

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, OCTOBER 15, 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, convened in a regular meeting on Thursday, October 15, 2020 via Videoconference.

Mayor Adler called the Council Meeting to order at 10:09 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 September 29, 2020, and regular meeting of October 1, 2020.  
**The motion to approve the minutes of the Austin City Council work session of September 29, 2020, and regular meeting of October 1, 2020 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
2. Authorize negotiation and execution of a design build agreement with Stellar Energy Americas, Inc. for design and construction services for the Mueller Energy Center Chiller Capacity Addition project in an amount not to exceed \$15,600,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 22.50% MBE and 18.30% WBE participation.]. District(s) Affected: District 1. Strategic Outcome(s): Government that Works for All. Recommended by the Electric Utility Commission on a vote of 7-0 with Commissioner Hadden off the dais and Commissioners Funkhouser, Stone and Wray absent.  
**The motion authorizing the negotiation and execution of a design build agreement with Stellar Energy Americas, Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**
3. Approve an ordinance amending the Fiscal Year 2020-2021 Convention Center Capital Fund (Ordinance No. 20200812-001) to appropriate funding from the fund ending balance to increase the transfers out by \$6,300,000 for the Austin Convention Center Capital Fund and amending the Fiscal Year 2020-2021 Austin Convention Center Capital Improvement Budget (Ordinance No. 20200812-001) to transfer in and appropriate \$6,300,000 as earnest money for the Exclusive

Negotiating Agreement for the Convention Center Expansion. Strategic Outcome(s): Economic Opportunity and Affordability

**Ordinance No. 20201015-003 was approved on consent on Council Member Pool's motion on an 11-0 vote.**

4. Approve an amendment to the contract with Business Investment Growth for training, technical assistance and small business coaching services to creative businesses to extend the term of the contract through December 31, 2021, at no additional cost to the City. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion to approve an amendment to the contract with Business Investment Growth was approved on consent on Council Member Pool's motion on an 11-0 vote.**
5. Approve an amendment to the interlocal agreement with The University of Texas at Austin's TEXAS Extended Campus, for small business training to extend the term of the agreement through December 31, 2021, at no additional cost to the City. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion to approve an amendment to the interlocal agreement with The University of Texas at Austin's TEXAS Extended Campus was approved on consent on Council Member Pool's motion on an 11-0 vote.**
6. Authorize negotiation and execution of a creative content incentive program agreement with Eye Productions Inc. for an amount not to exceed \$141,326. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion authorizing the negotiation and execution of a creative content incentive program agreement with Eye Productions Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**
7. Approve an ordinance authorizing acceptance of \$430,451 in grant funds from the Texas Commission on Environmental Quality; amending the Fiscal Year 2020-2021 Fleet Mobility Services Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to appropriate these funds; and amending the Fiscal Year 2020-2021 Fleet Mobility Services Department Capital Budget (Ordinance No. 20200812-001) to transfer in and appropriate \$430,451 from the Fleet Mobility Services Department Operating Budget Special Revenue Fund to assist with the purchase of four replacement vehicles. Strategic Outcome(s): Mobility, Health and Environment.  
**Ordinance No. 20201015-007 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
8. Authorize negotiation and execution of a one-year agreement with Texas RioGrande Legal Aid to provide emergency eviction counseling and prevention services for COVID-19 impacted households, in an amount not to exceed \$220,000. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion authorizing the negotiation and execution of a one-year agreement with Texas RioGrande Legal Aid was approved on consent on Council Member Pool's motion on an 11-0 vote.**

9. Authorize negotiation and execution of a professional services agreement for federal agency and legislative representation and consulting services with Boothe Transit Consulting, LLC for a one-year term and a total contract amount of \$42,000 and withdraw authorization for the negotiation and execution of a professional services agreement with InfraStrategies (as set forth in part in Resolution 20200917-016). Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of a professional services agreement with Boothe Transit Consulting, LLC was approved on consent on Council Member Pool's motion on an 11-0 vote.**
10. Authorize a legal services agreement with Eric Nichols of Butler Snow, LLP for representation in Shalitha Ross et al v. City of Austin et al, Cause No. 1:20-cv-00856-LY, in the United States District Court, Western District, Austin Division for a contract amount not to exceed \$300,000. Strategic Outcome(s): Government That Works For All.  
**The motion authorizing a legal services agreement with Eric Nichols of Butler Snow, LLP was approved on consent on Council Member Pool's motion on an 11-0 vote.**
11. Approve an ordinance amending the Fiscal Year 2020-2021 Austin Public Library Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept and appropriate \$49,975 in grant funds from the Texas State Library & Archives Commission (TSLAC) for the TSLAC CARES-Cycle 1 Grant Program to assist with costs related to COVID-19 for Wi-Fi hot spots and laptops. Strategic Outcome(s): Culture and Lifelong Learning; Government that Works for All  
**Ordinance No. 20201015-011 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
12. Approve an ordinance amending the Fiscal Year 2020-2021 Austin Public Library Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept and appropriate \$7,780 in grant funds from the Grants to States program from the Texas State Library and Archives Commission's federal funder, Institute of Museum and Library Services, for the costs associated with interlibrary loan activities. Strategic Outcome(s): Culture and Lifelong Learning  
**Ordinance No. 20201015-012 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
13. Authorize negotiation and execution of an interlocal agreement with the Shady Hollow Municipal Utility District (District) for the provision of fire protection services by the Austin Fire Department to Shady Hollow in exchange for payment by the District to the City. Related to Items 14, 15, 16, 17, and 18. Strategic Outcome(s): Safety.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Shady Hollow Municipal Utility District was approved on consent on Council Member Pool's motion on an 11-0 vote.**
14. Approve an ordinance amending the Fiscal Year 2020-2021 Austin Fire Department Capital Budget (Ordinance No. 20200812-001) to increase appropriations by \$1,710,000 for the purchase

of the Shady Hollow Fire Station. Related to Items 13, 15, 16, 17, and 18. Strategic Outcome(s): Safety.

**Ordinance No. 20201015-014 was approved on consent on Council Member Pool's motion on an 11-0 vote.**

15. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of Certificates of Obligation to be issued for expenditures in the total amount of \$1,710,000 to purchase the Shady Hollow Fire Station. Related to Items 13, 14, 16, 17, and 18. Strategic Outcome(s): Safety.  
**Resolution No. 20201015-015 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
16. Authorize negotiation and execution of an interlocal agreement with the Shady Hollow Municipal Utility District (District) for the transfer of the District's former water and wastewater system back to the District with reimbursement to the City in the amount of \$714,387 for costs related to improvements to the system, and additional consideration to the City provided in related agreements with the District. Related to Items 13, 14, 15, 17, and 18. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Shady Hollow Municipal Utility District was approved on consent on Council Member Pool's motion on an 11-0 vote.**
17. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple approximately 10.5999 acres of land including all buildings and improvements on the property, containing approximately 461,732 square feet, out of the John G. McGehee League Survey 6, Abstract 17 & Walker Wilson League, Survey 2, Abstract 27, Travis County, Texas, known as 12010 Brodie Lane, Austin, Travis County, Texas, from Shady Hollow Municipal Utility District, in an amount not to exceed \$1,722,175.00, including closing costs. Related to Items 13, 14, 15, 16, and 18. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple approximately 10.5999 acres of land was approved on consent on Council Member Pool's motion on an 11-0 vote.**
18. Authorize negotiation and execution of an amendment to the Strategic Partnership Agreement with the Shady Hollow Municipal Utility District (District) terminating provisions related to the annexation of the District in December 2020. Related to Items 13, 14, 15, 16, and 17. Strategic Outcome(s): Safety.  
**The motion authorizing the negotiation and execution of an amendment to the Strategic Partnership Agreement with the Shady Hollow Municipal Utility District was approved on consent on Council Member Pool's motion on an 11-0 vote.**
19. Approve a resolution authorizing negotiation and execution of all documents and instruments necessary or desirable to purchase a conservation easement on a tract of land totaling approximately 100.0 acres in Hays County, Texas, from Russell Webb and Wendy Hill. The property is located north of FM 150 and west of Jack C. Hays Trail, to be acquired via an

assignment of an option for the purchase of real estate from The Nature Conservancy of Texas, Inc., for a total amount not to exceed \$1,250,000, including closing costs. Strategic Outcome(s): Health and Environment.

