



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, OCTOBER 1, 2020**

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, via. Videoconference.

Mayor Adler called the Council Meeting to order at 10:04 a.m.

GENERAL CITIZEN COMMUNICATIONS

Kelly Mayberry - Unfair late fees accrued without due notification – **Present**

Elan J. Savitt - Change to camping ordinance in 2019 and current state of homelessness in Austin – **Present**

Paula Kothmann - (Un)Affordable Housing – **Present**

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of September 15, 2020 and regular meeting of September 17, 2020.
The motion approving the minutes of the Austin City Council work session of September 15, 2020 and regular meeting of September 17, 2020 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
2. Approve a resolution declaring the City of Austin's official intent to reimburse itself from revenue bonds in an amount not to exceed \$26,900,000 for Austin-Bergstrom International Airport capital improvements.
Resolution No. 20201001-002 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
3. Authorize award and execution of a construction contract with Balfour Beatty Construction, LLC for the St. Elmo Cheatham Building Renovations project in the amount of \$1,247,733, plus a

\$124,773.30 contingency, for a total contract amount not to exceed \$1,372,506.30. [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 achievement of Good Faith Efforts with 10.34% MBE and 6.72% WBE participation.] District(s) Affected: District 2.

The motion authorizing the award and execution of a construction contract with Balfour Beatty Construction, LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

4. Authorize negotiation and execution of a job order contract with the following eight staff recommended contractors (or other qualified responders): Brown & Root Industrial Services, LLC; Jamail & Smith Construction, LP; Warden Construction Corporation; Hensel Phelps Construction Co.; Alpha Building Corporation; Centennial Contractors Enterprises, Inc.; Veliz Company, LLC (MBE); and Basic IDIQ, Inc.; for the 2020 Job Order Contract Program for City Facility Improvements for an initial two-year term with three, one-year extension options in an amount not to exceed \$48,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). MBE and WBE subcontracting opportunities for this contract will be based on individual Job Order Contracting assignments.].

The motion authorizing the negotiation and execution of a job order contract with the following eight staff recommended contractors: Brown & Root Industrial Services, LLC; Jamail & Smith Construction, LP; Warden Construction Corporation; Hensel Phelps Construction Co.; Alpha Building Corporation; Centennial Contractors Enterprises, Inc.; Veliz Company, LLC; and Basic IDIQ, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

5. Authorize negotiation and execution of a Competitive Sealed Proposal Agreement with SpawGlass Contractors, Inc. for construction services for the new Greater Austin Area Telecommunications Network Agency Network Operations Control Center project in an amount not to exceed \$1,672,000. (Note: This procurement will be exempt from the City's MBE/WBE Program requirements as a public health and safety purchase.) District(s) Affected: District 9.

The motion authorizing the negotiation and execution of a Competitive Sealed Proposal Agreement with SpawGlass Contractors, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

6. Authorize negotiation and execution of a professional services agreement with Toole Design Group, LLC, for Request for Qualifications Solicitation No. CLMP296, to provide engineering services for the Urban Trails Plan and Sidewalks/ADA Transition Plan Updates project in the amount of \$1,400,000. [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 32.90% MBE and 15.80% WBE participation.].

The motion authorizing the negotiation and execution of a professional services agreement with Toole Design Group, LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

7. Authorize award and execution of a construction contract with Santa Clara Construction, Ltd. (MBE), for the San Antonio Street Chilled Water Distribution Extension project in the amount of \$4,322,891.00 plus a \$432,289.10 contingency, for a total contract amount not to exceed \$4,755,180.10. [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 78.97% MBE and 3.11% WBE participation.]
The motion authorizing the award and execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

Item 8 was pulled for discussion

9. Authorize the negotiation and execution of Amendment No. 5 to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center dba Integral Care for the Homeless Outreach Street Team, to connect homeless individuals and families with services necessary to begin their process of stability and recovery, by increasing funding for the remaining 12-month renewal option in the amount of \$137,000, beginning October 1, 2020, for a total agreement amount not to exceed \$1,583,770.
The motion authorizing the negotiation and execution of Amendment No. 5 to the interlocal agreement with Austin Travis County Mental Health Mental Retardation Center doing business as Integral Care was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
10. Authorize negotiation and execution of Amendment No. 4 to the interlocal agreement with the Austin Travis County Mental Health Mental Retardation Center D/B/A Integral Care for the Expanded Mobile Crisis Outreach Team, which offers a first response team for mental health crises in collaboration with City first responders, to increase funding for the three remaining renewal options by \$1,350,000 per renewal option, for a total increase in an amount of \$4,050,000, for a total contract amount not to exceed \$12,692,145.
The motion authorizing the negotiation and execution of Amendment No. 4 to the interlocal agreement with the Austin Travis County Mental Health Mental Retardation Center doing business as Integral Care was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

Items 11 and 12 were pulled for discussion

13. Authorize ratification of a contract amendment with United Way for Greater Austin to disburse a total of \$1,048,000 in emergency funds to childcare providers in need of relief as a result of the COVID-19 pandemic. The additional funding of \$148,000 comes from the Mayor and Council FY 2019-20 Operating budget, from Council Member Delia Garza's Office budget. United Way for Greater Austin's fee for administration of these funds is an amount not to exceed \$100,000 with an option to amend and extend the term and administrative fee should additional grant funds become available to administer.

