



Control Number: 51477



Item Number: 1

Addendum StartPage: 0

51477

LAW OFFICES OF
KEN RAMIREZ, PLLC

3005 South Lamar Blvd. • Suite D-109, No. 361 • Austin, Texas 78704
MAIN 512-657-7967 • ken@kenramirezlaw.com

October 30, 2020

Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, TX 78701



Re: CCN Water Service Area Transfer Agreement between Aqua Texas, Inc. and the City of Austin

Dear Commission:

Aqua Texas, Inc. (Aqua Texas) and the City of Austin (Austin) have entered into an agreement whereby Aqua Texas is voluntarily relinquishing 15.61 acres of its water service area to Austin so that Austin may provide continuous and adequate water service to that area. There are currently no active water connections or facilities located on the 15.61 acres. Aqua Texas's water CCN number is 13254, and Austin's water CCN number is 11322. Both are retail public utilities under the definition found at 16 TAC 24.3 (59).

Attached is the Water Service Agreement (Agreement), which the two parties have executed pursuant to Texas Water Code Section 13.248 and 16 TAC 24.253, as well as mapping that complies with 16 TAC 24.257. The parties have authorized me to file and process this CCN amendment application.

Please process this application pursuant to pertinent provisions of the Texas Water Code and Commission rules. Regarding the public notice requirements found at 16 TAC 24.253(c)(2) and (3), included in the Agreement are a copy of the minutes from the September 17, 2020 Austin City Council meeting where Council approved the negotiation and execution of the Agreement (Consent Agenda Item 4), as well as an Affidavit from Greg Meszaros, the Director of Austin Water Utility, attesting to the fact that notice was properly provided. Aqua Texas is a private corporation, thus the provisions of 24.253(2) and (3) do not apply. No customers are being transferred as part of this transaction thus 24.253(c)(1) does not apply.

Please let me know if there is anything else the Commission might need.

Sincerely,

Kenneth Ramirez
Law Offices of Ken Ramirez PLLC.

WATER SERVICE AREA TRANSFER AGREEMENT

This WATER SERVICE AREA TRANSFER AGREEMENT (the “*Agreement*”) is made and entered into by and between the City of Austin (“*City*”), a home rule municipality organized and existing under the laws of the State of Texas, and Aqua Texas, Inc. (“Aqua Texas”) a retail public utility and Texas corporation. The City and Aqua Texas are each a “*Party*.” Collectively, they are the “*Parties*.” This Agreement is effective on the date that the last Party signs the Agreement (the “*Effective Date*”).

RECITALS

WHEREAS, Aqua Texas is the holder of water certificate of convenience and necessity (“*CCN*”) No. 13254, which includes certain service areas with boundaries within Travis County, Texas, among other locations;

WHEREAS, the City is the holder of CCN No. 11322, the boundaries of which are within Travis, Hays, and Williamson Counties, Texas;

WHEREAS, Texas Water Code § 13.248 authorizes contracts between retail public utilities designating areas to be served and customers to be served by those retail public utilities, when approved by the Public Utility Commission (“*PUC*”) after public notice and hearing;

WHEREAS, the Parties desire that Aqua Texas transfer the portion of its water CCN that overlaps with the Transfer Tract (Exhibit C) to the City’s water CCN;

WHEREAS, there are no customers or facilities located on the Transfer Tract;

NOW THEREFORE, for the good and valuable consideration contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. **Purpose.** This Agreement shall be a “contract” designating areas and customers to be served by the Parties in accordance with TWC § 13.248.
2. **Transfer of the CCN Transfer Area.** Aqua Texas transfers and conveys to the City, and the City accepts from Aqua Texas, the portion of Aqua Texas’s CCN No. 13254 that overlaps with the Transfer Tract; and the Parties thereby agree to modification of the boundaries of their water CCNs, accordingly. There are no customers or facilities located on the Transfer Tract and, therefore, none are being transferred.

3. **No Continuing Obligation to Serve.** The Parties agree that, upon PUC approval of the application(s) to transfer the Transfer Tract from Aqua Texas to the City, Aqua Texas shall have no further obligation to provide retail water service to the Transfer Tract.

