, Austin, Texas 78704, from Heath Marr, in an amount not to exceed \$92,110. District(s) Affected: District 5.
The motion authorizing negotiation and execution of all documents and instruments necessary or desirable to acquire three drainage easements and one temporary working space easement was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.
20. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire the fee simple title to approximately 1.426 acres of land (62,117sq.ft.) being Lot 1, Block A, Oak Hill Technology Park Subdivision, a subdivision in Travis County Texas, recorded in Document No. 200000208 of the Official Public Records of Travis County, Texas at 5408 US Highway 290 West, Austin, Texas 78735 from AAW Oak Hill LTD., in an amount not to exceed \$2,545,000 including closing costs. District(s) Affected: District 8.
The motion authorizing negotiation and execution of all documents and instruments necessary or desirable to acquire the fee simple title was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

21. Authorize negotiation and execution of a 60-month lease renewal with 724 Bastrop Hwy LLC, to commence on November 1, 2019 and terminate October 31, 2024, for 1,000 square feet of office/warehouse space for the Environmental Resource Management Division of the Watershed Protection Department, located at 720 Bastrop Highway, Suite 218, Austin, Texas, for a total amount not to exceed \$72,000. District(s) Affected: District 3.

The motion authorizing negotiation and execution of a 60-month lease renewal with 724 Bastrop Hwy LLC was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

22. Approve an ordinance waiving up to \$6,885 in rental fees for Austin Community College; and authorize negotiation and execution of an interlocal agreement with Austin Community College District to provide classrooms at the Asian American Resource Center for English as a Second Language classes, and potentially other adult education programs, free of charge.

Ordinance No. 20191031-022 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

23. Authorize negotiation and execution of an interlocal agreement with the University of Texas Health Science Center to conduct a grant-funded study of green schoolyards as a tool for urban heat island adaptation and health promotion in underserved communities.

This item was postponed to November 14, 2019 on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

Item 24 was pulled for discussion.

25. Authorize negotiation and execution of a Multiple Use Agreement with the Texas Department of Transportation for placement of trash receptacles in the State right-of-way beneath overpasses and under bridges.

The motion authorizing negotiation and execution of a Multiple Use Agreement with the Texas Department of Transportation was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

26. Approve an ordinance amending City Code Section 12-4-64 (D) (Table of Speed Limits) to establish a maximum speed limit of 35 miles per hour on a portion of Neenah Avenue from Parmer Lane (FM 734) to 85 feet west of Pearson Ranch Road (Austin City Limit). District(s) Affected: District 6.

Ordinance No. 20191031-026 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

27. Authorize award and execution of a construction contract with Muniz Concrete & Contracting, Inc., (MBE) for Local Mobility ADA Sidewalk & Ramp Improvements Group 24 Citywide Indefinite Delivery/Indefinite Quantity contract in the amount of \$750,000 for an initial 2-year term with one 1-year extension option of \$750,000 and one 1-year extension option of \$500,000

for a total contract amount not to exceed \$2,000,000. [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 9.37% MBE and 1.63% WBE participation.]

The motion authorizing the award and execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

Action was taken on Item 28 but later reconsidered.

29. 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.

Resolution No. 20191031-029 and the following appointments and waivers were approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

**Board and Commission Nominations and Waivers
October 31, 2019**

Nominations

Board/Nominee

Nominated by

Austin-Travis County Food Policy Board

Ryan Rosshirt

Mayor Adler

Asian American Quality of Life Advisory Commission

Kuo Yang

Council Member Renteria

College Student Commission

Kate Tyler

St. Edwards University

Construction Advisory Committee

Chad Gray

Council Member Kitchen

Economic Prosperity Commission

Ivanna Neri

Council Member Casar

Hispanic/Latino Quality of Life Resource Advisory Commission

Lourdes Zuniga

Council Member Alter

Joint Inclusion Committee

Nguyen Stanton

Asian American Quality of Life Commission

Joint Inclusion Committee (Alternate)

Vincent Cobalis

Asian American Quality of Life Commission

Joint Inclusion Committee (Alternate)

Rebecca Austen

Commission For Women

Joint Inclusion Committee

Gregory Smith

African American Resource Advisory Commission

Joint Inclusion Committee (Alternate)

Marissa Jones

African American Resource Advisory Commission

Task Force on Gun Violence

Amber Goodwin

Mayor Adler

Reappointments**Urban Renewal Board**

Jacqueline Watson

Mayor Adler

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of John Green on the Building and Standards Commission. The waiver includes absences through today's date.

