

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, OCTOBER 29, 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.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of October 13, 2020, and regular meeting of October 15, 2020.
The motion to approve the minutes of the Austin City Council work session of October 13, 2020, and regular meeting of October 15, 2020 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.
2. Authorize reimbursement of costs to GBD Properties Inc. for the engineering, purchase and installation of a service pipe connection to interconnect the second phase of the Shoal Creek Walk building to the Austin Energy Downtown District Cooling System, in an amount not to exceed \$175,616. District(s) Affected: District 9. Strategic Outcome(s): Government That Works for All
The motion authorizing the reimbursement of costs to GBD Properties Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.
3. Authorize award and execution of a construction contract with Vaca Underground Utilities, Inc. for the East Allandale White Rock Neighborhood Water and Wastewater System Renewal project in the amount of \$3,468,020 plus a \$346,802 contingency, for a total contract amount not to exceed \$3,814,822. [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 10.03% MBE and 0.83% WBE participation.]. District(s) Affected: District 7. Strategic Outcome(s): Health and Environment.

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

4. Authorize award and execution of a construction contract with Santa Clara Construction, LTD (MBE), for the Morrow and Gault Water & Wastewater Pipeline Renewal project in the amount of \$5,341,070.10 plus a \$534,107.01 contingency, for a total contract amount not to exceed \$5,875,177.11. [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 71.66% MBE and 0.52% WBE participation.]. District(s) Affected: District 7. Strategic Outcome(s): Health and Environment.

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 Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

5. Authorize award and execution of a construction contract with MAC, Inc., for the Williamson Creek - Village at Western Oaks Wet Pond project in the amount of \$1,217,865 plus a \$121,786 contingency, for a total contract amount not to exceed \$1,339,651. [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 0.00% MBE and 0.70% WBE participation.] District(s) Affected: District 8. Strategic Outcome(s): Safety, Health and Environment

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

6. Authorize negotiation and execution of change order No. 14 in an amount not to exceed \$825,157.76 to the construction contract with SJ Louis Construction of Texas, Ltd., for the Parmer Lane Interceptor project, plus an additional contingency in the amount of \$300,000, for a total contract amount not to exceed \$28,549,489.76. [Note: This change order will be executed in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 5.33% MBE and 1.44% WBE.]. District(s) Affected: District 6. Strategic Outcome(s): Health and Environment.

The motion authorizing the award and execution of change order No. 14, plus an additional contingency, to the construction contract with SJ Louis Construction of Texas, Ltd. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

Item 7 was pulled for discussion.

8. Authorize negotiation and execution of an amendment to the Exclusive Negotiating Agreement with Catellus Development Corporation, dba CDC Colony Park Holdings, L.P (Catellus) for additional reimbursement and additional predevelopment services related to the development of

the Colony Park Master Development Agreement in an amount not to exceed \$400,000, for a total amount not to exceed \$700,000. District(s) Affected: District 1. Strategic Outcome(s): Strategic Outcome(s):

The motion authorizing the negotiation and execution of an amendment to the Exclusive Negotiating Agreement with Catellus Development Corporation, doing business as CDC Colony Park Holdings, L.P (Catellus), was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

9. Authorize negotiation and execution of a 12-month service agreement with Workforce Solutions Capital Area for the development and administration of the Make It Now: Rapid Retraining Initiative for an Equitable Recovery Program in an amount not to exceed \$1,370,000. Strategic Outcome(s): Economic Opportunity and Affordability.

The motion authorizing the negotiation and execution of a 12-month service agreement with Workforce Solutions Capital Area was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

10. Approve a resolution authorizing the creation of temporary Chapter 380 programs that support tenants operating a childcare business, live-music venue, arts venue, or restaurant/bar and exempting these temporary Chapter 380 programs from the requirements of Resolution No. 20180830-056. Strategic Outcome(s): Economic Opportunity and Affordability.

This item was postponed to November 12, 2020 on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

11. 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 \$44,000,000 to finance, in part, the new construction of an affordable rental development located at or near 735 Turtle Creek Boulevard, Austin, Texas 78745. District(s) Affected: District 2. Strategic Outcome(s): Economic Opportunity and Affordability.