4. **List of Exhibits**

Exhibit A: Overview Map

Exhibit B: Location Map

Exhibit C: Detailed Map

Exhibit D: Metes and Bounds Description of Transfer Tract

Exhibit E: Land Title Survey of Transfer Tract

Exhibit F: Meeting Agenda and Minutes

Exhibit G: Affidavit Regarding Notice

5. **Applicable Law.** This Agreement shall be governed by, and construed in accordance with, the Constitution and the laws of the State of Texas.
6. **Entire Agreement.** This Agreement reflects the entire agreement and supersedes all prior and contemporaneous agreements and understandings, both written and oral, between the Parties with respect to the subject matter thereof.
7. **Notice.** The following notice requirements shall apply with regard to notice by the Parties to each other, except with regard to other or additional requirements that may apply to documents served on all parties as provided in 16 Tex. Admin Code § 22.74. When this Contract requires the Parties to provide notice to each other, the notice shall be in writing. Notices must be addressed, hand-delivered, or emailed only to the person designated for receipt of notice. A mailed notice shall be considered delivered three (3) business days after postmarked if sent by U.S. Postal Service Certified or Registered Mail, Return Receipt Requested, postage prepaid. Hand-delivered notices are considered delivered only when the addressee receives those notices. Notices delivered by e-mail are considered delivered three (3) business days after transmittal or when received by the addressee whichever is earlier. The Parties may make routine communications by first class mail, email, or other commercially accepted means. Notices and routine communications to the City and Aqua Texas shall be addressed as follows:

CITY OF AUSTIN

Attn: Director, Aqua Texas-City of Austin CCN Exchange
625 E. 10th Street, Suite 800

Austin, Texas, 78767
Phone: (512) 972-0108
Email: Greg.Meszaros@austintexas.gov

With copies to: Virginia Collier, virginia.collier@austintexas.gov

AQUA TEXAS, INC., D/B/A AQUA TEXAS
Attn: President
1106 Clayton Lane, Suite 400W
Austin, Texas, 78723
Phone: (512) 990-4400
Email: RLLaughman@aquaamerica.com

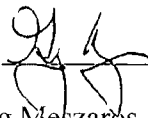
With copies to: Geoffrey P. Kirshbaum, gkirshbaum@terrilwaldrop.com

8. **Successors and Assigns.** This Agreement shall bind the Parties and their legal successors, but shall not otherwise be assignable by any Party without prior written consent of the other Party, whose consent shall not be unreasonably withheld. All of the respective obligations of each Party shall bind that Party and shall apply to and bind any successors or assigns of that Party.
9. **Venue.** Actions taken by either Party in connection with this Agreement shall be deemed to have occurred in Travis County, Texas.
10. **Recitals.** The above recitals are true and correct and are incorporated into this Agreement for all purposes.
11. **Multiple Originals.** This Agreement may be executed in a number of counterparts, each of which shall be for all purposes deemed to be an original, and all such counterparts shall together constitute and be one and the same instrument.
12. **Authority.** The Parties represent that the individuals named below are duly authorized to execute this Agreement on behalf of their respective Party.
13. **Enforceability.** The Parties agree that this Agreement constitutes the legal, valid, and binding obligation of each Party hereto, enforceable in accordance with its terms, and that each Party is entering into this Agreement in reliance upon the enforceability of this Agreement.

[The remainder of this page is intentionally left blank.]