**Resolution No. 20201015-019 was approved on consent on Council Member Pool's motion on an 11-0 vote.**

20. Approve a resolution authorizing negotiation and execution of all documents and instruments necessary or desirable to purchase a conservation easement on a tract of land totaling approximately 460.5 acres of land in Hays County, Texas, from Sharon Michaelis, located north of FM 150 and west of Jack C. Hays Trail and will be acquired via an assignment of an option for the purchase of real estate from The Nature Conservancy of Texas, Inc., for a total amount not to exceed \$5,760,000.00 including closing costs. Strategic Outcome(s): Health and Environment.
- Resolution No. 20201015-020 was approved on consent on Council Member Pool's motion on an 11-0 vote.**

**Item 21 was pulled for discussion.**

22. Approve the adoption of the Walter E. Long Metropolitan Park Vision Plan as developed in conjunction with Halff Associates and the Austin Parks and Recreation Department. District(s) Affected: District 1. Strategic Outcome(s): Health and Environment; Culture and Lifelong Learning.
- The motion to approve the adoption of the Walter E. Long Metropolitan Park Vision Plan was approved on consent on Council Member Pool's motion on an 11-0 vote.**
23. Approve adoption of the Vision Plan for John Treviño Jr. Metropolitan Park at Morrison Ranch as developed by Gustafson Guthrie Nichol LTD and the Parks and Recreation Department. District(s) Affected: District 1. Strategic Outcome(s): Health and Environment; Culture and Lifelong Learning.
- The motion to approve the adoption of the Vision Plan for John Treviño Jr. Metropolitan Park at Morrison Ranch was approved on consent on Council Member Pool's motion on a 11-0 vote.**
24. Authorize negotiation and execution of Amendment No. 5 to the agreement with the Austin-Travis County Sobering Center Local Government Corporation to increase funding in the amount of \$64,150 for the 12-month term ending September 30, 2021, with a revised total agreement amount not to exceed \$8,696,589. Strategic Outcome(s): Health and Environment
- The motion authorizing the negotiation and execution of Amendment No. 5 to the agreement with the Austin-Travis County Sobering Center Local Government Corporation was approved on consent on Council Member Pool's motion on an 11-0 vote.**
25. Authorize negotiation and execution of Amendment No. 5 to the agreement with Austin Travis County Mental Health Mental Retardation Center, dba Integral Care, for the provision of permanent supportive housing services, adding two 12-month extension options beginning October 1, 2020, each in an amount not to exceed \$1,074,675, for a revised total agreement amount not to exceed \$7,552,050. Strategic Outcome(s): Health and Environment.

- The motion authorizing the negotiation and execution of Amendment No. 5 to the agreement with Austin Travis County Mental Health Mental Retardation Center, doing business as Integral Care, was approved on consent on Council Member Pool's motion on an 11-0 vote.**
26. Authorize negotiation and execution of Amendment No.11 to the agreement with Ending Community Homelessness Coalition, Inc. to oversee ongoing planning efforts and implementation of the Plan to End Community Homelessness, to add one 12-month extension option in an amount not to exceed \$243,972, for a revised total agreement amount not to exceed \$1,718,079. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion authorizing the negotiation and execution of Amendment No.11 to the agreement with Ending Community Homelessness Coalition, Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**
27. Authorize negotiation and execution of Amendment No. 2 to the agreement with Family Eldercare, Inc. to provide temporary work opportunities and supportive services to individuals experiencing homelessness, to add one 12-month extension option beginning October 1, 2020 in an amount not to exceed \$943,082, for a revised total agreement amount of \$1,767,582. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion authorizing the negotiation and execution of Amendment No. 2 to the agreement with Family Eldercare, Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**
28. Ratify an agreement with Family Eldercare, Inc. to provide mobile hygiene services to people experiencing homelessness in the Austin/Travis County area to increase funding in an amount not to exceed \$287,300 for a term of September 30, 2020 through March 31, 2021, for a revised total agreement amount not to exceed \$287,300. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion to ratify an agreement with Family Eldercare, Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**
29. Ratify an interlocal agreement with Travis County to provide funding and services for the Summer Youth Employment Program for an 18-month term beginning April 1, 2020, in an amount not to exceed \$742,910, with four 12-month renewal options, each in an amount not to exceed \$371,455, for a total contract amount not to exceed \$2,228,730. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion to ratify an interlocal agreement with Travis County was approved on consent on Council Member Pool's motion on an 11-0 vote.**
30. Authorize negotiation and execution of Amendment No. 11 to an agreement with Sickle Cell Texas Marc Thomas Foundation for the provision of health navigation services related to sickle cell anemia, to add three 12-month extension options beginning October 1, 2020, each in an amount not to exceed \$152,873, for a revised total agreement amount not to exceed \$1,212,173. Strategic Outcome(s): Health and Environment.

**The motion to authorizing the negotiation and execution of Amendment No. 11 to an agreement with Sickle Cell Texas Marc Thomas Foundation was approved on consent on Council Member Pool's motion on an 11-0 vote.**

31. Authorize an increase in the City's funding for the interlocal agreement with Travis County for construction of new water lines within the TxDOT Roadway Improvements of FM 1626 from Manchaca Road to Brodie Lane Project, in the amount of \$303,045.75, for a total not to exceed \$723,535.75 for engineering services and construction costs. Strategic Outcome(s): Mobility. Recommended by the Water and Wastewater Commission on a 9-0 vote with Commissioner Turrieta absent.

**The motion authorizing an increase in the City's funding for the interlocal agreement with Travis County was approved on consent on Council Member Pool's motion on an 11-0 vote.**

32. Authorize negotiation and execution of an interlocal cooperation agreement with Travis County for the development, construction, and drainage improvements in the existing right-of-way between 8500 and 8531 Old Manor Road, in an amount not to exceed \$700,000. District(s) Affected: District 1. Strategic Outcome(s): Mobility.

**The motion authorizing the negotiation and execution of an interlocal cooperation agreement with Travis County was approved on consent on Council Member Pool's motion on an 11-0 vote.**

33. Authorize negotiation and execution of a multi-term contract with Nelson/Nygaard Consulting Associates, Inc., or the other qualified offeror to Request for Proposals 2400 CTE3005, for the Smart Trips Austin - Newcomers project and related services, for up to five years for a total contract amount not to exceed \$1,080,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with 49 CFR Part 26, Disadvantage Business Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The subcontracting goals were exceeded, and the resulting contract will include 40% DBE participation). Strategic Outcome(s): Mobility.

**The motion authorizing the negotiation and execution of a multi-term contract with Nelson/Nygaard Consulting Associates, Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**

34. Authorize negotiation and execution of a multi-term contract with TGM Wind Services, LLC D/B/A Kardie Equipment, to provide maintenance, inspection and repair services on Bronto Skylift vehicles, for up to five years for a total contract amount not to exceed \$895,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Economic Opportunity and Affordability; Government That Works for All.

