

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 9, 2019****Invocation: Pastor Roy Jones, New Hope Missionary Baptist Church**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 9, 2019 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:15 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 April 23, 2019, regular meeting of April 25, 2019 and discussion of April 25, 2019.
The motion approving the minutes of the City Council work session of April 23, 2019, regular meeting of April 25, 2019, and discussion of April 25, 2019 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
2. Approve a resolution, as required by Texas Property Tax Code Section 6.051, authorizing the Travis Central Appraisal District (District) to purchase and acquire real estate located at 850 E. Anderson Lane, Austin, Texas, for an amount not to exceed \$10,000,000 of District funds to allow the District to expand their existing office facilities to accommodate additional Appraisal Review Board panels. District(s) Affected: District 4.
Resolution No. 20190509-002 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
3. Approve a resolution finding that the design-build method for buildings, as authorized by Subchapter G, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the project to rebuild Austin Fire Department Station #22 and renovate Austin Fire Department Stations #1 and #3. (Note: MBE/WBE goals will be established prior to issuance of this solicitation.) District(s) Affected: District 3, District 9.
Resolution No. 20190509-003 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Alter abstained.

4. Authorize execution of an interlocal agreement with Travis County in support of commissioning a study addressing food accessibility to include a retail recruitment/expansion strategy to address food accessibility, in an amount not to exceed \$100,000.
This item was withdrawn on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
5. Authorize negotiation and execution of an amendment to the legal services agreement with Robert Icenhauer Ramirez for legal services related to Albina Roque et al v. City of Austin et al, Cause No. 1:17-cv-932 in the United States District Court for the Western District of Texas in an amount of \$209,000 for a total contract amount not to exceed \$371,000.
The motion authorizing 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 Flannigan's second on an 11-0 vote.
6. Approve an ordinance amending the Fiscal Year 2018-2019 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20180911-001) to accept grant funds in the amount of \$200,000 from the Texas Parks and Wildlife Department Recreational Trails Grant; and amending the Fiscal Year 2018-2019 Parks and Recreation Department Capital Budget (Ordinance No. 20180911-001) to transfer in and appropriate \$200,000 from the Parks and Recreation Department Operating Budget Special Revenue Fund for the Slaughter Creek Greenbelt Equestrian Trail project. District(s) Affected: District 5.
Ordinance No. 20190509-006 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
7. Approve a resolution authorizing the City Manager, or his designee, to sign an agreement with Texas Parks and Wildlife Department for a Recreational Trails Grant in the amount of \$200,000 for Slaughter Creek Greenbelt Equestrian Trail. District(s) Affected: District 5.
Resolution No. 20190509-007 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

Item 8 was pulled for discussion.

9. Approve a resolution directing the City Manager to initiate a pilot small area planning process along North Lamar Boulevard generally between Tech Ridge Transit Center and US 183. District(s) Affected: District 4, District 7.
This item was postponed indefinitely on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
10. Approve an ordinance for the full purpose annexation of approximately 42.064 acres in Travis County, located approximately four-tenths of a mile east of the intersection of River Place Boulevard and Milky Way Drive. Related to Item #32. District(s) Affected: District 6, District 10.
This item was postponed to August 8, 2019 on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

11. Approve a resolution that adopts a newly updated list of projects approved for Quarter Cent funding.
Resolution No. 20190509-011 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
12. Authorize award of a multi-term contract with Melendrez Trucking LLC (MWB), to provide gem sand and washed gravel aggregate materials, for up to five years for a total contract amount not to exceed \$1,379,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The subcontracting goals were exceeded, and the resulting contract will include 27.96% MBE/WBE combined participation).
The motion authorizing award of a multi-term contract with Melendrez Trucking LLC was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
13. Authorize award of a multi-term contract with Nestle Waters North America Inc. D/B/A Ready Refresh by Nestle, to provide drinking water delivery service, for up to four years for a total contract amount not to exceed \$490,000. (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 award of a multi-term contract with Nestle Waters North America Inc. doing business as Ready Refresh by Nestle was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on a 9-1 vote. Council Member Flannigan voted nay. Council Member Alter abstained.
14. Authorize negotiation and execution of a multi-term contract with Spatial Business System, Inc., to provide maintenance, support and system upgrades for the automated utility design software utilized by Austin Energy, for up to five years for a total contract amount not to exceed \$1,160,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were insufficient subcontract opportunities; therefore, no subcontracting goals were established).
The motion authorizing the negotiation and execution of a multi-term contract with Spatial Business System, Inc. was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
15. Authorize negotiation and execution of a multi-term contract with Emmis Austin Radio Broadcasting Company LP, D/B/A Incite, to provide tobacco prevention and chronic disease media services, for up to five years for a total contract amount not to exceed \$1,035,000. (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

and subcontractor goals were applied to the solicitation. The subcontracting goals were met and the resulting contract will include 1.08% MBE and 1.56% WBE participation).