30. Approve an ordinance waiving or reimbursing certain fees for the 'Affordable Homes Change Lives' event, sponsored by Ron Morelli, which was held on Wednesday, September 25, 2019 at 7225 Boyle Drive. Council Sponsors: Council Member Natasha Harper-Madison, Council Member Jimmy Flannigan, Council Member Gregorio Casar, Council Member Sabino 'Pio' Renteria.

Ordinance No. 20191031-030 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

31. Approve an ordinance waiving or reimbursing certain fees for the 'An Evening to Empower' event, sponsored by the Lone Star Victims Advocacy Project, to be held on Friday, October 18, 2019, at the Asian American Resource Center. Council Sponsors: Council Member Natasha Harper-Madison, Mayor Pro Tem Delia Garza, Council Member Kathie Tovo, Council Member Sabino 'Pio' Renteria.

Ordinance No. 20191031-031 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

32. Set a public hearing to consider an ordinance regarding floodplain variances for the construction of a new single-family residence and secondary apartment at 1130 Spur Street within the 100-year floodplain of Tannehill Branch. (Suggested date: November 14, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX) District(s) Affected: District 3.

The public hearing was set on consent for November 14, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

33. Set a public hearing to consider an ordinance amending Ordinance No. 20101104-046 to recognize other local incentives and economic development tools available to qualifying enterprise zone projects. (Suggested date: November 14, 2019, at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set on consent for November 14, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

34. Set a public hearing to consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the Parks and Recreation Long Range Plan for Land, Facilities and Programs. (Suggested date: November 14, 2019, at Austin City Hall, 301 W. Second Street, Austin, Texas.)

The public hearing was set on consent for November 14, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

50. Authorize negotiation and execution of a legal services contract with BoyarMiller for services related to the development and negotiation of conservation easements in an amount not to exceed \$75,000.

The motion authorizing negotiation and execution of a legal services contract with BoyarMiller was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

51. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the 'Texas Book Festival' event, to be held from Saturday, October 26, 2019 to Sunday, October 27, 2019 on Congress Avenue. Council Sponsors: Council Member Kathie Tovo, Council Member Leslie Pool, Council Member Ann Kitchen, Council Member Paige Ellis, Council Member Alison Alter. **The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the 'Texas Book Festival' event, to be held from Saturday, October 26, 2019 to Sunday, October 27, 2019 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.**

53. Approve an ordinance waiving or reimbursing certain fees for the 'Dia de los Muertos' event, sponsored by the Austin Independent School District, to be held on Friday, November 1, 2019 at the Oswaldo A.B. Cantu/Pan American Recreation Center. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Gregorio Casar, Mayor Pro Tem Delia Garza, Council Member Natasha Harper-Madison.

Ordinance No. 20191031-053 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

54. Approve an ordinance waiving or reimbursing certain fees for the 'Artly World Community Arts' event, sponsored by Artly World, to be held on Saturday, November 23, 2019 at the Asian American Resource Center. Council Sponsors: Council Member Natasha Harper-Madison, Council Member Kathie Tovo, Council Member Jimmy Flannigan, Council Member Ann Kitchen.
- Ordinance No. 20191031-054 was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.**
55. Authorize negotiation and execution of an increase to contracts for the provision of HIV-related housing services under the U.S. Department of Housing and Urban Development, Housing Opportunities for Persons with AIDS grant, with the following providers: AIDS Services of Austin, Inc. in an amount not to exceed \$200,000 for the 12-month term beginning October 1, 2019, for a total contract amount not to exceed \$3,101,404.93; and Project Transitions, Inc. in an amount not to exceed \$150,000 for the 12-month term beginning October 1, 2019, for a total contract amount not to exceed \$1,212,436.
- The motion authorizing negotiation and execution of an increase to contracts for the provision of HIV-related housing services under the U.S. Department of Housing and Urban Development, Housing Opportunities for Persons with AIDS grant was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.**

PUBLIC HEARINGS

38. Conduct a public hearing related to an application by Oaks on North Plaza, LP 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 Oaks on North Plaza, located at or near 9125 North Plaza; and consider a resolution that relates to the proposed development, the application, and the allocation of housing tax credits and private activity bonds in the City and near the proposed development. District(s) Affected: District 4.
- The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20191031-038 was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.**

DISCUSSION ITEMS

18. Approve a resolution consenting to the issuance by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, in an amount not to exceed \$15,000,000 in Multi-family Private Activity Bonds to finance, in part, the acquisition and rehabilitation of an affordable rental development located at or near 9125 North Plaza. District(s) Affected: District 4.
- Resolution No. 20191031-018 was approved on Council Member Casar's motion, Council Member Renteria's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.**
35. Approve the reappointment of Maram Museitif to the Central Health Board of Managers. Council Sponsors: Health and Human Services Committee.

