



# City of Austin

## Agenda

### City Council Work Session

*Mayor Steve Adler*

*Mayor Pro Tem Delia Garza*

*Council Member Natasha Harper-Madison*

*Council Member Sabino "Pio" Renteria*

*Council Member Gregorio Casar*

*Council Member Ann Kitchen*

*Council Member Jimmy Flannigan*

*Council Member Leslie Pool*

*Council Member Paige Ellis*

*Council Member Kathie Tovo*

*Council Member Alison Alter*

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**Tuesday, October 27, 2020**

**9:00 AM**

**Via Videoconference**

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*The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.*

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

**A. Pre-Selected Agenda Items**

**B. Briefings**

**B1.** Briefing on Covid-19 related matters. (Standing staff update)

**C. Council Items of Interest**

**D. Council Discussion**

**E. Executive Session**

- E1.** Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
- E2.** 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).

**Adjourn**

## Consent Agenda

### Approval of Minutes

1. Approve the minutes of the Austin City Council work session of October 13, 2020, and regular meeting of October 15, 2020.

### Austin Energy

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.

Strategic Outcome(s): Government That Works for All

District(s): District 9

### Capital Contracting Office

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.].

Strategic Outcome(s): Health and Environment.

District(s): District 7

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.].

Strategic Outcome(s): Health and Environment.

District(s): District 7

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.]

**Strategic Outcome(s):** Safety, Health and Environment

**District(s):** District 8

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.].

**Strategic Outcome(s):** Health and Environment.

**District(s):** District 6

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.]

**Strategic Outcome(s):** Culture and Lifelong Learning

**District(s):** District 5

## **Economic Development Department**

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.

**Strategic Outcome(s):** Economic Opportunity and Affordability.

**District(s):** District 1

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.

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.

## **Housing and Planning**

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.

**Strategic Outcome(s):** Economic Opportunity and Affordability.

**District(s):** District 2

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

## **Human Resources**

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

## **Law**

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.

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.

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.

## **Library**

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.

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.

Strategic Outcome(s): Culture and Lifelong Learning.

District(s): District 2

### Management Services

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.

### Office of Real Estate Services

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.

Strategic Outcome(s): Health and Environment.

District(s): District 9

### Public Health

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.

### Purchasing Office

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.

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.

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.

### **Watershed Protection Department**

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

### **Item(s) from Council**

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.
27. Approve a resolution relating to legal actions that concern housing discrimination based on source of income.

**Sponsors:** Council Member Gregorio Casar, Council Member Kathie Tovo, Council Member Ann Kitchen, and Council Member Sabino "Pio" Renteria

### **Non-Consent**

### **Item(s) Referred from Council Committee(s)**

28. Approve the Joint Inclusion Committee bylaws.

Sponsors: Audit and Finance Committee

29. Approve an ordinance amending City Code Section 2-3-5 related to the City Auditor's investigative and referral authority.

Sponsors: Audit and Finance Committee

### **Public Hearings and Possible Actions**

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): District 1

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): District 7

### **Executive Session**

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

### **2:00 PM - Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)**

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): District 1

### **2:00 PM - Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

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): District 1

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): District 1

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): District 1

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): District 9

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):** District 9

- 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):** District 3

## Consent Agenda

### Austin Water

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.

### Public Health

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): Health and Environment.

### Item(s) from Council

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.

Sponsors: Council Member Ann Kitchen, Council Member Leslie Pool, Council Member Kathie Tovo, and Council Member Natasha Harper-Madison

## Non-Consent

### Item(s) Referred from Council Committee(s)

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

## Adjourn

Note: The above item(s) will be considered under its respective category, but follow the last number on the Austin, Texas, City Council Agenda for Thursday, October 29, 2020

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