The motion authorizing the ratification of a contract amendment with United Way for Greater Austin was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

14. Authorize negotiation and execution of an agreement with the Austin-Travis County Collaborative for the provision and coordination of Census 2020 outreach services in an amount not to exceed \$75,000.

The motion authorizing the negotiation and execution of an agreement with the Austin-Travis County Collaborative was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 10-0 vote. Mayor Adler recused himself.

15. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County to coordinate Census 2020 outreach and education services by hiring a program manager to increase the amount contributed by the City by \$25,000, for a total agreement amount not to exceed \$125,000.

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

16. Authorize a fee-in-lieu of on-site affordable housing for a proposed commercial development located at or near 1300 E. 5th Street, 78702, that is subject to Plaza Saltillo Transit Oriented Development Regulating Plan. District(s) Affected: District 3.

The motion authorizing a fee-in-lieu of on-site affordable housing was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

17. Authorize a legal services agreement with Foley & Lardner, LLP for representation in Bill and Karen Hertel v. City of Austin, Cause No. D-1-GN-20-004772 in the 261st District Court of Travis County, Texas for a total not-to-exceed contract amount of \$142,000.

The motion authorizing a legal services agreement with Foley & Lardner, LLP was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

18. Approve an ordinance amending Section 4-9-1 of the City Code related to restrictions on consumption of alcoholic beverages in certain areas. District(s) Affected: District 1, District 3.

Ordinance No. 20201001-018 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

19. 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 \$1,303,120.07 for the 12-month term beginning October 1, 2020, for a total contract amount not to exceed \$4,604,525; Project Transitions, Inc. in an amount not to exceed \$510,293 for the 12-month term beginning October 1, 2020, for a total contract amount not to exceed \$1,872,729.

The motion authorizing the negotiation and execution of an increase to contracts with AIDS Services of Austin, Inc. and Project Transitions, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

20. Approve an ordinance authorizing negotiation and execution of an interlocal agreement with Travis County for the development and construction of Northern Walnut Creek Trail Phase 3, from the existing Southern Walnut Creek Trail at Northeast District Park to the end of Northern Walnut Creek Trail Phase 2 at IH-35; amending the Fiscal Year 2020-2021 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept \$660,000 in funds from Travis County; and amending the Fiscal Year 2020-2021 Public Works Department Capital Budget (Ordinance No. 20200812-001) to transfer in and appropriate \$660,000 for development and construction of this project. (District 1) District(s) Affected: District 1.

Ordinance No. 20201001-020 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

21. Authorize award of a multi-term contract with AGSA LLC D/B/A/PAGE GSE, to provide parts for ground power unit equipment for passenger boarding bridges, for up to five years for a total contract amount not to exceed \$501,970. (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 AGSA LLC doing business as PAGE GSE was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

22. Authorize award of a multi-term contract with Cleveland Mack Sales, Inc. D/B/A Performance Truck, to provide repair services and parts for Cummins compressed natural gas engines for up to five years, for a total contract amount not to exceed \$455,000. (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 Cleveland Mack Sales, Inc. doing business as Performance Truck was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

Item 23 was pulled for discussion

24. Authorize negotiation and execution of a multi-term cooperative contract with Unifirst Holdings, Inc. D/B/A Unifirst Corporation, to provide rental and laundering of flame-resistant uniforms, for up to 63 months for a total contract amount not to exceed \$1,827,000. (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; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of a multi-term cooperative contract with Unifirst Holdings, Inc. doing business as Unifirst Corporation was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

25. Authorize negotiation and execution of a multi-term contract with Power Cost, Inc., to provide a cloud hosted energy trading and risk management solution, for up to 12 years for a total contract amount not to exceed \$4,700,000. (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 goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of a multi-term contract with Power Cost, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

26. Authorize negotiation and execution of a contract with Hyundai Power Transformers USA Inc., to provide a three-phase autotransformer for the Dunlap substation, in an amount not to exceed \$4,700,000. (Note: This contract is exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of a contract with Hyundai Power Transformers USA Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

27. Authorize negotiation and execution of a contract with Meadows Mental Health Policy Institute for Texas, to fully implement the recommendations from the Meadows Report related to mental health response, in an amount not to exceed \$200,000. (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 negotiation and execution of a contract with Meadows Mental Health Policy Institute for Texas was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

28. Ratify a contract with Cleaning Guys LLC, to provide emergency cleanup services for lands and creeks, in the amount of \$207,000. (Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established).

The motion to ratify a contract with Cleaning Guys LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

Action was taken on Item 29 but later reconsidered.