CITY OF AUSTIN, TEXAS,

a Texas home rule municipality

By:  _____
Greg Meszaros, Austin Water Director

Date: 10/14/2020

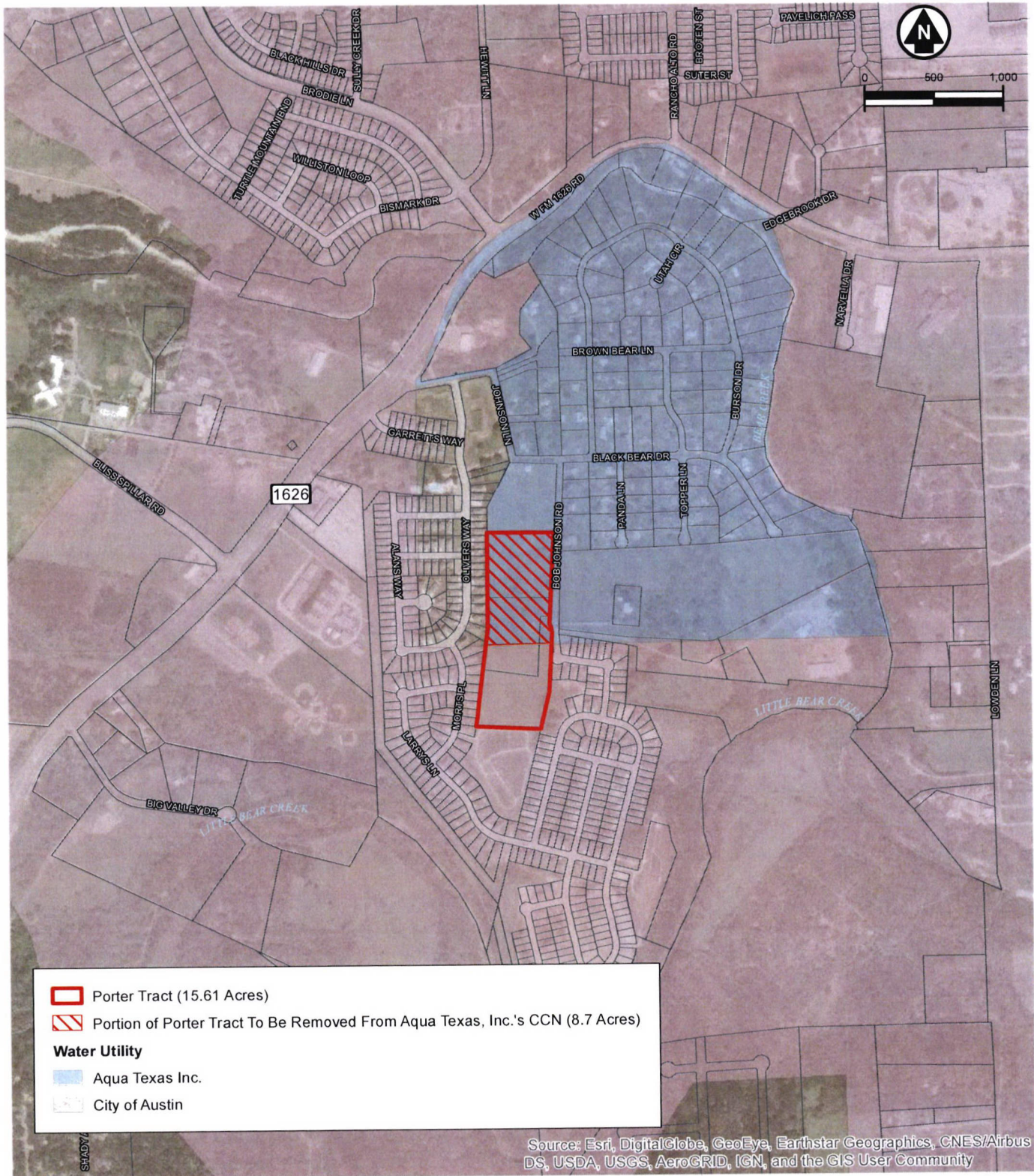
AQUA TEXAS, INC.

a Texas corporation

By: **Robert Laughman** _____
Digitally signed by Robert Laughman
DN: CN = Robert Laughman email =
rlaughman@aquaaamerica.com C = AD O =
Aqua Texas OU = Aqua Texas
Date: 2020.10.28 17:20:15 -05'00'