**The motion authorizing the negotiation and execution of a multi-term contract with TGM Wind Services, LLC doing business as Kardie Equipment was approved on consent on Council Member Pool's motion on an 11-0 vote.**

35. Authorize negotiation and execution of a multi-term contract with Wright Tree Service, Inc., or one of the other qualified offerors to Request for Proposals 1100 EAL3011REBID, to provide distribution line clearance for street and nightwatchman lights, for up to five years for a total contract amount not to exceed \$5,000,000. (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 recommended contractor provided sufficient evidence of good faith efforts and the resulting contract will include 4.33% MBE/WBE combined participation). Strategic Outcome(s): Government That Works for All.  
**The motion authorizing the negotiation and execution of a multi-term contract with Wright Tree Service, Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**
36. Approve an amendment to an existing contract with Great Western Managed Services Corporation D/B/A GWC (WBE), for continued grounds maintenance services for Austin Energy substations and adjacent areas, that would increase the amount by \$480,000 and extend the term for up to four years, for a revised total contract amount not to exceed \$600,000. (Note: This amendment 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 contract, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government That Works for All; Safety.  
**The motion to approve an amendment to an existing contract with Great Western Managed Services Corporation, doing business as GWC, was approved on consent on Council Member Pool's motion on an 11-0 vote.**
37. Authorize negotiation and execution of a contract with Motorola Solutions Inc. D/B/A Motorola, to provide maintenance and support of the communications infrastructure for the Greater Austin Travis County Regional Radio System, for a term of six years in an amount not to exceed \$33,000,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety; Government That Works for All.  
**The motion authorizing the negotiation and execution of a contract with Motorola Solutions Inc., doing business as Motorola, was approved on consent on Council Member Pool's motion on an 11-0 vote.**
38. Authorize negotiation and execution of two cooperative contracts with GT Distributors Inc. D/B/A GT Distributors - Austin and Precision Delta Corp, for ammunition, each for a term of one year for total contract amounts not to exceed \$650,000, divided between the contractors. (Note: This procurement 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 procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety.

**The motion authorizing the negotiation and execution of two cooperative contracts with GT Distributors Inc., doing business as GT Distributors - Austin and Precision Delta Corp was approved on consent on Council Member Pool's motion on an 11-0 vote.**

39. Authorize negotiation and execution of two multi-term contracts with Cleaver-Brooks Sales and Services Inc. and Pro Serv Industrial Contractors, LLC, to provide heat recovery steam generator services, each for up to six years for total contract amounts not to exceed \$17,400,000, divided between the contractors. (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): Government That Works for All.

**The motion authorizing the negotiation and execution of two multi-term contracts with Cleaver-Brooks Sales and Services Inc. and Pro Serv Industrial Contractors, LLC was approved on consent on Council Member Pool's motion on an 11-0 vote.**

40. Authorize an amendment to an existing cooperative contract with Software One, Inc. D/B/A SoftwareOne, for Microsoft Office 365 Enterprise services, for an increase in the amount of \$6,769,000, for a revised total contract amount not to exceed \$30,000,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government That Works for All.

**The motion authorizing an amendment to an existing cooperative contract with Software One, Inc., doing business as SoftwareOne, was approved on consent on Council Member Pool's motion on an 11-0 vote.**

41. Authorize award of a multi-term contract with Swarco Reflex LLC, to provide reflective glass beads, for up to five years for a total contract amount not to exceed \$497,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D of 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 Swarco Reflex LLC was approved on consent on Council Member Pool's motion on an 11-0 vote.**

42. Approve third reading of an ordinance granting a ten-year renewal of the franchise to Pedernales Electric Cooperative (PEC) for use of City rights-of-way necessary to provide electric utility services to customers in PEC's certificated service area within Austin. Strategic Outcome(s): Government that Works for All.

**Ordinance No. 20201015-042 was approved on consent on Council Member Pool's motion on an 11-0 vote.**

43. Authorize award and execution of a construction contract with Muniz Concrete & Contracting, Inc. (MBE) for the Transportation Safety and Mobility Improvements IDIQ (Indefinite Delivery/Indefinite Quantity) contract in the amount of \$2,500,000 for an initial two-year term, with a one-year extension option of \$500,000, for a total contract amount not to exceed \$3,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.30% MBE and 1.33% WBE participation.]. Strategic Outcome(s): Mobility.  
**The motion authorizing the award and execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Pool's motion on an 11-0 vote.**
44. Approve a resolution approving issuance by Northtown Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2020A, in a principal amount not to exceed \$3,845,000. Strategic Outcome(s): Government that Works for All. Recommended by the Water and Wastewater Commission on a 9-0 vote with Commissioner Turrieta absent.  
**Resolution No. 20201015-044 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
45. Approve a resolution approving the issuance by Southeast Travis County Municipal District No. 1 of Unlimited Tax Bonds, Series 2020, in a principal amount not to exceed \$2,465,000. Strategic Outcome(s): Government that Works for All. Recommended by the Water and Wastewater Commission on a 9-0 vote with Commissioner Turrieta absent.  
**Resolution No. 20201015-045 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
46. Approve a resolution approving the issuance by Pilot Knob Municipal Utility District No. 3 of Unlimited Tax Bonds, Series 2020, in a principal amount not to exceed \$3,975,000. Strategic Outcome(s): Government that works for all. Recommended by the Water and Wastewater Commission on an 8-0 vote with Commissioner Turrieta absent and Commissioner Michel recusing.  
**Resolution No. 20201015-046 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
47. Approve a resolution approving issuance by the Northtown Municipal Utility District of Unlimited Tax and Revenue Bonds, Series 2020, in a principal amount not to exceed \$10,710,000. Strategic Outcome(s): Government that works for all. Recommended by the Water and Wastewater Commission on a 9-0 vote with Commissioner Turrieta absent.  
**Resolution No. 20201015-047 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
48. Authorize negotiation and execution of an agreement with 2323 South Lamar, LTD, for public storm drain infrastructure improvements at or near the intersection of Bluebonnet Lane and South Lamar Boulevard in an amount not to exceed \$800,000. District(s) Affected: District 5. Strategic Outcome(s): Mobility; Safety; Government that Works for All.

**The motion authorizing the negotiation and execution of an agreement with 2323 South Lamar, LTD, was approved on consent on Council Member Pool’s motion on an 11-0 vote.**

49. 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 were approved on consent on Council Member Pool’s motion on an 11-0 vote.**

**Nominations**

<b>Board/Nominee</b>	<b>Nominated by</b>
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**Joint Inclusion Committee**

Jamarr Brown	Human Rights Commission
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**Joint Inclusion Committee (Alternate)**

Idona Griffith	Human Rights Commission
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**Resolution No. 20201015-049 was approved on consent on Council Member Pool’s motion on an 11-0 vote.**

50. Approve a resolution directing the City Manager to identify and implement improvements to the Austin Code Department, and to identify relevant budget and fee amendments to reimagine public safety utilizing the Austin Code Department. Council Sponsors: Council Member Jimmy Flannigan, Council Member Paige Ellis, Council Member Gregorio Casar, Council Member Leslie Pool, Council Member Alison Alter.  
**Resolution No. 20201015-050 was approved on consent on Council Member Pool’s motion on an 11-0 vote.**

51. Set 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 (identified by Travis County Appraisal District ID's 755103 and 814420) within the City and the City's extraterritorial jurisdiction. (Suggested date: Thursday, October 29, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas).  
**The public hearing was set for Thursday, October 29, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas on consent on Council Member Pool’s motion on an 11-0 vote.**

52. Set a public hearing to 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. (Suggested date: October 29, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas)

**The public hearing was set for Thursday, October 29, 2020, Austin City Hall, 301 W. Second Street, Austin, Texas on consent on consent on Council Member Pool's motion on an 11-0 vote.**