30. Approve an ordinance authorizing negotiation and execution of an advance funding agreement with the Texas Department of Transportation for the Highway Safety grant funds initiative for the implementation of the Safe Systems Initiative to Address Failure to Yield project to improve safety for people walking and bicycling; amending the Fiscal Year 2020-2021 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept funds from the Texas Department of Transportation in the amount of \$182,110; and amending the Austin Transportation Department Capital Budget (Ordinance No. 20200812-001) to transfer in and appropriate \$182,110 for the implementation of the project.
Ordinance No. 20201001-030 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
31. Approve an ordinance amending the Fiscal Year 2020-2021 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept funds from the Capital Metropolitan Transportation Authority in the amount of \$475,000; and amending the Austin Transportation Department Capital Budget (Ordinance No. 20200812-001) to transfer in and appropriate \$475,000 in support of the interlocal agreement with the Capital Metropolitan Transportation Authority related to expansion and management of Bike Share of Austin and BCycle Austin, a station-based bike share system.
Ordinance No. 20201001-031 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
32. Approve a resolution adopting the City of Austin Fiscal Year 2020-21 Investment Policy.
Resolution No. 20201001-032 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
33. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies, and to public facility corporations; removal and replacement of members; and amendments to board and commission bylaws.
The following appointments and waivers were approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote:

Nominations

Board/Nominee

Nominated by

Downtown Commission

Doug Leveton

Music Commission

Zoning and Platting Commission

Cesar Acosta

Council Member Casar

Waiver

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Cesar Acosta. The waiver allows simultaneous service on the Community Development Commission and Zoning and Platting Commission.

34. Set a public hearing related to an application by LDG Belmont, 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 Belmont, located at or near 9100 Brown Lane, Austin, Texas, 78754, within the City. (Suggested date: Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas).
- The motion to set the public hearing for Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.**
35. Set a public hearing related to an application by Springdale Manor Apartments, 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 Springdale Manor Apartments, located at or near 7601 Springdale Road, Austin, Texas, 78724, within the City. (Suggested date: Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas)
- The motion to set the public hearing for Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.**
36. Set a public hearing related to an application by LDG The Conrad, 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 The Conrad, located at or near 11320 S IH 35 Frontage Road, Austin, Texas, 78748, within the City. (Suggested date: Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas).
- The motion to set the public hearing for Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.**
37. Set a public hearing related to an application by LDG Walnut Trace, 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 Walnut Trace, located at or near the southeast quadrant of Highway 183 and FM 969, Austin, Texas, 78725, within the City. (Suggested date: Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas.) District(s) Affected: District 1.
- The motion to set the public hearing for Thursday, October 15, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.**
51. Authorize negotiation and execution of an eighth renewal to the interlocal agreement with Travis County for the City's provision of animal services, for 3-month period beginning October 1, 2020 in an amount not to exceed \$518,717 to be paid to the City.

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

Item 52 and 53 were pulled for discussion

54. Approve an ordinance amending Ordinance No. 20200917-096, which amended Ordinances 20200812-009 and 20200812-010 ordering the November 3, 2020 general and special municipal elections, to repeal and replace Exhibits C, D, E, F, G, and H that adopt election day and early voting polling places, attach executed contracts for election services and executed joint election agreements, and list election day judges, central counting station staff, and early voting ballot board members; and declaring an emergency.
Ordinance No. 20201001-054 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

Item 55 was pulled for discussion

56. Approve a resolution authorizing amendments to the articles of incorporation of the Austin/Travis County Sobriety Center Local Government Corporation.
Resolution No. 20201001-056 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

Item 57 was pulled for discussion

58. Ratify an agreement with Austin Voices for Education and Youth to serve as an information and referral call center for High Risk Workers affected by COVID-19 in an amount not to exceed \$500,000 for the term ending on December 30, 2020.
The motion to ratify an agreement with Austin Voices for Education and Youth was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
59. Authorize negotiation and execution of an eighth renewal to the interlocal agreement with Travis County for the City's provision of public health services for a 3-month period beginning October 1, 2020 in an amount not to exceed \$1,164,658 to be paid to the City.
The motion authorizing the negotiation and execution of an eighth renewal to the interlocal agreement with Travis County was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
60. Approve a resolution authorizing the City Manager to apply for a grant from the Texas Water Development Board for up to \$4,450,000 from the Flood Infrastructure Fund for regional floodplain studies.
Resolution No. 20201001-060 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

61. Approve a resolution relating to Austin Resource Recovery staff and resuming regular Austin Resource Recovery services. Council Sponsors: Council Member Alison Alter, Council Member Gregorio Casar, Council Member Paige Ellis, Council Member Kathie Tovo.
Resolution No. 20201001-061 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.
62. Approve a resolution initiating the rezoning of property generally located south of 15th Street, west of IH-35 Frontage Road, east of Red River Street, and north of 12th Street, and known as the 'Central Health Property' from public (P) zoning district to planned unit development (PUD) zoning district. Council Sponsors: Council Member Natasha Harper-Madison, Council Member Gregorio Casar, Mayor Steve Adler, Council Member Paige Ellis.
Resolution No. 20201001-062 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

Mayor Adler recessed the Council Meeting at 12:38 p.m.

EXECUTIVE SESSION

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

41. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
Withdrawn
63. Discuss legal issues related to funding economic recovery efforts (Private consultation with legal counsel- Section 551.071 of the Government Code).
Withdrawn

Mayor Adler reconvened the Council Meeting at 1:47 p.m.

DISCUSSION ITEMS

8. Approve a resolution finding the use of the construction manager-at-risk method of contracting, as authorized by Subchapter F, Chapter 2269 of the Texas Government Code, as the project delivery method that provides the best value to the City for renovations and additions to the Asian American Resource Center. (Note: MBE/WBE goals will be established prior to issuance of this solicitation.)
This item was postponed until the Strategic Facilities Governance Team provides their recommendations as directed by Resolution No. 20190919-146 on Council Member Harper-Madison's motion, Council Member Alter's second on an 11-0 vote.