Date: _____

Robert L. Laughman, President



6805 N. CAPITAL OF TEXAS HIGHWAY | SUITE 315
AUSTIN, TEXAS 78731 | TEL. (512) 758-7474
TBPE FIRM NO. F-18129

PUBLIC UTILITY COMMISSION OF TEXAS

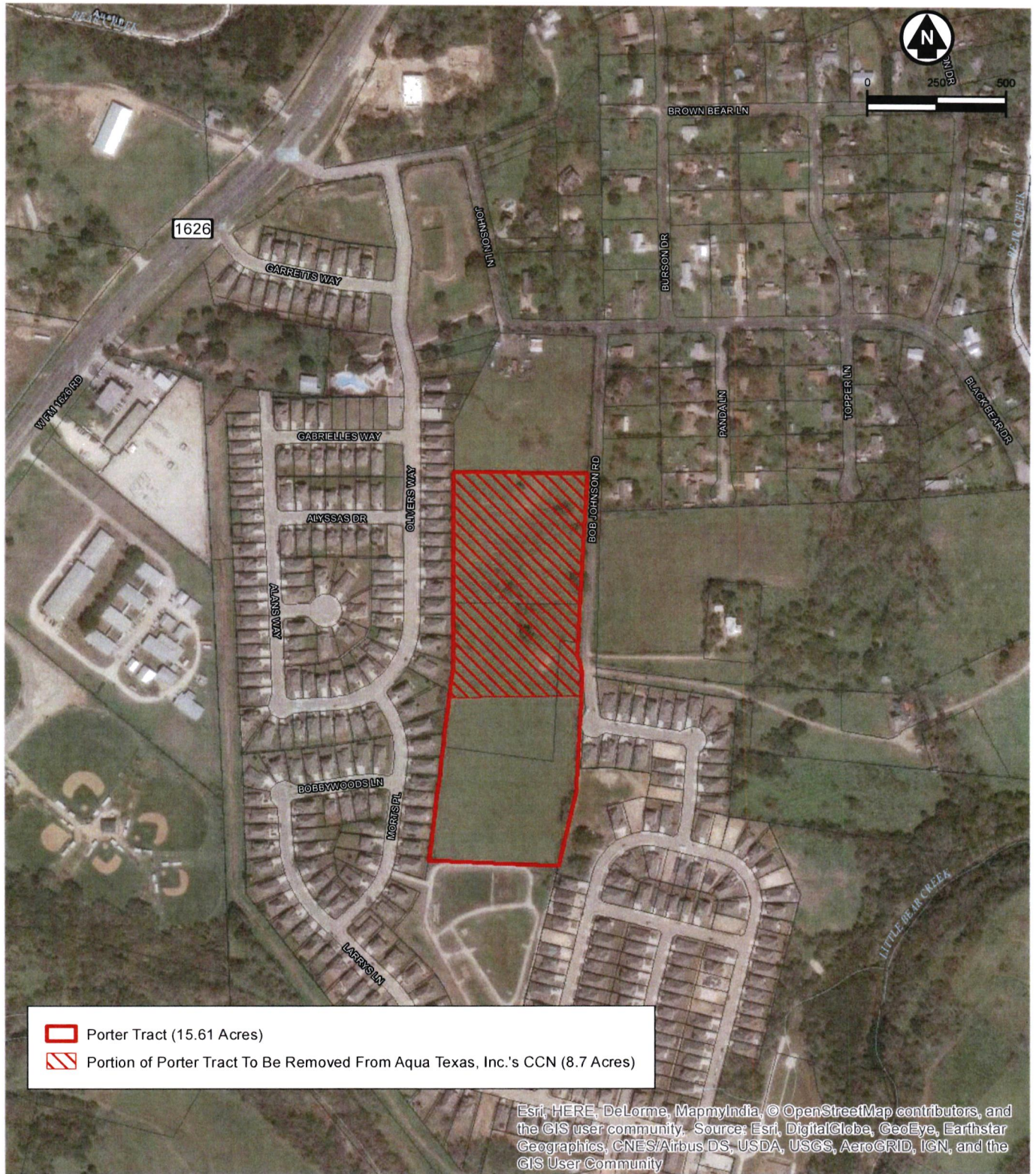
Exhibit
A

OVERVIEW MAP

PORTER TRACT TO BE REMOVED FROM AQUA
TEXAS, INC.'S (AQUA UTILITIES, INC.) WATER CCN
MANCHACA, TRAVIS COUNTY, TEXAS

EXH01

005



6805 N. CAPITAL OF TEXAS HIGHWAY | SUITE 315
AUSTIN, TEXAS 78731 | TEL. (512) 758-7474
TBPE FIRM NO. F-18129

PUBLIC UTILITY
COMMISSION OF TEXAS

DETAILED MAP

PORTER TRACT TO BE REMOVED FROM AQUA
TEXAS, INC.'S (AQUA UTILITIES, INC.) WATER CCN
MANCHACA, TRAVIS COUNTY, TEXAS

EXH03

Exhibit
C

007

DESCRIPTION OF A 15.611 ACRE TRACT OF LAND
TRAVIS COUNTY, TEXAS

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE WALKER WILSON SURVEY NO. 2, ABSTRACT NO. 27, SITUATED IN TRAVIS COUNTY, TEXAS; BEING ALL OF LOTS 2 - 4 OF THE PORTER SUBDIVISION NUMBER TWO AS RECORDED IN DOCUMENT NO. 2008197887 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS AS CONVEYED TO RRRS 1626, L.L.C. BY SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2008197887 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with cap stamped "Pointline RPLS 1587" found on the west line of Lot 13, Block B of the Ring Tract, Phase One a subdivision as recorded in Document No. 201600227 of the Official Public Records of Travis County, Texas, at the northeast corner of Lot 34, Block B of The Hills of Bear Creek, Section Two a subdivision as recorded in Document No. 201400302 of the Official Public Records of Travis County, Texas, being the southeast corner of the above described Lot 4, Porter Subdivision Number Two, for the southeast corner and **POINT OF BEGINNING** of the herein described tract:

THENCE, with the south line of said Lot 4, Porter Subdivision Number Two, N 87°03'55" W a distance of 468.01 feet to a 1/2-inch iron rod set with cap stamped "BGE INC" at the most northerly northwest corner of said Lot 34, Block B, The Hills of Bear Creek, Section Two, on the east line of Lot 33, Block B of said The Hills of Bear Creek, Section Two, at the southwest corner of said Lot 4, Porter Subdivision Number Two, for the southwest corner of the herein described tract;