The motion authorizing the negotiation and execution of a multi-term contract with Emmis Austin Radio Broadcasting Company LP, doing business as Incite was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

16. Approve an ordinance suspending a Gas Reliability Infrastructure Program interim rate adjustment proposed by CenterPoint Energy Resources.
Ordinance No. 20190509-016 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
17. Approve a resolution accepting the results of the Audit of the Actuarial Valuations, Studies, and Reports for the City's three pension systems, City of Austin Employee's Retirement System, Austin Fire Fighters Relief and Retirement Fund, and the Austin Police Retirement System.
Resolution No. 20190509-017 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
18. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
The following appointments were approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

Nominations

Board/Nominee	Nominated by
African American Resource Advisory Commission Daryl Horton	Mayor Adler
Austin-Travis County Food Policy Board Nu ChanPheng	Mayor Adler
Austin-Travis County Food Policy Board Kara Prior	Mayor Adler
Bond Oversight Commission Sarah Cook	Council Member Tovo
Building and Fire Code Board of Appeal Marco Fiorilo	Council Member Ellis
Building and Standards Commission James Briceno	Council Member Flannigan

Community Development Commission (Representative)
Heidi Sloan

Council Member Casar

Comprehensive Plan Joint Committee
Hank Smith

Zoning & Platting Commission

Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission
Saul Gonzalez

Council Member Ellis

Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission
Christina Gorczynski

Mayor Adler

Mexican American Cultural Center Advisory Board
Denise Hernandez

Council Member Ellis

Special Events Task Force
Ingrid Weigand

Council Member Tovo

Special Events Task Force
Shelley Phillips

Council Member Casar

Intergovernmental Bodies

Emergency Service District #4
Billy Webb

Council Member Harper-Madison

Reappointments

Building and Standards Commission
John Green

Council Member Casar

Building and Standards Commission
Pablo Avila

Mayor Pro Tem Garza

Board of Adjustment
Rahm McDaniel

Council Member Casar

Waivers

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Denise Hernandez. The waiver allows simultaneous service on the Mexican American Cultural Center Advisory Board and MBE/WBE and Small Business Enterprise Procurement Program Advisory Committee.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of James Briceno on the Building and Standards Commission.

Items 19 and 20 were pulled for discussion.

21. Set a public hearing related to an application by LDG Development, 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 Norwood Estates, located at or near 916 and 918 Norwood Park Boulevard in the City of Austin (Suggested date: May 23, 2019 at Austin City Hall, 301 W. 2nd Street, Austin, TX).

This item was withdrawn on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

22. Set a public hearing related to an application by Generation Housing Development, LLC, or an affiliated entity, for housing tax credits for the construction of a multi-family development to be known as Heritage Estates, located at or near 14101 Owen Tech Boulevard, in the City's extraterritorial jurisdiction (Suggested date: May 23, 2019, Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701).

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

Item 37 was pulled for discussion.

38. Approve an ordinance waiving or reimbursing certain fees for the National Education Service Center Senior Banquet, sponsored by the League of United Latin American Citizens, on Monday, May 20, 2019, at the Asian American Resource Center. Council Sponsors: Council Member Gregorio Casar, Council Member Ann Kitchen, Council Member Kathie Tovo, Council Member Sabino 'Pio' Renteria.

Ordinance No. 20190509-038 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

39. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the St. John's Unity Walk, sponsored by Austin Voices for Education and Youth, which was held on Saturday, April 27, 2019, at Reagan High School. Council Sponsors: Council Member Gregorio Casar, Mayor Steve Adler, Council Member Natasha Harper-Madison, Mayor Pro Tem Delia Garza.

The motion approving the waiver or reimbursement of certain fees for the St. John's Unity Walk event was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

40. Approve an ordinance waiving or reimbursing certain fees for the Chingona Fest Texas, sponsored by Hustle for the Cause, to be held on Saturday June 22, 2019, at 507 Calles Street. Council Sponsors: Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Delia Garza, Council Member Natasha Harper-Madison, Council Member Gregorio Casar.