23. Authorize award of a contract with Abbott Rapid Dx North America, LLC, to provide Rapid Human Immunodeficiency Virus (HIV) test kits and controls, for a term of five years for a total contract amount not to exceed \$800,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing the award of a contract with Abbott Rapid Dx North America, LLC was approved on Council Member Alter's motion, Council Member Pool's second on a 11-0 vote.

ITEMS REFERRED FROM COUNCIL COMMITTEES

38. Approve the appointment of Kathie Tovo and Elizabeth Boston to the board of directors of the Austin/Travis County Sobriety Center Local Government Corporation. Council Sponsors: Health and Human Services Committee.
The motion to approve the appointment of Kathie Tovo and Elizabeth Boston was approved on Mayor Adler's motion, Mayor Pro Tem Garza's second on a 11-0 vote.

DISCUSSION ITEMS CONTINUED

29. Approve second reading of an ordinance granting a ten-year renewal of the franchise to Pedernales Electric Cooperative for use of City rights-of-way necessary to provide electric utility services to customers in PEC's certificated service area within Austin.
Ordinance No. 20201001-029 was approved on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

A motion to reconsider the item was made by Council Member Tovo's motion, Council Member Ellis's second on an 11-0 vote.

Ordinance No. 20201001-029 was approved on Council Member Tovo's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

PUBLIC HEARINGS

39. Conduct a public hearing and consider an ordinance approving the 2020 Amended and Restated Service and Assessment Plan for the Whisper Valley Public Improvement District (District), making a finding of special benefit to the property in Improvement Area #2 of the District, adopting the Improvement Area #2 assessment roll, levying assessments for property in Improvement Area #2, approving the second amendment to the Whisper Valley PID Financing Agreement approving and authorizing a Whisper Valley PID Acquisition and Reimbursement Agreement, and declaring an emergency. District(s) Affected: District 1.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20201001-039 was approved on Council Member Ellis's motion, Council Member Casar's second on an 11-0 vote.

PUBLIC HEARINGS CONTINUED

64. Conduct a public hearing and consider an ordinance amending Ordinance No. 20200812-002 to set the Fiscal Year 2020-21 power supply adjustments, community benefit charges, and regulatory charges for Austin Energy.
- The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20201001-064 was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 11-0 vote.**

ZONING ORDINANCES / RESTRICTIVE COVENANTS

42. C814-2018-0122 - Circuit of the Americas PUD - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 9201 Circuit of the Americas Boulevard (Dry Creek and Maha Watersheds). Applicant Request: To zone from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First reading approved planned unit development (PUD) district zoning, with conditions, on September 17, 2020. Vote: 10-0. Council Member Casar off the dais. Owner/Applicant: Circuit of the Americas, LLC. Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 2.
- Ordinance No. 20201001-042 for planned unit development (PUD) district zoning, with conditions was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.**

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

43. C14-2020-0038 - 508 Kemp Street - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 508 Kemp Street (Country Club East Watershed). Applicant Request: To rezone from family residence - neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence - neighborhood plan (SF-6-NP) combining district zoning. First Reading: Approved townhouse and condominium residence - neighborhood plan (SF-6-NP) combining district zoning on August 27, 2020. Vote: 7-2. Council Members Alter and Tovo voted nay. Council Members Pool and Kitchen abstained. Owner: Johnny A. Steen. Applicant: Drenner Group (Leah M. Bojo). City Staff: Kate Clark, 512-974-1237. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 3.
- This item was postponed to October 15, 2020 at the request of the Neighborhood on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.**

Item 44 was pulled for discussion

45. C14-2020-0031.SH - E MLK Rezoning- Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known 5201 East Martin Luther King Jr. Boulevard (Fort Branch Watershed). Applicant Request: To rezone

from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning, as amended. First reading approved multifamily residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning, on August 27, 2020. Vote: 11-0. Owner/Applicant: 5201 E MLK LP (Ryan Walker). Agent: Thrower Designs (Ron Thrower). 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. 20201001-045 for multifamily residence medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.

46. NPA-2020-0019.01- Texas International Education Consortium - Conduct a public hearing and approve an ordinance amending Ordinance No. 20040826-056 the Central Austin Combined Neighborhood Plan, an element to the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1103 W. 24th Street (Shoal Creek Watershed) from Office to Mixed Use land use. Staff and Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Texas International Education Consortium (Robin Lerner). Agent: Drenner Group, PC (Leah Bojo). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 9.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.

47. C14-2020-0026 - Texas International Education Consortium - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1103 West 24th Street (Shoal Creek Watershed). Applicant Request: To rezone from general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use building-neighborhood plan combining district zoning. Owner/Applicant: Texas International Education Consortium (Robin Lerner). Agent: Drenner Group, PC (Leah Bojo). City Staff: Mark Graham, 512-974-3574. District(s) Affected: District 9.

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-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.

48. C14H-2019-0161 - Mary Freeman Baylor House. Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1607 W. 10th Street. Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP)

combining district zoning to family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation, Historic Landmark Commission Recommendation and Planning Commission Recommendation: To grant family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Thomas Schiefer and Meghan Elena Rosales, owners. City Staff: Steve Sadowsky, Historic Preservation Office, 512-974-6454. District(s) Affected: District 9.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20201001-048 for family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.