THENCE, with the east line of said The Hills of Bear Creek, Section Two and the west line of said Porter Subdivision Number Two, N 07°02'39" E a distance of 719.16 feet to a 1/2-inch iron rod found on the east line of Lot 22, Block B of said The Hills of Bear Creek, Section Two, at a angle point in the west line of the above described Lot 3 of said Porter Subdivision Number Two, for an angle point of the herein described tract;

THENCE, continuing with the east line of said The Hills of Bear Creek, Section Two, the west line of said Porter Subdivision Number Two, and the east line of The Hills of Bear Creek, Section One a subdivision as recorded in Document No. 201300239 of the Official Public Records of Travis County, Texas, N 00°06'45" E a distance of 693.00 feet to a 1/2-inch iron rod with cap stamped "Pointline RPLS 1587" found on the east line of Lot 10, Block B of said The Hills of Bear Creek, Section One, at the common west corner of Lot 1 and the above described Lot 2 of said Porter Subdivision Number Two for the northwest corner of the herein described tract;

THENCE, leaving the east line of said The Hills of Bear Creek, Section One, with the common line of said Lots 1 and 2, Porter Subdivision Number Two, S 89°55'08" E a distance of 488.63 feet to a 1/2-inch iron rod with cap stamped "Pointline RPLS 1587" found on the west right-of-way line of Bob Johnson Road (variable width right-of-way) at the common east corner of said Lots 1 and 2, Porter Subdivision Number Two, for the northeast corner of the herein described tract, from which a 1/2-inch iron rod with cap stamped "Pointline RPLS 1587" found on the east line of said Lot 1, Porter Subdivision Number Two bears, N 02°47'41" E a distance of 479.63 feet;

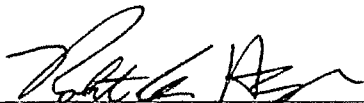
THENCE, with the west right-of-way line of said Bob Johnson Road and the east line of said Porter Subdivision Number Two, S 02°47'41" W a distance of 662.83 feet to a 1/2-inch iron rod with cap stamped "Pointline RPLS 1587" found at an angle point in the east line of said Lot 3, Porter Subdivision Number Two, for an angle point in the east line of the herein described tract;

THENCE, continuing with the west right-of-way line of said Bob Johnson Road and the east line of said Porter Subdivision Number Two, S 26°56'55" E a distance of 22.85 feet to a 1/2-inch iron rod with cap stamped "Pointline RPLS 1587" found at an angle point in the east line of said Lot 3, Porter Subdivision Number Two, for an angle point in the east line of the herein described tract;