69. Approve an ordinance amending the Fiscal Year 2020-2021 General Fund Emergency Reserve Fund (Ordinance No. 20200812-001) to appropriate an amount not to exceed \$1,500,000 to provide economic recovery support to local businesses impacted by COVID-19 and to support emergency food access for caregivers of students in Austin-area schools who are experiencing food shortages due to COVID-19; and declaring an emergency. Related to Item #77. Strategic Outcome(s): Government that Works for All  
**Ordinance No. 20201015-069 was approved on consent on Council Member Pool's motion on an 11-0 vote.**
70. Approve an ordinance amending the Fiscal Year 2020-2021 General Fund Emergency Reserve Fund (Ordinance No. 20200812-001) to appropriate an amount not to exceed \$8,500,000 for the Save Austin's Vital Economic Sectors Fund to support COVID-19 emergency relief; and declaring an emergency. Strategic Outcome(s): Government that Works for All  
**Ordinance No. 20201015-070 was approved on consent on Council Member Pool's motion on an 11-0 vote.**

**Items 71-75 were pulled for discussion.**

76. Approve an ordinance setting the council meeting schedule for calendar year 2021 and setting the budget and tax rate hearings for Fiscal Year 2021-2022 Strategic Outcome(s): Government that Works for All.  
**Ordinance No. 20201015-076 was approved as amended below on consent on Council Member Pool's motion on an 11-0 vote.**

**The amendment was to revise the schedule as follows:**

- **To change the January 21 Council Meeting to Wednesday, January 27, 2021**
- **To change the January 19<sup>th</sup> Work Session to Monday, January 25, 2021.**

77. Ratify Amendment No. 3 to the agreement with the Austin Public Education Foundation, dba Austin Ed Fund ('Austin Ed Fund'), to provide emergency food access for caregivers of students in Austin-area schools, increasing funding in an amount not to exceed \$600,000, for a revised total agreement amount not to exceed \$3,289,078; and authorize negotiation and execution of Amendment No. 4 to the agreement with Austin Ed Fund, for similar same scope of work to increase funding in an amount not to exceed \$900,000, for a revised total agreement amount not to exceed \$4,189,078. Related to Item #69. Strategic Outcome(s): Health and Environment; Economic Opportunity and Affordability.  
**The motion to ratify Amendment No. 3 to the agreement with the Austin Public Education Foundation, doing business as Austin Ed Fund was approved on consent on Council Member Pool's motion on an 11-0 vote.**

78. Approve negotiation and execution of an agreement with Good Work Austin to provide meals for persons experiencing homelessness for a nine-week term beginning October 16, 2020, with two four-week extension options, in an amount not to exceed \$208,000. Strategic Outcome(s): Health and Environment.

**The motion approving the negotiation and execution of an agreement with Good Work Austin was approved on consent on Council Member Pool's motion on an 11-0 vote.**

79. Approve a resolution honoring Justice Ruth Bader Ginsburg. Council Sponsors: Council Member Natasha Harper-Madison, Mayor Pro Tem Delia Garza, Council Member Jimmy Flannigan, Council Member Gregorio Casar, Council Member Kathie Tovo, Council Member Alison Alter, Council Member Paige Ellis, Council Member Leslie Pool, Mayor Steve Adler, Council Member Ann Kitchen.

**Resolution No. 20201015-079 was approved on consent on Council Member Pool's motion on an 11-0 vote.**

**Item 80 was pulled for discussion.**

#### **AUSTIN HOUSING AND FINANCE CORPORATION MEETING**

**Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 11:11 a.m. See separate minutes.**

53. 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 11:18 a.m.**

#### **PUBLIC HEARINGS**

54. Conduct a public hearing related to an application by LDG Belmont, LP, or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Belmont, located at or near 9100 Brown Lane, Austin, Texas, 78754, within the City; 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. 20201015-054 was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.**

55. Conduct a public hearing related to an application by Springdale Manor Apartments, LP, or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Springdale Manor Apartments, located at or near 7601 Springdale Road, Austin, Texas, 78724, within the City; 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. 20201015-055 was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.**

56. Conduct a public hearing related to an application by LDG The Conrad, LP, or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as The Conrad, located at or near 11320 S IH 35 Frontage Road, Austin, Texas, 78748, within the City limits; 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 5.

**The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20201015-056 was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.**

57. Conduct a public hearing related to an application by LDG Walnut Trace, LP, or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program to be known as Walnut Trace, located at or near the southeast quadrant of Highway 183 and FM 969, Austin, Texas, 78725, within the City; 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. 20201015-057 was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.**

**Mayor Adler recessed the meeting at 11:48 a.m.**

**Mayor Adler reconvened the Council Meeting at 12:01 p.m.**

#### **CITIZEN COMMUNICATIONS: GENERAL**

Ethan Smith - Equity opportunities, including student housing. Also proper and improper methodologies for applying public funding towards equity in arts funding.

**Mayor Adler recessed the meeting at 12:05 p.m. to go into Executive Session without objection.**

#### **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.**

81. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**Withdrawn**
82. Discuss the confidential network security information in the City (Security Devices - Section 551.089 of the Government Code).  
**Withdrawn**
83. Discuss legal issues related to the expansion of the convention center (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**Withdrawn**

**Mayor Adler announced Council would go into Executive Session to discuss items 21 and 80.**

21. 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.
80. Approve a resolution directing the City Manager to establish a Visitor Information Center Fund that provides seed funding to allow the Austin Economic Development Corporation (AEDC) to implement as an initial project Visitor Information Center acquisition, construction, improvement, enlarging, equipping, repairing, operations, and maintenance as provided for under Texas Tax Code Sections 351.001(8) and 351.101. Council Sponsors: Council Member Ann Kitchen, Council Member Leslie Pool, Council Member Kathie Tovo, Council Member Alison Alter.

**Mayor Adler reconvened the Council Meeting at 2:04 p.m.**

#### **ZONING ORDINANCES / RESTRICTIVE COVENANTS**

58. C14-2018-0141 - 1907 Inverness Zoning Change - Approve second and third readings of 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. First Reading approved on June 6, 2019. Vote: 10-0, Council Member Harper-Madison was off the dais. 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.

**The motion to approve the ordinance on second reading only for neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning was approved on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

61. C14-2019-0159 - Arboretum Lot 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9401 Arboretum Boulevard (Bull Creek Watershed). Applicant Request: To rezone from community commercial (GR) district zoning, general commercial services (CS) district zoning and commercial-liquor sales (CS-1) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 6, 2020. Owner: GF-ARB C, Ltd. % Live Oak Gottesman. Agent: Drenner Group, PC (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.  
**This item was withdrawn at the request of the applicant on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
62. C14-2020-0084 - The Training Kitchen - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1901 Matthews Lane (Williamson Creek Watershed). Applicant's Request: To rezone from family residence (SF-3) district zoning and general office-conditional overlay (GO-CO) combining district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant general office-mixed use (GO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 6, 2020. Owner: Amanda Longtain and Matthew Shepherd. Agent: Stansberry Engineering Co., Inc. (Blayne Stansberry). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.  
**The public hearing was conducted and a motion to approve the ordinance on first reading only for community commercial mixed-use conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
63. C14-2020-0085 - Lessin Lane Villas Zoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 219 Lessin Lane (East Bouldin Creek 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. Staff recommendation and Planning Commission Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Owner/Applicant: Urban ATX Development LLC (Christopher Affinito). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Kate Clark, 512-974-1237. District(s) Affected: District 3.  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20201015-063 for townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

64. C14-2020-0065 - Rainey Street GIS Substation - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning and rezoning property locally known as 806-½ Lambie Street (Lady Bird Lake Watershed). Applicant's Request: To zone and rezone from unzoned and family residence (SF-3) district zoning to public (P) district zoning. Staff Recommendation and Planning Commission Recommendation: To grant public (P) district zoning. Owner and Applicant: Austin Energy (Pamela England). Agent: Civil Land Group, LLC (Greg Ulcak, P.E.). City Staff: Mark Graham, 512-974-3574. District(s) Affected: District 9.  
**The public hearing was conducted and motion to close the public hearing and approve Ordinance No. 20201015-064 for public (P) district zoning was approved on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
65. C14-2020-0063 - Pier Property Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1703 River Hills Road (Lake Austin Watershed). Applicant Request: To rezone from commercial-liquor sales (CS-1) district zoning to commercial recreation (CR) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant commercial recreation (CR) district zoning. Owner/Applicant: Tires Made Easy, Inc. (Andrew S. Price). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Mark Graham District(s) Affected: District 10.  
**The public hearing was conducted and a motion to close the public hearing and approve on first reading only for commercial recreation (CR) district zoning was approved on Council Member Kitchen's motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Tovo abstained.**
67. 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.  
**This item was postponed to October 29, 2020 at the request of staff on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
68. 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.