Resolution No. 20201029-011 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

12. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments through the end of calendar year 2021, and payment of the related membership fee, in an amount not to exceed \$97,458.10. Strategic Outcome(s): Government That Works for All

Resolution No. 20201029-012 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

13. Approve a resolution confirming the appointment of Farah Ahmed and the reappointment of Jolsna Thomas to the Firefighters', Police Officers' and Emergency Medical Services Personnel's Civil Service Commission. Strategic Outcome(s): Government that Works for All

Resolution No. 20201029-013 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

14. Approve negotiation and execution of an amendment to the legal services agreement with Kaplan Kirsch & Rockwell LLP for legal services related to the Rent-A-Car Bankruptcy Matters in the amount of \$75,000, for a total contract amount not to exceed \$125,000. Strategic Outcome(s): Government that Works for All.
The motion approving negotiation and execution of an amendment to the legal services agreement with Kaplan Kirsch & Rockwell LLP was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.
15. Authorize negotiation and execution of a legal services agreement with Bickerstaff, Heath, Delgado LLP, related to City of Austin vs. Bluff Springs Food Mart, et. al., Cause No. C-1-CV-20-002492 in the Travis County Court at Law No. 1, Travis County, Texas, for a total contract not to exceed \$212,750. Strategic Outcome(s): Government That Works For All.
The motion authorizing the negotiation and execution of a legal services agreement with Bickerstaff, Heath, Delgado LLP was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.
16. Authorize negotiation and execution of an amendment to the legal services agreement with Robert Icenhauer Ramirez for legal services related to Hugo Rene Alvarez Jr. et al v. City of Austin et al, Cause No. 1:18-cv-00958-RP in the United States District Court for the Western District of Texas in the amount of \$148,500 for a total contract amount not to exceed \$208,500. Strategic Outcome(s): Government That Works For All.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Robert Icenhauer Ramirez was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.
17. Authorize negotiation and execution of an interlocal agreement with the Austin Independent School District for the Library Cards for All Students Program, which allows the Austin Public Library to offer a full purpose student library card to all students enrolled in the Austin Independent School District for the period from September 1, 2019 through August 31, 2021, with up to four additional 12-month terms. Strategic Outcome(s): Culture and Lifelong Learning.
The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.
18. Authorize negotiation and execution of an interlocal agreement with the Del Valle Independent School District for the district's participation in the Library Cards for All Students Program, which will allow the Austin Public Library to offer a full-purpose student library card to all

students enrolled in the Del Valle Independent School District. District(s) Affected: District 2. Strategic Outcome(s): Culture and Lifelong Learning.

The motion authorizing the negotiation and execution of an interlocal agreement with the Del Valle Independent School District was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

19. Approve an ordinance authorizing the acceptance of \$20,000 in grant funds from the Walmart Foundation, administered through the Partnership for a New American Economy Research Fund, and amending the Fiscal Year 2020-2021 Management Services Department's Equity Office Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to appropriate \$20,000 to support participation in a research project about COVID-19 emergency response efforts and the City's immigrant communities. Strategic Outcome(s): Government that Works for All; Health and Environment; Economic Opportunity and Affordability.
- Ordinance No. 20201029-019 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.**

Item 20 was pulled for discussion.

21. Authorize negotiation and execution of an agreement with Avita Drugs, LLC for pharmacy services in the amount of a fee based on the total amount of prescriptions administered, for an initial term of November 1, 2020 through October 31, 2021 with four automatic twelve-month renewal options ending on October 31, 2025, for a cost to be determined based on the total number of prescriptions administered. Strategic Outcome(s): Health and Environment.
- The motion authorizing the negotiation and execution of an agreement with Avita Drugs, LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.**
22. Authorize negotiation and execution of a contract with B-Cycle LLC, to provide electric bicycles and stations, in an amount not to exceed \$883,017. (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). Strategic Outcome(s): Mobility; Economic Opportunity and Affordability; Health and Environment.
- The motion authorizing the negotiation and execution of a contract with B-Cycle LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.**
23. Authorize award of a multi-term contract with McCain Inc., to provide traffic signal cabinets, for up to five years for a total contract amount not to exceed \$7,149,500. (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). Strategic Outcome(s): Mobility.