49. C14H-2002-0010 - Schieffer House - Negro Agricultural Extension Office. Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1154 Lydia Street. Applicant: City of Austin. Applicant's Request: To rezone from commercial-liquor sales-neighborhood conservation-neighborhood plan (CS-1-NCCD-NP) combining district zoning to commercial-liquor sales-historic landmark-neighborhood conservation- neighborhood plan (CS-1-H-NCCD-NP) combining district zoning. Staff Recommendation, Historic Landmark Commission Recommendation and Planning Commission Recommendation: To grant commercial-liquor sales-historic landmark-neighborhood conservation-neighborhood plan (CS-1-H-NCCD-NP) combining district zoning. Applicant: City of Austin. City Staff: Steve Sadowsky, Historic Preservation Office, 512-974-6454. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for commercial-liquor sales-historic landmark-neighborhood conservation- neighborhood plan (CS-1-H-NCCD-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.

50. C14-2020-0055 - Cooper Tract Commercial -Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 10001 East US Highway 290 (Decker Creek and Gilleland Creek Watersheds). Applicant Request: To zone from interim-rural residence (I-RR) district zoning to commercial highway services (CH) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant commercial highway services (CH) district zoning on Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning on Tract 2. Owner/Applicant: Cooper Milly Holdings LLC (Leighton Lord). Agent: Husch Blackwell LLP (Nikelle Meade). 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 the ordinance on first reading only for commercial highway services (CH) district zoning on tract 1 and general commercial services-mixed use (CS-MU) combining district zoning on tract 2 was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

65. NPA-2019-0016.01 - Shady Lane Mixed Use -Approve third reading of an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 914 Shady Lane (Boggy Creek Watershed) from Single Family and Water land use to Neighborhood Mixed Use and Higher Density Single Family land use. First Reading approved on July 30, 2020. Vote 11-0. Second Reading approved on September 17, 2020. Vote: 10-0, Council Member Casar was off the dais. Owner/Applicant: Kimberly Beal and Stephanie Scherzer. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.
Ordinance No. 20201001-065 to change the land use designation on the future land use map (FLUM) to Neighborhood Mixed Use and Higher Density Single Family land use was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 10-1 vote. Council Member Flannigan voted nay.
66. C14-2019-0098 - Shady Lane Mixed Use - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 914 Shady Lane (Boggy Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning (Tract 1), townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning (Tract 2A), and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tract 2B). First Reading approved on July 30, 2020. Vote 11-0. Second Reading approved on September 17, 2020. Vote: 10-0, Council Member Casar was off the dais. Owner/Applicant: Kimberly Beal and Stephanie Scherzer. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning case. District(s) Affected: District 3.
Ordinance No. 20201001-066 for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning (Tract 1), townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning (Tract 2A), and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tract 2B) was approved on Council Member Renteria's motion, Council Member Harper-Madison's second on a 10-1 vote. Council Member Flannigan voted nay.

DISCUSSION ITEMS CONTINUED

12. Ratify a contract amendment with the Better Business Bureau to administer a total of \$25,890,750 in emergency funds through the Austin Small Business Relief Grant, the Austin Non-Profit Relief Grant, and the Austin Creative Worker Relief Grant programs to small businesses, non-profits, and creative workers in need of relief as a result of the COVID-19 pandemic, with an option to amend and extend the term and administrative fee should additional grant funds become available to administer.
The motion to ratify a contract amendment with the Better Business Bureau was approved on Council Member Flannigan's motion, Council Member Renteria's second on a 9-0 vote. Council Member Kitchen and Council Member Pool abstained.

ZONING ORDINANCES / RESTRICTIVE COVENANTS CONTINUED

44. C14-2020-0057 - One Way Out - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known 5601 Nixon Lane (Walnut Creek Watershed). Applicant Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Owner/ Applicant: Gyro Plus LLC (Mohammad Arami). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

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

DISCUSSION ITEMS CONTINUED

11. Approve a resolution initiating code amendments to City Code Title 25 (Land Development) to establish a contractor registration program for building and demolition permitting.

The motion to approve the item as amended below was made by Council Member Ellis and seconded by Council Member Flannigan.

The amendment was to revise the second paragraph, add a new third paragraph and revised the last paragraphs to read:

"In developing proposed amendments, the City Manager is directed to consider incorporating:

- (a) requirements from Chapter 25-6, Article 5, Division 1 (Construction License), as deemed appropriate in the context of demolition permitting;**
- (b) requirements for bonding and insurance;**
- (c) metrics for determining whether the program promotes equitable outcomes and does not create a disproportionately negative impact on small businesses, women-owned businesses, or minority-owned businesses;**
- (d) incentives or process advantages for contractors who remain in good standing with the registration program, such as a streamlined application review process;**
- (e) exemptions from mandatory registration requirements based on the type or level of work being proposed, taking into consideration the likelihood of the health and safety concerns; and**
- (f) exemptions from mandatory registration for individuals in a manner that considers equity and acknowledges the affordability pressures on both homeowners and tenants and on residents of both single- and multi-family structures.**

In developing the proposed amendments, the City Manager is directed to conduct a stakeholder engagement process that includes both building and demolition contractors, as well as community and neighborhood groups, and solicits input on all of the above considerations.