The motion approving the reappointment of Maram Museitif to the Central Health Board of Managers was approved on Council Member Harper-Madison's motion, Council Member Tovo's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

AUSTIN HOUSING AND FINANCE CORPORATION MEETING

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.

This item was withdrawn.

PUBLIC HEARINGS CONTINUED

37. Conduct a public hearing and consider an ordinance amending City Code Section 25-2-586 (Downtown Density Bonus Program) to modify the downtown density bonus maps.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20191031-037 was approved on Council Member Tovo's motion, Council Member Harper-Madison's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

Mayor Adler recessed the Council Meeting at 10:46 a.m.

EXECUTIVE SESSION

39. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn.

40. Discuss matters related to Austin Energy generation resources (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).

This item was withdrawn.

41. Discuss legal issues related to the Shoal Creek Slope Failure Repair Project (Private consultation with legal counsel - Section 551.071).

This item was withdrawn.

42. Discuss legal issues related to Amy Smith et al. v. City of Austin et al., Cause No. 1-18-cv-505LY, in the United States Federal District Court, Western District of Texas, Austin Division (Private consultation with legal counsel - Section 551.071).

This item was withdrawn.

43. Discuss legal issues related to the proposed South Austin Housing Center located at 1112 Ben White Boulevard. (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn.

Mayor Adler reconvened the Council Meeting at 12:06 p.m.

CITIZEN COMMUNICATION

Trecia Roberts – Issues on development in the Rainey District

Judith Ruder – Strategic Mobility & Neighborhood Safety – **Not present.**

Staci Livesay – Rainey district infrastructure

Tom Jones – Unfairly denied a building permit by Austin Energy

Ted Gault – Homeless graffiti abatement

Penny Adrian – Homelessness

Audrey Steiner – Birds

Michael Abelson – Rainey District

Angela Garza – The Heart of Austin ordinance. So we can protect our families and neighbors from wholesaling

Anthony Walker – Future of the gentleman agreement/African American Quality of Life

Mayor Adler recessed the Council Meeting at 12:42 p.m.

Mayor Adler reconvened the Council Meeting at 2:08 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

46. C14-2019-0116 -11586 Jollyville Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 11586 Jollyville Road (Bull Creek Watershed). Applicant Request: To zone from interim-single-family residence-standard lot (I-SF-2) district zoning to general office-conditional overlay combining (GO-CO) district zoning. Staff Recommendation: and Zoning and Platting Commission Recommendation: To grant general office-conditional overlay combining (GO-CO) district zoning. Applicant/Owner: Jollyville HQ, LLC (Kevin Lange). Agent: Armbrust & Brown, PLLC (Michael Gaudini). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20191031-046 for general office-conditional overlay combining (GO-CO) district zoning was approved on Council Member Tovo's motion, Council Member Renteria's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Casar was off the dais.

47. C14-2019-0113 - 11408 Antler Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11408 Antler Lane (Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to single-family residence-large lot (SF-1) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Applicant/Owner: Daniel Murphy. Agent: Coats Rose (John M. Joseph). 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. 20191031-041 for single-family residence-large lot (SF-1) district zoning was approved on Council Member Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.**
48. C14-2019-0117 - The Coffeehouse at Slaughter Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 648 East Slaughter Lane (Onion Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Najib Wehbe and Charles F. Wehbe. Agent: South Llano Strategies (Josiah Stevenson). 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 Ordinance No. 20191031-048 for community commercial (GR) district zoning was approved on Council Member Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.**
49. C14-2019-0100 - 7505 Cooper Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7501, 7503, 7505, 7507, 7509, and 7511 Cooper Lane (South Boggy Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning, with conditions. Owner/Applicant: Estate of Nelma Mueller (Donnie Carter and Darlene Graber, Independent Executors); Donnie Carter. Agent: David Weekley Homes (Evan Caso). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.
- This item was postponed to November 14, 2019 at the request of the neighborhood on Council Member Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.**

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

44. C14-2018-0124 - River Place - Conduct a public hearing and approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as Milky Way Drive (West Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR)

district zoning to townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning on August 8, 2019. Vote: 9-2, Council members Alter and Pool voted nay. Second reading approved townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions, on October 3, 2019. Vote: 9-1, Council members Pool voted nay, Council member Harper-Madison off the dais. Owner/Applicant: Milky Way Holdings GP, LLC (Garrett S. Martin). Agent: McLean & Howard, LLP (Jeff Howard). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6, District 10.