This item was postponed to October 29, 2020 at the request of staff on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.

### ZONING ORDINANCES / RESTRICTIVE COVENANTS

Items 59 and 60 were acted on by one motion.

59. NPA-2019-0015.02 - Pecan Springs Residential -Approve third reading of an ordinance amending Ordinance No.021107-Z-11, the East MLK 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 3500 Pecan Springs Rd., (Fort Branch Watershed) from Single Family to Higher Density Single Family land use. First reading approved June 11, 2020. Vote 11-0. Second reading approved September 17, 2020. Vote 10-0. Council Member Casar was off the dais Owner/Applicant: Peter Gray. Agent: Thrower Design (Ron Thrower). City Staff: Jesse Gutierrez, (512) 974-1606. District(s) Affected: District 1.

**A motion to approve the ordinance with the following conditions failed on Council Member Flannigan's motion, Council Member Harper-Madison's second on an 8-0 vote. Council Members Alter, Tovo and Pool abstained. The conditions were to limit the number of units to 25 and to change the vegetative buffer from ten feet to eight feet.**

**Ordinance No. 20201015-059 to change the land use designation on the future land use map (FLUM) for Higher Density Single Family land use was approved with the following conditions on Council Member Pool's motion, Council Member Tovo's second on a 10-1 vote. Council Member Flannigan voted nay.**

**The conditions were to:**

- **Limit the number of units to 21**
- **Change the vegetative buffer from 10 feet to 8 feet.**

60. C14-2019-0164 - Pecan Springs Residential- Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 3500 Pecan Springs Road (Fort Branch Creek 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-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district on June 11, 2020. Vote 11-0. Second reading approved townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district on September 17, 2020. Vote: 10-0, Council Member Casar was off the dais. Owner/Applicant: 9025BFD, LLC (Peter Gray). Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this case. District(s) Affected: District 1.

**A motion to approve the ordinance with the following conditions failed on Council Member Flannigan's motion, Council Member Harper-Madison's second on an 8-0 vote. Council Members Alter, Tovo and Pool abstained. The conditions were to limit the number of units to 25 and to change the vegetative buffer from ten feet to eight feet.**

**Ordinance No. 20201015-060 for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district was approved with the following conditions on Council Member Pool's motion, Council Member Tovo's second on a 10-1 vote. Council Member Flannigan voted nay.**

**The conditions were to:**

- **Limit the number of units to 21**
- **Change the vegetative buffer from 10 feet to 8 feet.**

### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

66. 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.
- The item was postponed to October 29, 2020 on Council Member Harper-Madison's motion, Council Member Casar's second on a 10-0 vote. Council Member Flannigan voted nay.**

**Mayor Adler recessed the meeting at 5:14 p.m. to go into Executive Session without objection.**

### **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.**

**Mayor Adler announced Council would go into Executive Session to discuss item 21.**

21. 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.

**Mayor Adler reconvened the Council Meeting at 7:37 p.m.**

**DISCUSSION ITEMS**

21. 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.

**This item was postponed to October 29, 2020 on Council Member Harper-Madison's motion, Council Member Flannigan's second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, Council Member's Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool and Tovo.**

**Direction was given to staff to provide Council with amounts and details of the funding available in the Parkland Dedication Fund.**

**DISCUSSION ITEMS**

**Items 71 and 72 were acted on by one motion.**

71. Approve an ordinance amending the Fiscal Year 2020-2021 Austin Transportation Department Mobility Fund Operating Budget (Ordinance No. 20200812-001) to transfer out and appropriate \$3,700,000 in temporary use of Right-of-Way fee revenue to the General Fund Emergency Reserve Fund for the Business Preservation Fund; reduce expenditures in the amount of \$1,699,615 and increase the transfer in by \$728,385 to the Austin Transportation Department Mobility Fund from the Austin Transportation Department Parking Management Fund to support COVID-19 emergency relief; and declaring an emergency. Strategic Outcome(s): Government that Works for All

**Ordinance No. 20201015-071 was approved as amended below on Council Member Tovo's motion, Council Member Kitchen's second on an 11-0 vote.**

**The amendment was to change the amount to \$2,300,000.**

72. Approve a resolution directing the City Manager to establish a fund, called the Business Preservation Fund, into which Council can transfer any street and alley vacations or encroachment revenues in excess of the budgeted amounts necessary for staffing and operation of the street and alley vacations and the encroachment programs; and to direct the City Manager to return with budget amendments this fiscal year and next fiscal year to transfer these excess funds into the Business Preservation Fund. Strategic Outcome(s): Government that Works for All

**The motion to approve the item with the following amendments was made by Council Member Tovo and seconded by Council Member Kitchen.**

**The amendment was to revise the first Be it Further Resolved clause to read:**

**“The City Council directs that the City Manager return with budget amendments during this Fiscal Year as needed to transfer into the Business Preservation Fund any funding from alley and street vacations and encroachment agreements to the extent that this funding exceeds the \$800,000 of estimated revenue and the operational costs of administering these transactions.”**

**To edit the second Be it Further Resolved clause to read:**

**“The City Manager is directed to include in next Fiscal Year’s budget the funding from alley and street vacation and encroachment agreements, in excess of the costs of administering these transactions, and deposit this amount into the Business Preservation Fund.”**

**An amendment was made by Mayor Adler and accepted without objection.**

**The amendment was to edit the last Be it Further Resolved clause to read: “The City Manager is directed to return to council with a program to utilize the Business Preservation Fund in a manner indicated below in accordance with the SAVES guidelines and to report back to Council by October 29<sup>th</sup> as to any usage:**

- Use of the Fund to cover the costs for case management and professional, legal, accounting, and technical support to assist business eligible for SAVES relief programs in development of funding proposals for the city to consider, and in order for applicants and the city to assess and develop plans to ensure survival and longer term sustainability.**
- Use the Fund to cover the administrative fees associated with the SAVES relief programs.**
- Use of the Fund to increase available resources for SAVES programs as may be directed by the Council by later action.”**

**To add an additional Be it Further Resolved clause to read:**

**“Should the Manager later determine that monies transferred into the Business Preservation Fund become necessary to meet critical needs or opportunities related to their originally intended and budgeted use, and the Fund has not yet been expended, the Manager should present the council with any ordinances or actions necessary to replenish the Austin Transportation Department Mobility Fund Operating Budget for the originally intended and budgeted use.”**

**An amendment was made by the Mayor and accepted without objection. The amend was: To allow no more than \$1,500,000 be used for the emergency relief for the grant programs created by Items 74 and 75 and the consultant relief for the Chapter 380 being developed by staff. If the City Manager determines that additional funds are required to accomplish this stated purpose, he is directed to place the necessary instruments on a Council agenda for consideration and approval. The amendment was accepted without objection.**

**Staff shall bring the 380 programs for Council approval no later than October 29, 2020.**

**Resolution No. 20201015-072 was approved as amended above Council Member Tovo's motion, Council Member Kitchen's second on an 11-0 vote.**

73. Approve a resolution to establish program guidelines for the Austin Childcare Provider Relief Grant, a \$5,000,000 program to help support vulnerable Austin-based childcare providers impacted by the COVID-19 pandemic. Strategic Outcome(s): Economic Opportunity and Affordability.