The City Manager is directed to present the proposed amendments to the Housing and Planning Committee at least once before bringing a final draft of the proposed amendments to Council for consideration. The City Manager is directed to present the proposed amendments to Council for consideration on or before December 31, 2021, or as soon thereafter as reasonably possible.”

The motion to revise Section (f) to add “Health Professionals” to the stakeholder list was accepted without objection.

The motion to revise the amendment by deleting Section (e) failed on Council Member Tovo’s motion, Council Member Alter’s second on a 4-7 vote. Those voting aye were: Council Member Alter, Tovo, Kitchen, and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Member Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

The motion to revise the amendment to replace Section (f) with the original Section (c) from the original Resolution to read “(c) an exemption for the owner of a one or two family residential structure with an active homestead exemption.” failed on Council Member Tovo’s motion, Council Member Pool’s second. Those voting aye were: Council Member Alter, Tovo, Kitchen, and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Member Ellis, Flannigan, Harper-Madison, and Renteria. Council Member Casar was off the dais.

Resolution No. 20201001-011 was approved as amended above on Council Member Ellis’s motion, Council Member Flannigan’s second on an 11-0.

PUBLIC HEARINGS

40. Conduct a public hearing and consider an ordinance amending City Title 25 related to demolition permits, including notification requirements.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance was made by Council Member Tovo and seconded by Council Member Pool.

A motion to revise the ordinance to increase the size of the notice area was made by Council Member Tovo. The amendment was later withdrawn.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20201001-040 was approved on Council Member Tovo’s motion, Council Member Pool’s second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

52. Approve an ordinance amending certain Fiscal Year 2020-2021 department budgets to fund the Save Austin's Vital Economic Sectors (SAVES) Fund to support COVID-19 emergency relief as follows: the Financial Services Department Capital Budget (Ordinance No. 20200812-001) to transfer out and appropriate \$6,000,000 to the General Fund Emergency Reserve Fund; and the Fiscal Year 2020-2021 Building Services Department Capital Budget (Ordinance No. 20200812-001) to transfer out and appropriate \$500,000 to the General Fund Emergency Reserve Fund; the Pay for Success Reserve Fund Operating Budget (Ordinance No. 20200812-001) to transfer out and appropriate \$4,800,000 to the General Fund Emergency Reserve Fund; and the Austin Transportation Department Mobility Fund Operating Budget (Ordinance No. 20200812-001) to transfer out and appropriate \$3,700,000 to the General Fund Emergency Reserve Fund; and declaring an emergency.

A motion to approve the ordinance as amended below was made by Mayor Adler and seconded by Council Member Flannigan.

The amendment was:

To revise Part 1 by striking the following:

- **The amendments of the Pay for Success Reserve Fund Operating Budget (Ordinance No. 20200812-001) to transfer out and appropriate \$4,800,000 to the General Fund Emergency Reserve Fund;**
- **and-the amendments of the Austin Transportation Department Mobility Fund Operating Budget (Ordinance No. 20200812-001) to transfer out and appropriate \$3,700,000 to the General Fund Emergency Reserve Fund.**

To add the following language:

The City Manager is directed to place on the October 15, 2020 council agenda the ordinances and instruments necessary to make at least \$8,500,000 available from sales tax revenues for the purposes set out in the SAVES resolution (Resolution No. 20200917-062).

The City Manager is directed to proceed immediately with the programmatic work of using the full \$15,000,000 as proposed in a Memo to Mayor and Council dated September 28th, 2020.

A motion to provide the following staff direction was made by Council Member Pool and seconded by Council Member Kitchen. The direction was: "380 Agreements Funding. Direct the City Manager to identify the total amount of funding set aside for the existing 380 agreements and return to Council on October 15 with options to use those funds for relief programs for the industry sectors identified in the SAVES resolution." The motion was later withdrawn.

A motion to provide the following staff direction failed on Council Member Pool's motion, Council Member Kitchen's second on a 3-7 vote. Those voting aye were: Council Members Alter, Kitchen and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Ellis, Flannigan, Harper-Madison, Renteria and Tovo. Council Member Casar was off the dais. The direction was: "Balance the Funds. Direct the City Manager to re-balance the funds into industry sectors that provide a similar service to the community so that criteria for awarding the grants can be established and more fairly considered across applications."

A motion to provide the following staff direction was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote. The direction was: "Austin Convention Center Revenue (Non-HOT). Direct the City Manager to identify Austin Convention Center earned income from interest, rentals, fees, and contractors that is not generated from hotel occupancy taxes and return to Council on October 15 with options to use the funds for relief programs for the industry sectors identified in the SAVES resolution."

A motion to provide the following staff direction failed on Council Member Tovo's motion on a 3-6 vote. Those voting aye were: Council Members Alter, Pool and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, Council Members Ellis, Flannigan, Kitchen and Renteria. Council Members Casar and Harper-Madison were off the dais. The direction was: "By 10/8/20, the City Manager shall provide information about the impact on Chapter 380 businesses if economic incentives payments for performance in Fiscal Year 2021 were decreased by 75% or 50%."