Ordinance No. 20190509-040 was approved on consent on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

41. Set a public hearing related to an application by LDG Estates at Norwood, 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 Norwood Estates, located at or near 916 and 918 Norwood Park Boulevard in the City of Austin (Suggested date: May 23, 2019 at Austin City Hall, 301 W. 2nd Street, Austin, TX).
This item was postponed to June 6, 2019 on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.
42. Set a public hearing to be conducted in accordance with Texas Parks and Wildlife Code Section 26.001, et seq., to consider a resolution authorizing a change in use of dedicated parkland for approximately 42,000 square feet of permanent waterline, waste waterline and electric utilities to construct, install, use, maintain, and repair the waterline and electric utilities through dedicated parkland, known as Waller Beach at Town Lake Metro Park. (Suggested date: June 6th, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX.) District(s) Affected: District 9.
This item was withdrawn on Mayor Pro Tem Garza's motion, Council Member Flannigan's second on an 11-0 vote.

DISCUSSION ITEMS

8. Approve the proposed Dougherty Arts Center redevelopment site at Butler Shores Park.
District(s) Affected: District 5.
The motion to approve the proposed redevelopment site with amendments was made by Council Member Kitchen, seconded by Council Member Pool.

The amendments are as follows:

City Council approves location of the Dougherty Arts Center (DAC) on Butler Shores. The City Council also authorizes the City Manager to proceed with design, subject to the directions included in this amendment and to return to Council for approval prior to construction. Design for redevelopment of the DAC at the Toomey Rd./Riverside Drive location shall include analysis of the following options:

1) Planning Commission recommendations:

- **A parking and transportation demand management strategy be developed for the entire arts complex that considers area on-and off-street parking, and under-shoots parking supply in anticipation of public transit investments.**
- **Any structured parking should be innovative, employ LEED strategies, charge for parking, and be available for future conversion.**
- **The arts complex should be developed as an active transportation hub and generally minimize space dedicated to automobile use.**

2) Design Commission recommendations:

- **Providing access from both Toomey Road and West Riverside Drive**
- **Integration of district public parking structure**
- **Streetscape improvements along Toomey Road**

- Enhancing the cultural arts district around Zach Scott Theater
- Connection to the Hike & Bike Trail and public restroom
- Outdoor education and performance spaces

3) Moving the existing PARD main office building to another location, to allow for adjustments to the location of the DAC building and parking structure to reduce impact of traffic on Toomey Road.

4) If appropriate and feasible, opportunities to incorporate the PARD office building into the DAC structure, to allow for adjustments of the DAC building and parking structure to reduce impact of traffic on Toomey Rd.

5) Options for locating the DAC parking structure away from Toomey Rd and combining with existing Zachary Scott Theatre surface parking and/or other parking structures in the area.

6) Creation of an Advisory Group consisting of neighbors living along Toomey Rd, DAC users, and other community members, to provide feedback during the design process.

A motion to approve the following amendment to the amendment was made by Council Member Tovo, seconded by Council Member Pool. The amendment was approved on an 8-2 vote. Council Members Flannigan and Renteria voted nay. Council Member Casar was off the dais.

The motion to amend the second sentence was approved as follows:

The City Council also authorizes the City Manager to proceed with design, subject to the directions included in this amendment. After schematic design phase the City Manager shall return to Council for feedback and approval of the design prior to construction.

The motion to approve agenda item 8 with the following direction:

City Council approves location of the Dougherty Arts Center on Butler Shores.

Prior to issuing an RFQ and negotiating a design contract, the City Manager should consider:

- 1) Alternatives to funding any garage from the parks bond by, including, but not limited to:
 - a. Exploring shared parking opportunities with neighboring developments
 - b. Exploring revenue-financed parking, including underground parking
 - c. Exploring transportation demand management strategies for the area
- 2) Designs that allow for future phases of expansion of the center.
- 3) Mechanisms by which the City might engage philanthropic interest in capital projects including, but not limited to, the Dougherty Arts Center.

The motion approving the Dougherty Arts Center redevelopment site was approved as amended above on Council Member Kitchen's motion, Council Member Pool's second on an 8-2 vote. Council Members Flannigan and Renteria voted nay. Council Member Casar was off the dais.