The motion authorizing the award of a multi-term contract with McCain Inc., was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

24. Authorize negotiation and execution of a multi-term contract with Scott & White Clinic, to provide Associate Medical Director services, for up to five years for a total contract amount not to exceed \$450,000. (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). Strategic Outcome(s): Health and Environment; Government that Works for All.

The motion authorizing the negotiation and execution of a multi-term contract with Scott & White Clinic was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

25. Approve an ordinance authorizing amendment of the Fiscal Year 2020-2021 Watershed Protection Department Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept \$1,200,000 in grant funds from the Federal Emergency Management Agency and amending the Fiscal Year 2020-2021 Watershed Protection Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to appropriate \$1,200,000 for Atlas 14-based flood studies and floodplain mapping for various watersheds. Strategic Outcome(s): Safety, Government that Works for All

Ordinance No. 20201029-025 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

26. 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 Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

Board/Nominee

Nominated by

Building and Fire Code Board of Appeals

Ronald Buys

Council Member Kitchen

Code and Ordinances Joint Committee

Joao Paulo Connolly

Planning Commission

Commission for Women

Diana Melendez

Council Member Renteria

Community Development Commission

Kendra Garrett

St. John's Neighborhood Association

MBE/WBE Small Business Enterprise Procurement Program Advisory Committee

Audrey Cannon

Council Member Kitchen

Resource Management Commission

Sam Angoori

Council Member Renteria

Waivers

Approve a waiver of the filing deadline for the statement of financial information as prescribed in Sections 2-1-25 and 2-7-72 of the City Code and establishing a new deadline of November 30, 2020 for the following members:

Kevin Ramberg

Environmental Commission

Carmen Llanes-Pulido

Planning Commission

Chris Harris

Public Safety Commission

Amanda Masino

Zero Waste Advisory Commission

Approve a waiver under Section 2-1-27(e) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for a person appointed to a City board on or before July 1, 2015, if the person completes the training required by Section 2-1-23 on or before November 30, 2020:

Janis Bookout

Zero Waste Advisory Commission

27. Approve a resolution relating to legal actions that concern housing discrimination based on source of income. Council Sponsors: Council Member Gregorio Casar, Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria.

Resolution No. 20201029-027 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

41. Approve an ordinance authorizing the issuance of City of Austin, Water and Wastewater System Revenue Bonds, Series 2020D, in the par amount of \$16,995,000, and approving related documents. Strategic Outcome(s): Government That Works For All.

Ordinance No. 20201029-041 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

42. Approve a resolution to authorize acceptance of grant funding in the amount of \$630,992 from the Texas Department of Housing and Community Affairs for the Homeless Housing and Services Program and the Homeless Housing and Services Program Youth Set-Aside. Strategic Outcome(s): Strategic Outcome(s):

Resolution No. 20201029-042 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

43. Approve a resolution directing the City Manager to enter into a contract with the Austin Independent Business Alliance for services related to the Independent Business Investment Zone program and to promote locally-owned businesses. Council Sponsors: Council Member Ann Kitchen, Council Member Leslie Pool, Council Member Kathie Tovo, Council Member Natasha Harper-Madison.

This item was withdrawn at the request of Council on consent on Mayor Pro Tem Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

ITEMS REFERRED FROM COUNCIL COMMITTEES

28. Approve the Joint Inclusion Committee bylaws. Council Sponsors: Audit and Finance Committee.

The motion approving the Joint Inclusion Committee bylaws was approved on Council Member Alter's motion, Council Member Pool's second on a 9-0 vote. Council Members Harper-Madison and Renteria were off the dais.

29. Approve an ordinance amending City Code Section 2-3-5 related to the City Auditor's investigative and referral authority. Council Sponsors: Audit and Finance Committee.

Ordinance No. 20201029-029 was approved on Council Member Alter's motion, Council Member Pool's second on a 9-0 vote. Council Members Harper-Madison and Renteria were off the dais.