**A motion to approve the resolution was made by Council Member Alter and seconded by Council Member Ellis.**

**A motion to amend was made by Council Member Ellis and accepted without objection.**

**The amendment was to revise Section 4 of the Draft Program Guidelines to read as follows:**

**"4.0 Equity Consideration**

**The City of Austin recognizes that childcare providers in specific geographic locations in the City are disproportionately less likely to receive financial assistance from other sources. Because the total request for funding will likely exceed the amount available in this grant program, the City of Austin's outreach strategy and award rubric ensures childcare providers operating in these geographic locations by people of color receive equitable opportunity and consideration for program funding."**

**To amend Category C of the Award Rubric by revising the Direction for the Equity Consideration to read as follows: "Located in a lower-income zip code OR serve students that reside in lower-income zip codes."**

**A motion to amend Section 4.1 was made by Council Member Casar and accepted without objection. The amend was to revise Section 4.1 to read:**

**"Worker Rights and Labor Issues**

**Applicant will adhere to worker safety protections as applicable to the facility and business operations in accordance with local, state, and federal laws. The City may find a breach of the program guidelines if a program participant is found to have violated workers' rights for a period of one year from grant award, either because of a substantiated finding as determined by the City and is not cured by the participant, of unfair labor practices, worker safety violations, violation of anti-discrimination laws, or violation of other applicable worker rights laws."**

**Direction was given to staff to be flexible and adjust assistance appropriately as obstacles arise.**

**Resolution No. 20201015-073 was approved as amended above on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.**

**AFTER 10:00 P.M.**

**The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Tovo's motion, Mayor Adler's second on a 10-1 vote. Council Member Alter voted nay.**

74. Approve a resolution to establish program guidelines for the Austin Live Music Venue Preservation Fund, a \$5,000,000 program to help support Austin-based live music venues impacted by the COVID-19 pandemic. Strategic Outcome(s): Economic Opportunity and Affordability

**A motion to approve the resolution with the following amendments was made by Mayor Adler and seconded by Council Member Ellis.**

**To edit 1.0 Introduction and Purpose to read:**

**“The Purpose of the Program is to ensure the long-term survivability of live music venues and industry in the City, it is not intended to only provide for the short term ability of live music venues to survive the pandemic, and is intended to benefit live music venues that:**

- **Have been closed or operated with significantly-reduced operations (operating below 75 percent of operational capacity compared to this time in 2019) since some point in March 2020, because of the city's response to COVID-19;**
- **The business faces a substantial likelihood of closing permanently absent assistance;**
- **There is a very low likelihood of a similar business re-opening in the same or nearby location due to increased rents or other market factors;**
- **The business or industry faces uniquely difficult challenges pivoting to alternative operating models for generating revenue sufficient for survival under extended public health emergency orders;**
- **Assistance provided will significantly contribute to helping reasonably ensure that the business will not fail for at least a sufficient period of time to help provide a realistic path to recovery and sustainability;**
- **Their failure and loss would have the greatest detrimental impact on the city's civic infrastructure, economic recovery and preservation of its unique culture, character and brand;**
- **Were adversely impact by the cancellation of South by Southwest and subsequent events;**
- **Have been impacted by other COVID-19 related disruptions; and/or**
- **Have virus mitigation and protective equipment needs.”**

**To edit 1.1 Community Benefits to read:**

**“The community benefits to be achieved through this program include not only helping the business, but also helping that industry's and other industries' survival, job creation and retention, post-pandemic economic recovery, maintaining a strong tax base, maintaining civic infrastructure, and preserving the City of Austin's unique culture, character, heritage and brand. Awarded live music venues will be provided the necessary support for ensuring success, since this investment will germinate broader economic recovery and job growth in Austin, including but not limited to:**

- Preventing iconic Austin businesses, that attract in-state and out-of-state tourists, from closing;
- Improving the quality of life for residents and visitors;
- Spurring economic development opportunities for small business;
- Supporting workers in the targeted businesses and industries that will, in turn, be able to sustain other businesses and industries (including at staging companies, artist service organizations, studio spaces, etc.) that also contribute to the unique character, brand and culture of our city;
- Helping people with low and middle incomes;
- Expanding local audience outreach through collaboration and partnerships;
- Innovating safe live music guidelines for workforce development and growth; and
- Promoting Austin’s live music sector and other music industries to tourists and global audiences.”

**To edit 3.0 Eligibility Criteria**

**In order to be considered for funding, applicants must meet the following eligibility criteria:**

- Operate as a Live Music Venue (see Section 3.1 Live Music Venue Definition)
- Have a physical address in a City of Austin City Council District
- Have incurred or plan to incur COVID-19 mitigation and protective equipment Expenses
- Meet or exceed the City of Austin’s recommended COVID-19 safety guidelines, which can be found at [www.austintexas.gov/covid19](http://www.austintexas.gov/covid19)

**To add a new section 3.5 Case Management and Professional and Technical Support to read:**

**“Eligible Applicants shall be provided access to up to twenty (20) hours of attorney and/or certified public accountant services, as part of initial case management assistance part of the application process, to help those Eligible Applicants further develop and refine their final application to demonstrate assistance received will best meet the purposes of this program, as set out in Section 1.0, above. These attorneys and CPAs will come from a pool of experts made available by the City.”**

**To add a new section 3.51 Limitation on Number of Eligible Applicants to read:**

**“If the number of Eligible Applicants exceeds 50, then the City may narrow the eligibility criteria, consistent with the intent and purpose of this program.”**

**To add a new section 3.52 Interim and Emergency Support Necessary to Participate in the Application Process to read:**

**“Eligible Applicants that are facing imminent failure and will not otherwise be able to participate in the development and refinement of their application, will be entitled to request that minimum financial assistance, not to exceed \$20,000, necessary to survive long enough to participate in the application process (meaning there are no nonmonetary steps or actions that can reasonably be taken to otherwise survive to participate in the application process).”**

To add a new section 3.6 Final Application and Awarding of Grants to read

“Grants shall be awarded based on the final applications submitted by the Eligible Applicants in consultation with the case management assistance they receive. Awards shall be made to best achieve the purpose of this program and shall, when appropriate, try to leverage the funding available so that the resource can go further. It is recognized that there will be some subjectivity involved in awarding grants.”

To add a new section 3.61 Types of Grants Awarded to read:

“Award of grants may take different forms, to achieve different purposes, and may be in different amounts as may best determined to facilitate the purposes of this program as set out in Section 1.0, above. The City may delegate to an economic development corporation the awarding of grants. Grants awarded in this program may be combined with, or used to help leverage, other public and third party resources and participation. If an economic development corporation is used, such corporation may combine the resources here provided with separate or third party resources and it may participate as an investor, landlord or otherwise, to best maximize the purposes, intent and City provided funding associated with this program.”

To edit section 3.6 Commercial Tenants to read:

“Applicants who rent or lease their property should attempt, as part of the case management and application process, to demonstrate a commitment from the property owner to enter into a more favorable and/or more long-term rent or lease agreement or sale agreement with the applicant. If a property owner is unwilling to enter into such an agreement, the applicant may still apply with the submittal of documents demonstrating a good faith effort to work with their property owner to negotiate a more favorable agreement. Whether or not such an agreement can be reached is a factor that can be considered in awarding final grants and such impacts the consideration of the purposes and intent of this program, as set out in Section 1.0, above.”

To edit section 4.0 Equity Consideration under Undoing Systemic Racism Training and Equity Process with Musicians (Required) section to read:

- “Participation in workshops for live music venue leadership and staff with topics covering equity in hiring, institutional racism, and implicit bias, or
- Participation in a community-led process alongside musicians from historically marginalized backgrounds, with the goal of improving racial equity and inclusivity in the industry and better establishing professional standards to address issues raised by musicians of color such as timely pay and the elimination of any disparate treatment.”