37. Approve an ordinance authorizing the issuance and sale of City of Austin, Texas, Electric Utility Revenue Bonds, Taxable Series 2019A, in a par amount not to exceed \$470,000,000, in accordance with the parameters set out in the ordinance; authorizing related documents; approving the payment of costs of issuance; and providing that the issuance and sale be accomplished by December 31, 2019.

Ordinance No. 20190509-037 was approved as amended below on Council Member Tovo's motion, Council Member Pool's second on an 11-0 vote. The amendment was to insert 7% in Section 4 A.ii.

CITIZEN COMMUNICATIONS: GENERAL

Travis Jones – Sustainable Buildings at no cost to the City of Austin. – **Not Present**

Wendy Murphy – Animal Services

Terry Colgan – TBD

Erin Van Landingham – Austin Animal Center

Katie Deoloz – Rehumanizing Mobilty

Silver White Mountain – TBD

Chester Martel – Abandoned Vehicles - **Not Present**

Mayor Adler recessed the meeting to go into Executive Session at 12:14 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.

24. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.

25. Consider matters related to Austin Energy generation resources (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).
This item was withdrawn.

43. Discuss legal issues related to security, safety, and public access at City facilities (Private consultation with legal counsel - Section 551.071 of the Government Code).

This item was withdrawn.

Mayor Adler reconvened the Council Meeting at 1:27 p.m.

DISCUSSION ITEMS CONTINUED

19. Approve a resolution directing the City Manager to develop recommendations for creating a comprehensive, community-wide resilience plan, and supporting the general tenants of the Green New Deal. Council Sponsors: Council Member Leslie Pool, Council Member Kathie Tovo, Council Member Paige Ellis, Council Member Alison Alter, Council Member Ann Kitchen. **Resolution No. 20190509-019 was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.**

20. Approve a resolution directing the City Manager to include an analysis of transportation electrification and action planning in the next update to the City's Community Climate Plan. Council Sponsors: Council Member Alison Alter, Council Member Paige Ellis, Council Member Ann Kitchen, Council Member Leslie Pool, Council Member Kathie Tovo. **The motion to approve Resolution No. 20190509-020 with amendments was made on Council Member Alter's motion, Council Member Kitchen's second.**

The amendments are as follows:

To add a new third Whereas clause to read: WHEREAS, the City of Austin's climate goals cannot be met without reductions in greenhouse gas emissions from transportation; and

To revise the fourth Whereas clause to read: WHEREAS, previous City of Austin planning focused on land use and mobility policies was not expected to drive greenhouse gas emissions from transportation down significantly; and

To add a new fifth Whereas clause to read: WHEREAS, recent City of Austin planning focused on land use and mobility policies, including the 2019 Austin Strategic Mobility Plan and the current land development code revisions, may reduce greenhouse gas emissions from transportation significantly but may still be insufficient; and

To delete the following: WHEREAS, the Austin Community Climate Plan does not include sufficient transportation-specific goals; and

To revise the 14th Whereas clause to read: WHEREAS, The current Austin Community Climate Plan includes strategies to "support programs and efforts that expand electric/alternative fuel infrastructure"; and

An amendment was made by Council Member Natasha Harper-Madison and seconded by Council Member Flannigan. The amendment was accepted without objection.

The amendment was to add a new number 3 to the Be It Resolved clause to read as follows and renumber accordingly:

3. the Austin Strategic Mobility Plan climate policy and mode shift goals;

An amendment was made by Council Member Harper-Madison and accepted without objection.

The amendment was to revise the Be It Further Resolved clause to read:

The City Manager shall further work to include, as part of Austin Energy's regular reporting to the Utility Oversight Committee, annual updates on the status and progress of Austin Energy's transportation electrification programs, including the public EV charging network, fleet electrification, EV building codes, rebates for EV programs, outreach, new plans and strategies to reach multifamily and low-income households, and electrifying new mobility services.

The motion to approve Resolution No. 20190509-020 as amended above was approved on Council Member Alter's motion, Council Member Kitchen's second on an 11-0 vote.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 2:30 p.m. See separate minutes.

23. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene.

Mayor Adler reconvened the Council Meeting at 2:41 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

28. C14-2018-0115 - Sigma Chi Fraternity - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2701 Nueces Street (Waller Creek Watershed). Applicant Request: To rezone from multifamily residence - moderate-high density - conditional overlay - neighborhood plan (MF-4-CO-NP) combining district zoning to multifamily residence - moderate-high density - neighborhood plan (MF-4-NP) combining district zoning as amended. First Reading approved on March 28, 2019. Vote: 11-0. Owner/Applicant: Alpha Nu Chapter of Sigma Chi (Linden Welsch). Thrower Design (Victoria Haase). City Staff: Scott Grantham, 512-974-3574. District(s) Affected: District 9.