DISCUSSION ITEMS

7. Authorize negotiation and execution of a construction manager at risk agreement with Bartlett Cocke General Contractors, LLC for preconstruction and construction services for the Dougherty Arts Center Facility Replacement project in an amount not to exceed \$20,000,000. [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 12.07% MBE and 5.62% WBE participation.] District(s) Affected: District 5. Strategic Outcome(s): Culture and Lifelong Learning

The motion authorizing the negotiation and execution of a construction manager at risk agreement with Bartlett Cocke General Contractors, LLC was approved on Council Member Renteria's motion, Council Member Alter's second on an 8-0 vote. Council Members Kitchen and Pool abstained. Council Member Harper-Madison was off the dais.

The following direction to staff was offered by Mayor Adler. The direction was:

"Approve item 7 with the following direction, consistent with prior direction on 20190509-08:

The City Manager is directed as a part of the City's development of designs for the Dougherty Arts Center:

- Include future phases that exceed the combined 2012 and 2018 bond funded amount and that offer the opportunity for expanded creative space facilities in all design alternatives
- Include alternatives to parks bond funding for parking facilities by exploring, but not limited to, the following:
 - o shared parking with neighboring developments and property owners
 - o parking enterprise or revenue-based financing, including underground parking
 - o transportation demand management strategies for the area
- Actively engage stakeholders who have expressed or may have a philanthropic interest in this project, and provide a framework for contributing to the new center."

The following friendly amendment to the direction was offered by Council Member Kitchen and accepted without objection. The amendment was to revise the first sentence of the direction to read:

"Approve item 7 with the following direction, which is the same as prior direction on 20190509-08:"

Further direction to staff was provided by Council Member Pool. The direction was:

The Parks and Recreation Department should consider the potential staff time and resource impacts involved should there end up being a more complicated rollout of the Dougherty Arts Center rebuild.

PUBLIC HEARINGS

30. Conduct a public hearing related to an application by The Residences at Howard Lane Ltd., 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 Residences at Howard Lane, located at or near the Northwest Corner and Southwest side of Howard Lane and Harris Branch Parkway and identified by Travis County Appraisal District ID's 755103 and 814420, within the City and the City's extraterritorial jurisdiction; and consider a resolution related to the proposed development, the application, and the allocation of housing tax credits and private activity bonds. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20201029-030 was approved on Council Member Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

ITEMS REFERRED FROM COUNCIL COMMITTEES CONTINUED

44. Approve the Office of the City Auditor's proposed Audit Plan for Fiscal Year 2021.

The motion to approve the Office of the City Auditor's proposed Audit Plan for Fiscal Year 2021 was approved on Council Member Alter's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was off the dais.

Mayor Adler recessed the meeting at 11:00 a.m. without objection. Council Member Harper-Madison was off the dais.

Mayor Adler reconvened the meeting at 12:02 p.m. Council Member Harper-Madison was off the dais.

CITIZEN COMMUNICATIONS: GENERAL

Zennia Wong – Waste management on Brownie Dr. - **Present**

Carlos León – 1) God, Jesus Christ, & The Holy Spirit are the Big Dawgz on the Heavenly porch.
2) Cancel Chemtrails. 3) Losing your marbles VI , part? - **Present**

Paul Robbins – City and Budget issues - **Present**

Mayor Adler recessed the Council Meeting at 12:14 p.m. without objection. Council Member Harper-Madison was off the dais.

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.

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

Withdrawn.

33. Discuss legal issues related to Reagan National Advertising, Inc. et al v. City of Austin, Cause No. 1:17-cv-00673-RP, in the United States District Court, Western District of Texas; 19-50354, United States Court of Appeals for the Fifth Circuit, Texas (Private consultation with legal counsel-Section 551.071 of the Government Code).

Withdrawn.

Mayor Adler reconvened the Council Meeting at 2:03 p.m.