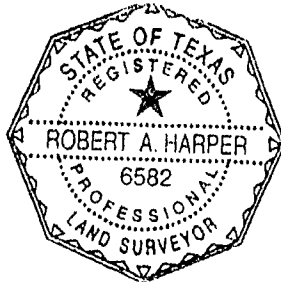
THENCE, continuing with the west right-of-way line of said Bob Johnson Road, the east line of said Porter Subdivision Number Two, and the west line of said Ring Tract, Phase One, S 02°47'41" W a distance of 479.04 feet to a 1/2-inch iron rod set with cap stamped "BGE INC" at an angle point in the east line of said Lot 4, Porter Subdivision Number Two, for an angle point in the east line of the herein described tract;

THENCE, continuing with the east line of said Porter Subdivision Number Two and the west line of said Ring Tract, Phase One, S 13°40'18" W a distance of 276.97 feet to the **POINT OF BEGINNING** and containing 15.611 acres of land, more or less.

I hereby certify that these notes were prepared by BGE from a survey made on the ground on September 24, 2018 under my supervision and are true and correct to the best of my knowledge. Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, NAD 83.



Robert A. Harper RPLS No. 6582
BGE, Inc.
7000 North Mopac, Suite 330
Austin, Texas 78731
Telephone: (512) 879-0400
TBPLS Licensed Surveying Firm No. 10106502



10/4/18
Date

Date: October 4, 2018
Project No.: 6064-00

VICINITY MAP
NOT TO SCALE

BOB JOHNSON ROAD

BLACK BEAR LANE

50' R.O.W.

60' R.O.W.

Exhibit E



LEGEND

CAMP CORRUGATED METAL PIPE
 D R T C DEED RECORDS OF TRAMS COUNTY
 DOC DOCUMENT
 E C R ELEC CONDUIT RISER
 P R T C PLAY RECORDS OF TRAMS COUNTY
 NO NUMBER
 O P R T C OFFICE PUBLIC RECORDS OF
 TRAMS COUNTY
 P P POWER POLE
 EDGE OF ASPHALT
 () T E N O T E N O T E N O T E N O T E
 - - - - - BARBED WIRE FENCE
 OVERHEAD UTILITIES
 RECORD INFORMATION,
 DOC NO 20030839
 FOUND 1/2" IRON ROD
 FOUND 1/2" IRON ROD W/CAP
 STAMPED "POINTLINE RISE 1587"
 SET 1/2" IRON ROD W/CAP
 STAMPED "BGE INC"
 SCHEDULE B ITEM NO

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	S 26°56'55" E	22.85'
	(S 23°52'14" E)	(22.61')
L2	N 87°14'52" W	65.02'
	(N 83°47'50" W)	(65.00')

GENERAL NOTES

- 1 BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, NAD83
- 2 THE PROPERTY LIES IN UNSHADED ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR TARRANT COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBER 484533059M, REVISED SEPTEMBER 26, 2008)
- 3 THIS SURVEY WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY AND COUNTERSIGNED BY GRAYSTONE TITLE COMPANY, LLC UNDER FILE NUMBER 01460-7711, DATED EFFECTIVE FEBRUARY 11, 2019 AND ISSUED ON FEBRUARY 20, 2019.
- 4 NO IDENTIFIABLE PARKING SPACES, STRUCTURES OR AREAS WERE OBSERVED AT THE TIME OF SURVEY
- 5 THE INTERSECTION OF BOB JOHNSON ROAD AND BLACK BEAR LANE IS APPROXIMATELY 531' FROM THE NORTHEAST CORNER OF SUBJECT LOT 2
- 6 NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING DESTRUCTION WAS OBSERVED AT THE TIME OF SURVEY

RESTRICTIVE COVENANT AND EASEMENT NOTES:


- Restrictive covenants as conveyed by plat recorded under Document Number 200300139 of the Official Public Records of Travis County, Texas, DO AFFECT the subject Lots
- 10B A 10' public utility easement reserved along the north and south property lines, as shown on the plat of record under Document Number 200300139 in the Official Public Records of Travis County, Texas, DOES AFFECT the subject Lot 2, as shown hereon
- 10C A 15' drainage and public utility easement reserved along the westerly property line, as shown on the plat of record under Document Number 200300139 in the Official Public Records of Travis County, Texas, DOES AFFECT the subject Lots 2, 3 and 4, as shown hereon
- 10D A 15' drainage and public utility easement reserved along the south property line, as shown on the plat of record under Document Number 200300139 in the Official Public Records of Travis County, Texas, DOES AFFECT the subject Lot 4, as shown hereon
- 10E Public utility easements reserved across the subject property, as shown on the plat of record under Document Number 200300139 in the Official Public Records of Travis County, Texas, DOES AFFECT the subject Lot 3, as shown hereon
- 10F Public utility easements reserved across the subject property, as shown on the plat of record under Document Number 200300139 in the Official Public Records of Travis County, Texas, DOES AFFECT the subject Lot 4, as shown hereon
- 10G Electric transmission and/or distribution line and appurtenances easement granted to Pedernales Electric Cooperative Inc., by instrument dated January 9, 1989, recorded in Volume 1818, Page 182 of the Real Property Records of Travis County, Texas, and as shown on Plat recorded under Document Number 200300139, Official Public Records of Travis County, Texas, DOES AFFECT the subject Lots 2, 3 and 4, as shown hereon
- 10H An electric utility easement granted to Pedernales Electric Cooperative, Inc., by instrument recorded under Document Number 20010060 of the Official Public Records of Travis County, Texas, DOES AFFECT the subject Lots 2, 3 and 4, but it's location cannot be determined from information currently available

To Milestone Community Builders, Milestone Development, Inc., a Texas Corporation, and Stewart Title Guaranty Company

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 7a, 9, 11 (observed evidence only), 14 & 16 of Table A thereof. The field work was completed on September 24, 2018.

Date of Plat or Map October 2, 2018

Updated February 28, 2019


ROBERT A HARPER RPLS NO. 6582
BGE, INC
7000 NORTH MOPAC, SUITE 330
AUSTIN, TEXAS 78731
TELEPHONE (512) 879-0400



BGE, Inc
7000 North Mopac, Suite 330 Austin TX 78731
Tel 512-879-0400 • www.bgeinc.com
TBPLS Licensed Surveying Firm No 10106502

Complete 20

ALTA/NSPS LAND TITLE SURVEY
OF LOTS 2-4, OF THE
PORTER SUBDIVISION NUMBER TWO,
AS RECORD IN DOC. NO. 200300139
OF THE OFFICIAL PUBLIC RECORDS
OF TRAVIS COUNTY, TEXAS

PARTY CHIEF	M G	ISSUE DATE	10/15/2018	SHEET 1
TECHNICIAN	M C	SCALE	1"=100'	
R.P.L.S.	R.H.	JOB NUMBER	0064-00	
FIELD BOOK NAME:		24	010	
RASE FILE @ \\V07\Projects\Survey\Projects\2004-02\46\Books\Drawings\2004-08_2406\Survey				
				OF 1

LEGAL DESCRIPTION OF THE LAND:

LOTS 2, 3 AND 4, THE PORTER SUBDIVISION
NUMBER TWO, A SUBDIVISION IN TRAVIS
COUNTY, TEXAS, ACCORDING TO THE MAP OR
PLAT OF RECORD IN DOCUMENT NUMBER
200300139, OFFICIAL PUBLIC RECORDS OF
TRAVIS COUNTY, TEXAS

AUSTIN CITY COUNCIL
MINUTESREGULAR MEETING
THURSDAY, SEPTEMBER 17, 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, September 17, 2020 via Videoconference.

Mayor Adler called the Council Meeting to order at 10:03 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council budget adoption of August 12, 2020, work session of September 1, 2020, and regular meeting of September 3, 2020.
The motion approving the minutes of the Austin City Council budget adoption of August 12, 2020, work session of September 1, 2020, and regular meeting of September 3, 2020 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
2. Authorize issuance of energy efficiency program rebates by Austin Energy during Fiscal Year 2020-21, in an amount not to exceed \$2,700,000 for multifamily energy efficiency rebates and \$3,350,000 for commercial and small business energy efficiency rebates, for a total combined amount not to exceed \$6,050,000. Electric Utility Commission recommended unanimously, with Commissioner Wray absent. Resource Management Commission recommended on a 7-0 vote with Commissioners Babyack and Smith off the dais. Commissioner Johnson absent and one vacancy.
The motion authorizing the issuance of energy efficiency program rebates by Austin Energy was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
3. Authorize negotiation and execution of an amendment to a contract with Keep Austin Beautiful, regarding continued education, clean-up, and beautification services to extend the term of the contract by six months and to increase the contract amount by \$134,250 for Fiscal Year 2020-2021 for a revised total contract amount not to exceed \$2,715,500.