Ordinance No. 20190509-028 for multifamily residence - moderate-high density - neighborhood plan (MF-4-NP) combining district zoning as amended was approved on Council Member Flannigan's motion, Council Member Renteria's second on an 11-0 vote.

29. NPA-2017-0016.03 - 3232 & 3306 East Cesar Chavez Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, 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 3232 & 3306 East Cesar Chavez Street (Colorado River Watershed) from Commercial to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be

reviewed on May 14, 2019. Owner/Applicant: The Betty Sue Kurtz Trust and The Thelma Ann Zirkelbach Trust. Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

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

30. C14-2017-0138 -3232 and 3306 East Cesar Chavez Rezoning- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3232 and 3306 East Cesar Chavez Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on May 14, 2019. Owner/Applicant: The Betty Sue Kurtz Trust and The Thelma Ann Zirkelbach Trust. Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Heather Chaffin, 512 974-2122. District(s) Affected: District 3.

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

31. C14-96-0007.01 - Samsung Austin Semiconductor PDA Amendment #1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12100 Samsung Boulevard (Harris Branch Watershed). Applicant Request: To rezone from limited industrial-planned development area (LI-PDA) combining district zoning to limited industrial-planned development area (LI-PDA) combining district zoning, to change a condition of zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant limited industrial-planned development area (LI-PDA) combining district zoning, to change a condition of zoning. Owner/Applicant: Samsung Austin Semiconductor, LLC. Agent: 2P Consultants, LLC (David Urban, PE). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190509-031 for limited industrial-planned development area (LI-PDA) combining district zoning, to change a condition of zoning was approved on Council Member Flannigan's motion, Council Member Renteria's second on an 11-0 vote.

32. C14-2018-0124- River Place - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as Milky Way Drive (West Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Staff Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner/Applicant: Milky Way Holdings GP, LLC (Garrett S. Martin). Agent: McLean & Howard,

LLP (Jeff Howard). City Staff: Sherri Sirwaitis, 512-974-3057. Related to Item #10. District(s) Affected: District 6, District 10.

This item was postponed at the request of staff to August 8, 2019 on Council Member Flannigan's motion, Council Member Renteria's second on an 11-0 vote.

33. C14-2018-0141 - 1907 Inverness Zoning Change - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1907 Inverness Boulevard (Williamson Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning, as amended. Staff Recommendation and Planning Commission Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Owner/Applicant: Marquee Investments, LLC (Alex Bahrami). Agent: Austex Building Consultants (Jonathan Perlstein). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 5.

This item was postponed at the request of the applicant to June 6, 2019 on Council Member Flannigan's motion, Council Member Renteria's second on an 11-0 vote.

34. C14-2018-0126 -Pioneer Hill Apartments-Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1420 Dessau Road (Walnut Creek Watershed). Applicant Request: From limited industrial services-conditional overlay (LI-CO) combining district zoning to multifamily residence-moderate high density (MF-4) district zoning. Staff Recommendation: To grant multifamily residence-moderate high density (MF-4) district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning. Owner: F C Morse Jr. Exempt Family Trust, Et. al (Scott Morse). Applicant: JCI Residential, LLC (Ross Hamilton) Agent: Alice Glasco Consulting (Alice Glasco,). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190509-034 for multifamily residence-moderate high density (MF-4) district zoning was approved on Council Member Flannigan's motion, Council Member Renteria's second on an 11-0 vote.

35. C14-2018-0108 - Airport Gateway, Lots 1, 5 and 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25by rezoning property locally known as 3112 Caseybridge Court (Carson Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial services-conditional overlay-neighborhood overlay (LI-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning, to change a

condition of zoning, with conditions. Owner/Applicant: Airport Gateway LP (Kenneth R. Satterlee). Agent: Land Strategies (Erin Welch). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190509-035 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning, to change a condition of zoning, with conditions was approved on Council Member Flannigan's motion, Council Member Renteria's second on an 11-0 vote.

36. C14-2018-0109 - Airport Gateway, Lot 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3111 Caseybridge Court (Carson Creek Watershed). Applicant's Request: To rezone from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Owner/Applicant: Airport Gateway LP (Kenneth R. Satterlee). Agent: Land Strategies (Erin Welch). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190509-036 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions was approved on Council Member Flannigan's motion, Council Member Renteria's second on an 11-0 vote.