A motion to approve the ordinance was made by Council Member Flannigan and seconded by Council Member Casar.

A motion to amend the ordinance was made by Council Member Alter and seconded by Council Member Tovo.

The amendment was to revise Part 2 to read:

“PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A subdivision or development on the Property shall have two access streets or access points to an external street, unless the Development Services Department director determines that the development includes not more than 30 residential units.**
- C. Access streets and other public or private streets within the Property shall be reviewed and approved by the Fire Marshal including but not limited to the appropriate travel lane width of both the arrival of emergency vehicles and the evacuation of residential vehicles.”**

Part 2, Subsection C of Council Member Alter’s amendment above was included in the base motion without objection.

The motion to amend Part 2, Subsection A of the ordinance failed on Council Member Alter’s motion, Council Member Tovo’s second on a 4-6 vote. Those voting aye were: Council Members Alter, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler and Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Mayor Pro Tem Garza abstained.

A motion to amend the ordinance was made by Council Member Flannigan.

The amendment was to amend Part 2, Subsection A(2) to read:

- “2. the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that will**

not exceed 1,200 trips per day on Milky Way Drive, as measured by existing tube count traffic levels.”

A motion to revise Part 2, Subsection A(2) was made by Council Member Alter and accepted without objection:

- “2. the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that will not exceed 1,200 trips per day on Milky Way Drive, as measured by existing tube count traffic levels or as provided in Section 25-6-116 (*Desirable Operating Levels For Certain Streets*), whichever is the greater limitation on units.”

A staff amendment was made to revise Part 2, Subsection A(2) and included without objection:

- “2. the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that will not exceed 1,200 trips per day on Milky Way Drive, as measured by tube count traffic levels at the time the site plan application was submitted or as provided in Section 25-6-116 (*Desirable Operating Levels For Certain Streets*), whichever is the greater limitation on units.”

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20191031-044 as amended above for townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions was approved on Council Member Flannigan’s motion, Council Member Casar’s second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, and Renteria. Those voting nay were: Council Members Alter, Pool, and Tovo.

DISCUSSION ITEMS CONTINUED

24. Approve second and third readings of an ordinance for the full purpose annexation of approximately 42.064 acres in Travis County, located approximately four-tenths of a mile east of the intersection of River Place Boulevard and Milky Way Drive. Related to Item #44.
Ordinance No. 20191031-024 was approved on Council Member Flannigan’s motion, Council Member Casar’s second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Casar, Ellis, Flannigan, Harper-Madison, Kitchen, and Renteria. Those voting nay were: Council Members Alter, Pool, and Tovo.
28. Authorize the negotiation and execution of a community facilities agreement with Cityline at MLK Station, LLC for public storm drain infrastructure improvements to be constructed by the City on or around the intersection of E. MLK Boulevard and Alexander Avenue, for a contract amount not to exceed \$1,000,000. District(s) Affected: District 1.

The motion authorizing the negotiation and execution of a community facilities agreement with Cityline at MLK Station, LLC was approved on consent on Council Member Alter's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Garza was off the dais.

A motion to reconsider the item was made by Council Member Tovo and seconded by Council Member Renteria. The motion was accepted without objection.

The motion authorizing the negotiation and execution of a community facilities agreement with Cityline at MLK Station, LLC was approved on Council Member Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Harper-Madison abstained.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

45. C814-96-0003.15 - Pioneer Crossing PUD Amendment #15 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 10930 Defender Trail, Sprinkle Cut Off Road and Samsung Boulevard, Samsung Boulevard and East Braker Lane (Harris Branch Watershed). Applicant Request: To rezone from Planned Unit Development (PUD) district zoning to Planned Unit Development (PUD) district zoning, to change a condition of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant Planned Unit Development (PUD) district zoning, with conditions. Owner/Applicant: Continental Homes of Texas, L.P. (Matt Tenner). Agent: McLean & Howard LLP (Jeffrey Howard). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20191031-045 for Planned Unit Development (PUD) district zoning, with conditions was approved on Council Member Harper-Madison's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Alter was off the dais.

Mayor Adler adjourned the meeting at 3:08 p.m. without objection.

The minutes were approved on this the 14th day of November 2019 on Mayor Pro Tem Garza's motion, Council Member Ellis' second on an 11-0 vote.