To edit section 4.1 Workers Rights and Labor Issues to read:

“Applicant will adhere to worker safety protections and workers’ rights as applicable to the facility and business operations in accordance with local, state, and federal laws. The City may find a breach of the program guidelines if a program participant is found to have

violated workers' rights for a period of one year from grant award, either because of a substantiated finding as determined by the City and is not cured by the participant, of unfair labor practices, worker safety violations, violation of antidiscrimination laws, or violation of other applicable worker rights laws.

If the City determines that it is a market participant, such as when the City pays a third party to do work on City property or perform services for the City, then the City's labor peace provisions should apply in order to protect the City's proprietary interests."

To add a new section 4.2 Anti-Discrimination Agreement to read:

"Applicants agree to comply with policies to support anti-harassment and antidiscrimination practices for business operations and work environment in the City of Austin. Applicants receiving grant awards shall be required to sign and comply with a City-provided form specifying non-discrimination and anti-harassment policies and practices. Evidence of noncompliance may be grounds for terminating a grant award and demanding repayment. At its discretion, the City may work with the recipient to develop a plan and timeline for becoming compliant."

To edit section 5.0 Eligible Expenses to read:

"Eligible expenses that will be used to calculate the award amount include:

- Rent or mortgage for commercial property, including triple net leases
- Utilities
- Payroll, payroll taxes and employee benefit programs such as health and life insurance
- Technology and software
- Sanitation/cleaning services or supplies
- Personal protective equipment (PPE) purchases/rentals
- Business and commercial property insurance
- Permits and regulatory fees
- Maintenance and repair
- Operating or facility capital
- Assistance with the purchase of a venue
- Professional services
- Property taxes

The following types of expenses are not eligible for these grant funds:

- Costs that have been paid or will be paid by other COVID-19 grants/loans

To edit section 6.0 Grant Award to read:

"Applicants may apply for funding up to \$40,000 per month for up to six months. Total grant awards per applicant will not exceed \$160,000.

A larger grant award may be considered if it is determined to be necessary and advisable:

- For an awardee, the Austin Economic Development Organization, or other similar cultural trust organization, or third party which will then lease to the awardee, to

**purchase the awardees' location or otherwise to achieve a purpose that allows for greater long term business sustainability, or**

- **To sufficiently leverage an opportunity to ensure business survival and long term Sustainability**

**If, at any point it is determined that long term survival of an awarded business is not viable, termination of the grant may be considered.**

**The City of Austin anticipates awarding \$4,500,000 to \$5,000,000 to eligible program applicants. The total amount dispersed will depend on whether the City of Austin contracts with a third-party to administer the grant program. and/or whether the administrative and case management expenses are funded from other than this fund. Administrative fees for third-party administrators can be as high as 10 percent of the total program fund."**

**To edit section 7.0 Funding Disbursement to read:**

**"The City of Austin or a third-party program administrator will make every effort to distribute funding as soon as possible following the rapid completion of the final application process, including the case management assistance."**

**A motion to amend Section 3.52 Emergency Work was made by Mayor Adler and accepted without objection. The amendment was revise Section 3.52 to include the following language:**

**"This is an emergency relief function to provide funding and legal and financial expertise to businesses that need short-term emergency relief to enable the businesses to stay in business while applying for longer term relief funds."**

**A motion was made by Council Member Kitchen and accepted without objection. The amendment was to revise the purpose statement to read:**

**"The Purpose of the Program is to ensure the long-term survivability of live music venues and industry in the City, it is not intended to only provide for the short term ability of live music venues to survive the pandemic, and is intended to benefit live music venues that:..."**

**Direction was given to staff that the Chapter 380 programs being created include provision of legal and financial expertise for businesses who are seeking relief through the programs to assist in such matters as extension of rental relief and other relief that enables the businesses to survive long-term; and to bring back any section such as 3.6 and the criteria that need further clarification from Council.**

**Resolution No. 20201015-074 was approved as amended above on Mayor Adler's motion, Council Member Ellis' second on an 11-0 vote.**

75. Approve a resolution to establish program guidelines for the Austin Legacy Business Relief Grant, a \$5,000,000 program to help support Austin-based iconic live music venues, restaurants,

and arts organizations impacted by the COVID-19 pandemic. Strategic Outcome(s): Economic Opportunity and Affordability.

**A motion to approve the resolution with the following amendments was made by Mayor Adler and seconded by Council Member Ellis. The amendments were:**

**To revise Section 1.0 Purpose to read:**

**“The Purpose of the Program is to ensure the long-term survivability of Legacy Businesses and industry in the City, it is not intended to only provide for the short term ability of Legacy Businesses to survive the pandemic, and is intended to benefit Legacy Businesses that:**

- **Have been closed or operated with significantly-reduced operations (operating below 75 percent of operational capacity compared to this time in 2019) since some point in March 2020, because of the city’s response to COVID-19;**
- **The business faces a substantial likelihood of closing permanently absent assistance;**
- **There is a very low likelihood of a similar business re-opening in the same or nearby location due to increased rents or other market factors;**
- **The business or industry faces uniquely difficult challenges pivoting to alternative operating models for generating revenue sufficient for survival under extended public health emergency orders;**
- **Assistance provided will significantly contribute to helping reasonably ensure that the business will not fail for at least a sufficient period of time to help provide a realistic path to recovery and sustainability;**
- **Their failure and loss would have the greatest detrimental impact on the city’s civic infrastructure, economic recovery and preservation of its unique culture, character and brand;**
- **Were adversely impact by the cancellation of South by Southwest and subsequent events;**
- **Have been impacted by other COVID-19 related disruptions; and/or**
- **Have virus mitigation and protective equipment needs.”**

**To revise Section 1.1 Community Benefits to read:**

**“The community benefits to be achieved through this program include not only helping the business, but also helping that industry’s and other industries’ survival, job creation and retention, post-pandemic economic recovery, maintaining a strong tax base, maintaining civic infrastructure, and preserving the City of Austin’s unique culture, character, heritage and brand. Awarded Legacy Businesses will be provided the necessary support for ensuring success, since this investment will germinate broader economic recovery and job growth in Austin, including but not limited to:**

- **Preventing iconic Austin businesses, that attract in-state and out-of-state tourists, from closing;**
- **Improving the quality of life for residents and visitors;**
- **Spurring economic development opportunities for small business;**
- **Supporting workers in the targeted businesses and industries that will, in turn, be able to sustain other businesses and industries (including at staging companies,**

artist service organizations, studio spaces, etc.) that also contribute to the unique character, brand and culture of our city;

- Helping people with low and middle incomes;
- Expanding local audience outreach through collaboration and partnerships;
- Innovating safe live music guidelines for workforce development and growth; and
- Promoting Austin’s live music sector and other music industries to tourists and global audiences.”