PUBLIC HEARINGS

26. Conduct a public hearing to receive citizen input on the City's Draft Fiscal Year 2019-2024 Consolidated Plan and Fiscal Year 2019-2020 Annual Action Plan, which together serve as planning documents for the City and as an application for federal funding.

The public hearing was conducted and a motion to close the public hearing was approved on Council Member Casar's motion, Council Member Renteria's second on an 11-0 vote.

Mayor Adler announced Council would go into Executive Session to discuss item 27. Mayor Adler recessed the meeting at 4:24 p.m. to go into Executive Session.

Mayor Adler reconvened the meeting at 4:58 p.m.

27. Conduct a public hearing and consider an ordinance amending City Code Title 25 (Land Development Code) to establish a residential affordable housing development bonus program; authorize certain modifications, waivers, and requirements related to site development regulations; and create an offense and corresponding penalty.

The motion to approve the ordinance with the following amendments and direction was made by Council Member Casar, seconded by Mayor Pro Tem Garza.

To adopt the base motion as follows:

Adopt staff's Draft Post-PC recommendations – Version 2 including Planning Commission's recommendation by amending the following sections to waive minimum site area requirements as follows:

Amend Part 3, Section 25-2-518 (*Qualifying Development*) beginning on Page 8, line 204, by removing Subsections (C) and (D) and re-letter accordingly.

Amend Part 4, Section 25-2-534 (*Qualifying Development Exceptions*) beginning on Page 9, Line 254, as follows:

Section 25-2-534 QUALIFYING DEVELOPMENT EXCEPTIONS.

(C) A Type 1 development may:

- (1) construct to a height that is the applicable base zoning district height limit multiplied by 1.25;
- (2) reduce front yard setbacks by 50 percent;
- (3) reduce rear setbacks by 50 percent; and
- (4) include six dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive.

(D) In addition to Subsection (C), a Type 2 development may:

- (1) construct to a height that is the applicable base zoning district height limit multiplied by 1.5; and
- (2) include eight dwelling units if the existing zoning on the site is Single Family Residential Small (SF-4A), Single Family Residence Condominium Site (SF-4B), or more restrictive.

Ensure Fair outcome of Planning Commission and staff's recommendation to include screening and design requirements for developments on lots zoned SF-5 or more restrictive only when a qualifying development is higher than 35 feet or 3 stories by amending Part 3, Section 25-5-518 (*Qualifying Development*), beginning on Page 9, Line 234, as follows:

Section 25-2-518 QUALIFYING DEVELOPMENT.

(G) This section applies to a qualifying development located in urban residence (SF-5) or more restrictive zoning district and the height of the development exceeds 35 feet or three stories.

Extend the affordability period for rental developments if the affordability period is extended for developments receiving city or Austin Housing Finance Corporation (AHFC) funds by amending Part 2, Section 25-1-723 (*Affordability Requirements*) beginning on page 6, line 144, as follows:

Section 25-1-723 AFFORDABILITY REQUIREMENTS.

(E) The minimum affordability period for a rental development is the greater of the affordability period required for developments receiving city or Austin Housing Finance Corporation (AHFC) funds or 40 years following the issuance of the last certificate of occupancy required for the qualifying development.

Allow small lots to utilize the program by amending Part 4, Section 25-2-534 (*Qualifying Development Exceptions*) and renumber subsections accordingly as follows:

Section 25-2-534 Qualifying Development Exceptions.

(C) Minimum lot size for a qualifying development is 2,500 square feet.

(D) Minimum lot width for a qualifying development is 25 feet.

Increase accessible parking space requirements by amending Part 5, Section 25-6-471 (*Off-Street Parking Facility Required*) and renumbering accordingly as follows:

Section 25-6-471 OFF-STREET PARKING FACILITY REQUIRED.

(J) A qualifying development is not required to comply with Appendix A of Chapter 25-6 (*Transportation*) but must comply with this section.

(1) If the parking provided by a qualifying development with more than two units is fewer parking spaces than required in Appendix A (*Tables of Off-Street Parking and Loading Requirements*), the minimum number of required off-street accessible spaces is the greater of:

(a) one accessible parking space;

(b) the number of accessible spaces required under the Building Code based on 100 percent of the parking required for the use under Appendix A (*Tables of Off-Street Parking and Loading Requirements*); or

(c) the number of accessible spaces required under the ADA or the FHAA, as appropriate.