ZONING ORDINANCES / RESTRICTIVE COVENANTS

34. C14-2017-0148 Zen Garden - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 3443 Ed Bluestein Boulevard (Walnut

Creek and Boggy Creek Watersheds) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. First reading approved on May 21, 2020. Vote 10-0; Council Member Alter abstained. Owner/Applicant: 3443 Zen Garden, LP (Adam Zarafshani). Agent: Sprouse Shrader Smithfield (Terrence L. Irion). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

This item was postponed to November 12, 2020 at the request of the neighborhood on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

35. NPA-2019-0003.01 - David Chapel Missionary Baptist Church- Conduct a public hearing and approve an ordinance amending Ordinance No. 19990715-113 the Chestnut 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 2201, 2203, 2205, 2207, 2209, 2211, 2301 E. Martin Luther King, Jr. Blvd; 1805, 1807 Ferdinand Street and 1803, 1805, 1807 Chestnut Ave. (Boggy Creek Watershed) from Civic and Single Family to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on October 27, 2020. Owner/Applicant: David Chapel Missionary Baptist Church. Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 1.

This item was postponed to December 3, 2020 at the request of staff on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

36. C14-2020-0057 - One Way Out - Conduct a public hearing and approve second and third readings of 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. First reading approved community commercial-mixed use (GR-MU) combining district zoning on October 1, 2020. Vote 11-0. Owner/Applicant: Gyro Plus LLC (Mohammad Arami). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

This item was postponed to December 3, 2020 at the request of staff on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

37. C14-2020-0055 Cooper Tract Commercial- Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 10001 East US Highway 290 (Decker Creek and Gilleland Creek Watersheds). Applicant Request: From interim-rural residence (I-RR) district zoning to commercial highway services (CH) district zoning. First reading approved commercial highway services (CH) district zoning on Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning on Tract 2, with conditions on October 1, 2020. Vote 11-0. 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.

This item was postponed to November 12, 2020 at the request of staff on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

38. NPA-2020-0019.01- Texas International Education Consortium (TIEC)- Conduct a public hearing and approve second and third readings of an ordinance amending Ordinance No. 20040826-056 the Central Austin Combined (West University) 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. First reading approved on October 1, 2020. Vote 11-0. 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 Ordinance No. 20201029-038 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

39. C14-2020-0026 - Texas International Education Consortium - Conduct a public hearing and approve second and third readings of 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. First reading approved on October 1, 2020. Vote: 11-0. 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 Ordinance No. 20201029-039 for community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

40. 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 withdrawn at the request of the applicant on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

20. Authorize negotiation and execution of all documents and instruments necessary to acquire in fee simple 0.214 acres being a portion of Lots 12, 13, and 14, Block F of the Raymond Subdivision, a part of Outlot 2, Division Z, an addition in the City of Austin recorded in Volume 2, Page(s) 129 of the Plat Records of Travis County, Texas, located at 702 Wood Street, Austin, Texas and owned by Beau Soleil Austin, LLC, a Texas limited liability company, for a total purchase price not to exceed \$1,174,250, including closing costs. District(s) Affected: District 9. Strategic Outcome(s): Health and Environment.

The motion authorizing the negotiation and execution of all documents and instruments necessary to acquire in fee simple 0.214 acres was approved on Council Member Tovo's motion, Council Member Alter's second on a 7-2 vote. Those voting aye were: Mayor Adler and Council Members Alter, Casar, Ellis, Kitchen, Pool, and Tovo. Those voting nay were: Council Members Flannigan and Renteria. Mayor Pro Tem Garza and Council Member Harper-Madison abstained.

Mayor Adler recessed the Council Meeting at 4:00 p.m. without objection.

Mayor Adler reconvened the Council Meeting at 6:01 p.m.

PUBLIC HEARINGS CONTINUED

31. Conduct a public hearing and consider an ordinance amending City Code Title 25 to amend the North Burnet/Gateway Regulating Plan to modify the civic land uses allowed in the Transit Oriented Development (TOD) Sub-District. District(s) Affected: District 7.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance failed on Council Member Pool's motion, Council Member Kitchen's second on a 2-6 vote. Those voting aye were: Council Members Kitchen and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Casar, Flannigan, Harper-Madison, and Renteria. Council Members Alter, Ellis, and Tovo abstained.

A motion to postpone this item indefinitely was approved on Council Member Casar's motion, Council Member Ellis' second on a 10-0 vote. Council Member Pool abstained.

Mayor Adler adjourned the meeting at 7:04 p.m. without objection.

The minutes were approved on this the 12th day of November 2020 on Council Member Casar's motion, Council Member Harper-Madison's second on a 10-0 vote.