To revise Section 3.0 Eligibility Criteria to read:

“Businesses must meet the following criteria to be eligible for this grant program:

- Business operates in one of the following industry sectors:
  - Arts venues
  - Live performance and music venues
  - Restaurants and bars
- Business operates from a publicly-facing, physical building
- Business has operated for 20 years in an area that is currently within a City of Austin Council District
- Have incurred or plan to incur COVID-19 mitigation and protective equipment expenses
- Business may have changed locations during its twenty (20) years but must have been located and/or headquartered in an area that is currently in a City of Austin Council District during all twenty (20) years
- Business has headquarters and/or its first location in an area that is currently in a City of Austin Council District
- Business contributes to Austin’s civic infrastructure and helps to define the City’s character and brand
- Business demonstrates a substantial likelihood of closing permanently absent assistance
- Business demonstrates that there is a low likelihood of a similar business reopening in the same or nearby location due to increased rents or other market factors
- Business demonstrates challenges pivoting to alternative operating models for generating revenues sufficient for survival under extended COVID-19 public health orders
- Business demonstrates that assistance through this program reasonably ensures the business will not fail
- Business is committed to maintaining the business’ unique contribution to the city’s special culture and brand.
- Business is current on all local and state license requirements
- Business meets or exceeds the City of Austin’s recommended COVID-19 safety guidelines, which can be found online at [www.austintexas.gov/covid19](http://www.austintexas.gov/covid19)

To add a new section 3.1 Live Music Venue Definition and renumber sections accordingly. The new section is to read:

“For the purposes of this grant program, “Live Music Venue” is defined as an establishment where live music programming is the principal function of the business

and/or the business is a live music destination, and where the venue clearly establishes the ability of an artist to receive payment for work by percentage of sales, guarantee or other mutually beneficial formal agreement for every performance. A live music venue is a destination for live music consumers, and/or its music programming and is the primary driver of its business as indicated by the presence of at least five (5) of the following:

- Defined performance and audience space;
- Mixing desk, public address (PA) system, and lighting rig;
- Back line;
- At least two of the following: (i) sound engineer, (ii) booker, (iii) promoter, (iv) stage manager, or (v) security personnel;
- Charges cover charge to some music performance through ticketing or front door entrance fee;
- Markets specific acts through show listings in printed and electronic publications;
- Hours of operation coincide with performance times; or
- Programs live music at least five nights a week.”

To add a new Section 3.4 Case Management and Professional and Technical Support to read:

“Eligible Applicants shall be provided access to up to twenty (20) hours of attorney and/or certified public accountant services, as part of initial case management assistance part of the application process, to help those Eligible Applicants further develop and refine their final application to demonstrate assistance received will best meet the purposes of this program, as set out in Section 1.0, above. These attorneys and CPAs will come from a pool of experts made available by the City.”

To add a new Section 3.41 Limitation on Number of Eligible Applicants to read:

“If the number of Eligible Applicants exceeds 50, then the City may narrow the eligibility criteria, consistent with the intent and purpose of this program.”

To add a new Section 3.42 Interim and Emergency Support Necessary to Participate in the Application Process to read:

“Eligible Applicants that are facing imminent failure and will not otherwise be able to participate in the development and refinement of their application, will be entitled to request that minimum financial assistance, not to exceed \$20,000, necessary to survive long enough to participate in the application process (meaning there are no nonmonetary steps or actions that can reasonably be taken to otherwise survive to participate in the application process).”

To add a new Section 3.5 Final Application and Awarding of Grants to read:

“Grants shall be awarded based on the final applications submitted by the Eligible Applicants in consultation with the case management assistance they receive. Awards shall be made to best achieve the purpose of this program and shall, when appropriate, try to leverage the funding available so that the resource can go further. It is recognized that there will be some subjectivity involved in awarding grants.”

To add a new Section 3.51 Types of Grants Awarded to read:

“Award of grants may take different forms, to achieve different purposes, and may be in different amounts as may best determined to facilitate the purposes of this program as set out in Section 1.0, above. The City may delegate to an economic development corporation the awarding of grants. Grants awarded in this program may be combined with, or used to help leverage, other public and third party resources and participation. If an economic development corporation is used, such corporation may combine the resources here provided with separate or third party resources and it may participate as an investor, landlord or otherwise, to best maximize the purposes, intent and City provided funding associated with this program.”

To revise Section 3.6 Commercial Tenants to read:

“Applicants who rent or lease their property should attempt, as part of the case management and application process, to demonstrate a commitment from the property owner to enter into a more favorable and/or more long-term rent or lease agreement or sale agreement with the applicant. If a property owner is unwilling to enter into such an agreement, the applicant may still apply with the submittal of documents demonstrating a good faith effort to work with their property owner to negotiate a more favorable agreement. Whether or not such an agreement can be reached is a factor that can be considered in awarding final grants and such impacts the consideration of the purposes and intent of this program, as set out in Section 1.0, above.”

To revise Section 4.0 Equity Consideration to read:

“The City of Austin is focusing on undoing the policies and practices that have led to historic systemic inequities with special attention paid to business ownership, employment, artist of color and genre development, and audience outreach and development. To address these systemic inequities, applicants are required to submit a detailed “Legacy Business Equity Strategic Plan.

Awardees will be provided training and support to ensure these plans are actionable and implemented within one year of the grant award. These opportunities will be created and administered in collaboration with City of Austin departments, Legacy Businesses and businesses operated by people of color, and EDD’s workforce development partners.”

To revise Section 4.1 Workers Rights and Labor Issues to read:

“Applicant will adhere to worker safety protections and workers’ rights as applicable to the facility and business operations in accordance with local, state, and federal laws. The City may find a breach of the program guidelines if a program participant is found to have violated workers’ rights for a period of one year from grant award, either because of a substantiated finding as determined by the City and is not cured by the participant, of unfair labor practices, worker safety violations, violation of antidiscrimination laws, or violation of other applicable worker rights laws.”

To revise Section 5.0 Eligible Expense to read:

“Eligible expense that will be used to calculate the award amount include:

- Rent or mortgage for commercial property, including triple net leases
- Utilities
- Payroll, payroll taxes and employee benefit programs such as health and life insurance
- Technology and software
- Sanitation/cleaning services or supplies
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- Professional services
- Property taxes

The following types of expenses are not eligible for these grant funds:

- Costs that have been paid or will be paid by other COVID-19 grants/loans”

To add a new Section 6.0 Grant Award to read:

“Applicants may apply for funding up to \$40,000 per month for up to six months. Total grant awards per applicant will not exceed \$160,000.

A larger grant award may be considered if it is determined to be necessary and advisable:

- For an awardee, the Austin Economic Development Organization, or other similar cultural trust organization, or third party which will then lease to the awardee, to purchase the awardees’ location or otherwise to achieve a purpose that allows for greater long term business sustainability, or
- To sufficiently leverage an opportunity to ensure business survival and long term sustainability

If, at any point it is determined that long term survival of an awarded business is not viable, termination of the grant may be considered.

The City of Austin anticipates awarding \$4,500,000 to \$5,000,000 to eligible program applicants. The total amount dispersed will depend on whether the City of Austin contracts with a third-party to administer the grant program and/or whether the administrative and case management expenses are funded from other than this fund. Administrative fees for third-party administrators can be as high as 10 percent of the total program fund.”

To revise Section 7.0 Funding Disbursement to read:

“The City of Austin or a third-party program administrator will make every effort to distribute funding as soon as possible following the rapid completion of the final application process, including the case management assistance.”

**A motion to amend was made by Mayor Adler and accepted without objection. The amendment was:**

**To revise Section 3.52 Emergency Work to include the following language:**

**“This is an emergency relief function to provide funding and legal and financial expertise to businesses that need short-term emergency relief to enable the businesses to stay in business while applying for longer term relief funds.”**

**Direction was given to staff that any Chapter 380 programs being created and to be used with this fund shall include provisions for legal and financial expertise for businesses who are seeking relief through the programs to assist in such matters as extension of rental relief and other relief that enables the businesses to survive long-term.**

**Resolution No. 20201015-075 was approved as amended above on Mayor Adler’s motion, Council Member Ellis’ second on an 11-0 vote.**

80. Approve a resolution directing the City Manager to establish a Visitor Information Center Fund that provides seed funding to allow the Austin Economic Development Corporation (AEDC) to implement as an initial project Visitor Information Center acquisition, construction, improvement, enlarging, equipping, repairing, operations, and maintenance as provided for under Texas Tax Code Sections 351.001(8) and 351.101. Council Sponsors: Council Member Ann Kitchen, Council Member Leslie Pool, Council Member Kathie Tovo, Council Member Alison Alter.

**This item was postponed on Council Member Kitchen’s motion. Council Member Flannigan objected.**

**Mayor Adler adjourned the meeting at 10:31 p.m. without objection.**

**The minutes were approved on this the 29<sup>th</sup> day of October 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.**