(2) An accessible space must be adjacent to the site and on an accessible route.

(3) An accessible parking space must comply with design, accessibility, and location requirements imposed by the ADA and the FHAA, as appropriate.

(4) Accessible parking detailed in Subsection (J)(1) must be provided off-street except insofar as on-street or off-site parking is allowed elsewhere in this title.

To strike 25-6-471, Section K.

To rename the program, for purposes of clarity, by amending Part 2, Division 4 as follows:

PART 2. City Code Chapter 25-1, Article 15 (*Housing*) is amended to add a new Division 4 Affordability Unlocked to read as follows:

Division 4. Affordability Unlocked Bonus Program.

Clarify the allowable space that can be commercial uses by amending Part 3, Section 25-2-518 (*Qualifying Development*) as follows:

Section 25-2-518 QUALIFYING DEVELOPEMNT.

(E) No more than 25 percent of the gross floor area of the qualifying development may be comprised of commercial uses. The permitted commercial uses are determined using the base zoning district.

Clarify that type 2 requirements are in addition to Type 1 requirements by amending Part 2, Section 25-1-723 (*Affordability Requirements*) as follows:

Section 25-1-723 AFFORDABILITY REQUIREMENTS.

(B) A rental development must comply with at least the following:

- (1) at least 50 percent of the total units serve households whose incomes 134 average 60 percent MFI or below;
- (2) at least 20 percent of the total units serve households with incomes of 136 50 percent MFI or below.

An amendment was approved on Council Member Pool's motion without objection with Council Member Alter abstaining.

The amendments are as follows:

To amend Definitions in 25-1-721 to include "*Sleeping Unit*" to read: SLEEPING UNIT means a bedroom in a structure that serves as a dwelling unit for seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas.

To amend Subsection 25-1-722 (A)(1)(*Eligibility*) to read as follows:

(A) A proposed development qualifies as a Type 1 development and is eligible for this program if:

- (1) it includes:
 - (a) three or more dwelling units;
 - (b) only affordable dwelling units; or
 - (c) one or more structures that serve as a dwelling unit offer seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas.

To amend Section 25-1722 (C)(2) & (3) (*Eligibility*) to read as follows:

(2) for a rental development:

- (a) at least 75 percent of the total units or sleeping units serve households whose incomes average 60 percent MFI or below, rounded up to the nearest unit or sleeping unit; or

- (b) at least 10 percent of the affordable units or sleeping units serve households with incomes of 30 percent MFI or below, rounded up to the nearest unit or sleeping unit;
- (3) for an owner-occupied development, at least 75 percent of the owner-occupied dwelling units or sleeping units serve households whole incomes average 80 MFI or below;

An amendment was made by Council Member Pool to amend Section 25-1-723(B)(1) & (2) (*Affordability Requirements*) as follows:

Section 25-1-723(B)(1) & (2) (*Affordability Requirements*).

- (1) at least 50 percent of the total units or sleeping units serve households whose incomes average 60 percent MFI or below; and
- (2) at least 20 percent of the total units or sleeping units serve households with incomes of 50 percent MFI or below.

A motion calling the question to Council Member Pool's amendment was made by Council Member Flannigan. The motion to end debate was approved on an 8-3 vote: Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison, Pool and Renteria. Those voting nay were: Council Members Alter, Kitchen and Tovo.

The amendment was approved on a 7-1 vote with Council Member Tovo voting nay. Council Members Alter, Kitchen and Pool abstained.

A motion to provide direction was given to staff to return with a standard definition for cooperative units. The item was later withdrawn.

A motion to approve the following direction was made by Council Member Kitchen and accepted without objection.

The following direction was approved without objection.

Direct the City Manager and the Housing, Transportation and Development Services staffs to work with the disability community, including the Austin Office of Adapt of Texas to discuss and develop recommendations addressing issues related to the parking availability provisions of Part 5 and to return to council with such findings and recommendations at the June 20 council meeting.

A motion was made by Council Member Kitchen to amend 25-1-725 to add a new Part 6 to read as follows:

The city shall enter into an agreement with each qualifying development, whether or not supported with city investments that will include at least the following provisions to ensure

compliance with affordability requirements established in this program, as well as ongoing affordability:

1. For owner-occupied housing, granting the City a right of first refusal for purchase of the property upon sale
2. To the extent feasible for rental developments, granting the City a right of first refusal for purchase of the property upon sale
3. Provisions related to penalties for repeated violations
4. Other options the city deems appropriate

The amendment adding the new Part 6 and points one, three and four were accepted without objection.