A motion to provide the following staff direction failed on Council Member Tovo's motion on a 5-3 vote. Those voting aye were: Mayor Adler, Council Members Alter, Kitchen, Pool and Tovo. Those voting nay were: Council Member Ellis, Flannigan and Renteria. Mayor Pro Tem Garza abstained. Council Members Casar and Harper-Madison were off the dais. The direction was: "By 10/8/20, the City Manager shall provide information about the impact of temporarily using at least \$10 million from Convention Center reserves to assist with the promotion and preservation of venues and businesses that serve Austin visitors."

A motion to provide the following staff direction was approved on Council Member Tovo's motion on a 6-2 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Alter, Flannigan, Kitchen, Pool and Tovo. Those voting nay were: Mayor Adler and Council Member Ellis. Council Members Casar, Harper-Madison and Renteria were off the dais. The direction was: "The City Manager shall return to Council with an item posted for the 10/15/20 meeting to allocate to a Business Preservation Fund the Temporary Use of Right of Way revenue for projects outside the Rainey Street Historic District and Subdistrict for two years beginning on October 15, 2020. The amount posted should reflect a reduction for salaries and fees."

A motion to provide the following staff direction was approved on Council Member Tovo's motion on a 9-1 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members

Alter, Casar, Ellis, Flannigan, Kitchen, Pool, Renteria and Tovo. Those voting nay were: Mayor Adler. Council Member Harper-Madison was off the dais. The direction was: The City Manager shall return to Council with an item posted for the 10/15/20 meeting to allocate to a Business Preservation Fund the revenue from encroachment agreements for projects located outside the Rainey Street Historic District and Subdistrict for two years beginning on October 15, 2020. The amount posted should reflect a reduction for fees.”

A motion to provide the following staff direction was approved on Council Member Tovo’s motion on a 9-1 vote. Those voting aye were: Mayor Pro Tem Garza, Council Members Alter, Casar, Ellis, Flannigan, Kitchen, Pool, Renteria and Tovo. Those voting nay were: Mayor Adler. Council Member Harper-Madison was off the dais. The direction was: “The City Manager shall return to Council with an item posted for the 10/15/20 meeting to allocate to a Business Preservation Fund the street and alley vacation fees for projects located outside the Rainey Street Historic District and Subdistrict for two years beginning on October 15, 2020. The amount posted should reflect a reduction for salaries and fees.”

A motion to provide the following staff direction failed on Council Member Tovo’s motion on a 4-5 vote. Those voting aye were: Council Members Alter, Kitchen, Pool and Tovo. Those voting nay were: Mayor Adler, Council Members Casar, Ellis, Flannigan and Renteria. Mayor Pro Tem Garza abstained. Council Member Harper-Madison was off the dais. The direction was: “The City Manager shall return to Council with an item posted for the 10/15/20 meeting to temporarily allocate \$10 million from Convention Center reserves for the promotion and preservation of venues and businesses that serve Austin visitors.”

A motion to provide the following staff direction was approved on Council Member Tovo’s motion on a 10-0 vote. Council Member Harper-Madison was off the dais. The direction was: “The City Manager shall direct the Live Music Working Group to finalize recommendations for the \$2,368,540.18 in the Live Music Fund by November 1, 2020, if possible, so that the City Council can consider that guidance as it determines how to invest those dollars in the near term to sustain and enhance the live music ecosystem.”

Ordinance 20201001-052 was approved as amended above on Mayor Adler’s motion, Council Member Flannigan’s second on an 11-0 vote.

53. Approve an ordinance amending Exhibit 'A' of Ordinance No. 20200812-002 (Fiscal Year 2020-2021 Fee Schedule) to increase the amount of the Transportation User Fee; and declaring an emergency.
The item was postponed indefinitely on Council member Alter’s motion, Mayor Pro Tem Garza’s second on an 11-0 vote.
55. Approve a resolution creating the Austin Economic Development Corporation (Corporation), a Local Government Corporation under Subchapter D, Chapter 431, Texas Transportation Code; approving and adopting the corporation's Articles of Incorporation and Bylaws; and appointing the initial Board.

A motion to approve the resolution was made by Council Member Tovo and seconded by Council Member Flannigan.

A motion to amend the resolution was made by Council Member Kitchen and seconded by Council Member Pool. The amendment was to immediately appoint an Interim Board to serve until the Board is appointed following the process detailed in Article II, Section and that the process detailed in Article II, Section 1 for appointment of the Board of Directors be completed no later than January 1, 2021. The Interim Board shall be Places 1 through 6 as follows:

Places 1-4 outlined in Article II, Section 1 of the Bylaws:

- Place 1: Director, Economic Development Department (Public/Private) Veronica Briseno, or Ms. Briseno's nominee.
- Place 2: Director, City Neighborhood Housing & Community Development Department (Housing) Rosie Truelove, or Ms. Truelove's nominee.
- Place 3: Chief Equity Officer, City of Austin (Equity) Brion Oakes, or Mr. Oakes' nominee.
- Place 4: City Chief Financial Officer (Finance) Mark Dombroski, or Mr. Dombroski's nominee
- Place 5: City of Austin Arts Commission Chair
- Place 6: City of Austin Music Commission Chair

A motion to revise the amendment to include "or as otherwise designated by the Commission" to Place 5 and 6 was accepted without objection on Mayor Pro Tem Garza's motion.

The motion to amend the resolution as listed above was approved on Council Member Kitchen's motion, Council Member Pool's second on an 11-0 vote.

A motion to revise the resolution was made by Council Member Kitchen and accepted without objection. The amendment was: "That the Bylaws and Articles of Incorporation be amended to clearly state that any amendments to these documents must be approved by the City Council."

A motion to amend Exhibit B was approved on Council Member Kitchen's motion, Council Member Pool's second on an 11-0 vote. The amendment was to revise Exhibit B - Bylaws of Austin Economic Development Corporation, Article VII - Committees, to include the following: (c) A Cultural Trust Advisory Committee that shall at a minimum participate in the creation of criteria for projects funded and/or pursued by the Cultural Trust Department and/or by any department of the AEDC related to cultural activities, be involved in the selection process of those projects, and provide advisory oversight over those projects. The Cultural Trust Advisory Committee shall consist of members of the community representative of local cultural arts sector, including arts and music. The members of the Board of Directors appointed to Place 5 and Place 6 and selected by the

Arts and Music Commission respectively may participate as ex officio members of this committee; and”

A motion to amend the resolution was made by Council Member Flannigan and accepted without objection. The amendment was to amend the Bylaws as follows: The act of a majority of the total number of Directors appointed by the City Council shall constitute the act of the Board, unless the act of a greater number is required by law, by the Articles of Incorporation, or by these Bylaws.”

A motion to amend Exhibit B - Bylaws of Austin Economic Development Corporation, Article II – Board of Directors, Section 1 Appointment, Classes, Powers, Number, and Term of Office, to include the following was made by Council Member Alter and seconded by Council Member Kitchen. The amendment was: “All board members shall be required to submit financial statements in the same manner as city appointees to boards and commissions as listed in 2-7-7(c). The amendment was accepted without objection.

A motion to amend the Bylaws was made by Council Member Tovo and Seconded by Council Harper-Madison. The amendment was to revise the third paragraph of Article II Board of Directions, Section 1 include “historic preservation” after “urban/regional planning” and to add a new Place 19 to read “Board, local historic preservationist (Historic Preservation)”. The motion was accepted without objection.

A motion to amend the Bylaws was made by Mayor Pro Tem Garza. The amendment was to revise the third paragraph of Article II Board of Directions, Section 1 change “and workforce” to “or workforce”. The motion was accepted without objection.

Resolution No. 20201001-055 was approved as amended above on Council Member Tovo’s motion, Council Member Flannigan’s second on an 11-0 vote.

A motion to reconsider the item was accepted without objection on Mayor Adler’s motion.

A motion to was to identify the following individuals as the Interim Board of Directors:

- Place 1: Director, Economic Development Department (Public/Private): Veronica Briseno
- Place 2: Director, City Neighborhood Housing & Community Development Department (Housing): Rosie Truelove
- Place 3: Chief Equity Officer, City of Austin (Equity): Kelly Coleman
- Place 4: City Chief Financial Officer (Finance): Mark Dombroski
- Place 5: City of Austin Arts Commission Chair: Jaime Castillo
- Place 6: City of Austin Music Commission Chair: Rick Carney

Resolution No. 20201001-055 was approved as amended above on Council Member Tovo’s motion, Council Member Flannigan’s second on an 11-0 vote.

57. Ratify Amendment No. 2 to the agreement with the Austin Public Education Foundation, dba Austin Ed Fund, to provide emergency food access for caregivers of students in Austin-area schools, increasing funding in an amount not to exceed \$369,728 and extending the current term through December 30, 2020, for a revised total agreement amount not to exceed \$2,689,078.

The motion to ratify Amendment No. 2 to the agreement with the Austin Public Education Foundation, doing business as Austin Ed Fund was made by Council Member Tovo and seconded by Council Member Alter.

A motion to provide the following direction was made by Council Member Tovo. The direction was: “The City Manager shall negotiate an extension of this contract to provide \$1,500,000 in additional funding contingent upon the meals being prepared by local restaurants and shall bring the item to Council for ratification at its 10/15/20 meeting. Sources of funding should include unallocated sales tax revenue, unallocated or unexpended funds from the Economic Development Department, or funds budgeted for marketing or promotional items in the FY21 budget in non-enterprise departments. If the City Manager intends to propose an alternative source of funding, he shall provide those recommendations to Council by 10/8/20.”

A motion to revise the direction was made by Mayor Adler and accepted without objection. The direction was: The City Manager is directed to explore options to include negotiation of an additional amendment to this contract to provide \$1,500,000 in additional funding contingent upon the meals being prepared by local restaurants and shall bring the item to Council for ratification at its 10/15/20 meeting. Sources of funding should include unallocated sales tax revenue, unallocated or unexpended funds from the Economic Development Department, or funds budgeted for marketing or promotional items in the FY21 budget in non-enterprise departments. If the City Manager intends to propose an alternative source of funding, he shall provide those recommendations to Council by 10/8/20.”

The motion to ratify Amendment No. 2 to the agreement with the Austin Public Education Foundation, doing business as Austin Ed Fund with the direction listed above was approved on Council Member Tovo’s motion, Council Member Alter’s second on an 10-0 vote. Council Member Tovo was off the dais.

Mayor Adler adjourned the meeting at 6:07 p.m. without objection.

The minutes were approved on this the 15th day of October 2020 on Council Member Pool’s motion a 11-0 vote.