The following direction was accepted without objection: To direct the City Manager that to the extent feasible for rental developments, granting the City a right of first refusal for purchase of the property upon sale of the new Part 6 and return to council with findings and recommendations at the June 20 Council meeting.

A motion to approve the ordinance with the following direction was made by Council Member Tovo. The following direction was approved without objection:

One year from adoption of this ordinance, staff shall provide information about the following:

- (1) Name of applicants who have utilized this ordinance;
- (2) Location of the participating projects;
- (3) Number of affordable units and total units created in each project;
- (4) Number of households/and or residents housed and at what levels of affordability in each project;
- (5) Bedroom mix for both affordable and market-rate units in each project.

An amendment was made by Council Member Tovo, seconded by Council Member Pool to Amend Subsection (B) of Section 25-1-722 (Eligibility) to read as follows:

- (2) may not discriminate on the basis of an individual's source of income as defined in Section 5-1-13 (Definitions; and
- (3) may not use any of the dwelling units in a multi-family development for short-term rental use.

The amendment to amend Subsection (B) of Section 25-1-722 failed on a 4-7 vote. Council Members Alter, Kitchen, Pool and Tovo voted aye. Mayor Adler, Mayor Pro Tem Garza, Council Members Casar, Ellis, Flannigan, Harper-Madison and Renteria voted nay.

A motion with direction to staff was made by Council Member Alter.

The following direction was approved without objection:

Direction was given to staff to provide recommendations to the Council on whether to make adjustments to better target particular household types or demographics to the greatest extent possible under the Fair Housing Act.

Direction was given to staff to report whether the program is working best for existing non-profit providers or for-profit providers or whether it brings new actors into the income restricted housing market.

A friendly amendment was made by Council Member Ellis and accepted without objection to include development and parking exceptions utilized by each project and return to council with findings and recommendations at the June 20 Council meeting.

A motion to amend an earlier direction was made by Council Member Tovo and approved without objection to report back identification of developments that participated in more than one density program and the number of units if they had met the requirements for both for each one individually.

Direction was given to staff to provide the identification of any developments that include type 3 short-term rentals.

A motion to Amend 25-2-534 (F) Qualifying Development and adding a new part (H) was made by Council Member Kitchen and accepted without objection. The section (F) is to read:

25-2-534 Qualifying Development

(F) A qualifying development is not required to comply with:

- (1) the height and setback requirements of Article 10 (Compatibility Standards) except to maintain side setbacks as required by the base zoning district;**
- (3) Subchapter F (Residential Design and Compatibility Standards) except to maintain side setbacks as required by the base zoning district;**

Add a new (H) to read as follows:

(H) A qualifying development will comply with impervious cover as allowed by zoning.

A motion to amend 25-1-725 Post-Construction Requirements and Penalty, new Part 7 was made by Council Member Alter and approved without objection.

Amend 25-1-725 Post-Construction Requirements and Penalty Part 7

The administrative rules implementing the Affordability Unlocked Bonus Program shall at a minimum establish:

- (1) rent level standards based on the different MFI level targets and varying to reflect different unit types**
- (2) determine income eligibility standards for renters and owners**

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20190509-027 as amended above was approved on Council Member Casar's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Mayor Pro Tem Garza adjourned the meeting at 5:40 p.m. without objection.

LIVE MUSIC

Mother Rukkus

PROCLAMATIONS

Proclamation – National Salvation Army Week – To be presented by Council Member Kathie Tovo

Proclamation – Joanna Wolaver Day – To be presented by Council Member Leslie Pool and to be accepted by the honoree.

Distinguished Service Award – Tim Hamblin – To be presented by Council Member Jimmy Flannigan and to be accepted by the honoree.

Proclamation – Lemonade Day – To be presented by Council Member Jimmy Flannigan and to be accepted by Morgan Briscoe.

Proclamation – Building Safety Month – To be presented by Mayor Steve Adler.

Proclamation – Public Service Recognition Day – To be presented by Mayor Steve Adler and to be accepted by City Manager Spencer Cronk.

Proclamation – Reporte Austin 5th Anniversary – To be presented by Council Member Greg Casar and to be accepted by Mario Tapia, Reporte Austin.

Proclamation – Mental Health Month – To be presented by Council Member Harper-Madison and to be accepted by Corie Cormie, Kids Living Well.

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