The motion authorizing the negotiation and execution of an amendment to a contract with Keep Austin Beautiful was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

4. Authorize negotiation and execution of an agreement allowing for the formal transfer of a portion of the Aqua Texas, Inc., water certificate of convenience and necessity ('CCN') No. 13254 to the City of Austin water CCN No. 11322 for the area that overlaps with the Porter Tract, generally located approximately one tenth of a mile south of the intersection of Black Bear Drive and Ben Johnson Road. Recommended by the Water and Wastewater Commission on a 7-0 vote with Commissioners Parton, Williams and Fisher absent.

The motion authorizing the negotiation and execution of an agreement allowing for the formal transfer of a portion of the Aqua Texas, Inc. water certificate of convenience and necessity to the City of Austin was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

5. Authorize the negotiation and execution of a cost participation agreement with Lennar & Village Builders Austin ('Lennar') for the City to reimburse Lennar for an amount not to exceed \$1,123,320.00 for costs associated with the design and construction of an oversized lift station and force main related to Service Extension Request No. 2828R4 that will provide wastewater service to a proposed single-family development located south of Wells Branch Parkway and east of Immanuel Road. Recommended by the Water and Wastewater Commission on a 7-0 vote with Commissioners Parton, Williams and Fisher absent.

The motion authorizing the negotiation and execution of a cost participation agreement with Lennar & Village Builders Austin was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

6. Approve an ordinance accepting grant funds from the Texas Department of Emergency Management, and amending the Fiscal Year 2019-2020 Budget Special Revenue Fund (Ordinance No. 20190910-001) in the amount of \$2,749,847 for the following departments: Animal Services Department, Austin Code Department, Austin Energy, Austin Fire Department, Austin Police Department, Austin Public Health, Austin Public Library, Austin Resource Recovery, Austin Water Department, Aviation, Communications and Technology Management, Corporate Public Information Office, Emergency Medical Services, Fleet Services Department, Homeland Security and Emergency Management, Human Resources Department, Parks and Recreation Department, Planning and Zoning, and Watershed Protection, and amending the Fiscal Year 2019-2020 Capital Budget to transfer in and appropriate \$106,600 for Austin Water's Davis and Ulrich Water Treatment Plant Projects.

Ordinance No. 20200917-006 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

7. Authorize award and execution of a construction contract with Flintco, LLC for the Domain Four Chillers Demolition project in the amount of \$1,339,000 plus a \$66,950 contingency, for a total contract amount not to exceed \$1,405,950. Electric Utility Commission recommended unanimously, with Commissioner Wray absent. [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 12.03% MBE and 0.37% WBE participation.] District(s) Affected: District 7.

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

8. Approve a resolution finding the use of the construction manager-at-risk method of contracting, as authorized by Subchapter F, Chapter 2269 of the Texas Government Code, as the project delivery method that provides the best value to the City for renovations and additions to the Asian American Resource Center. (Note: MBE/WBE goals will be established prior to issuance of this solicitation.)

This item was postponed to October 1, 2020 on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

9. Authorize negotiation and execution of a construction manager at risk agreement with Rogers - O'Brien Construction Company, LLC (staff recommendation) or one of the other qualified responders for Request for Qualification Solicitation, CLMA039, for preconstruction and construction services for the Emma S. Barrientos Mexican American Cultural Center - Phase 2 in an amount not to exceed \$22,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 13.38% MBE and 2.10% WBE participation.] District(s) Affected: District 9.

The motion authorizing the negotiation and execution of a construction manager at risk agreement with Rogers - O'Brien Construction Company, LLC was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

10. Approve an ordinance amending the Fiscal Year 2020-2021 Communications and Technology Management Capital Budget (Ordinance No. 20200812-001) to increase appropriations by \$3,618,889 to fund radio replacements through contractual obligations.

Ordinance No. 20200917-010 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

11. Authorize negotiation and execution of Amendment No. 4 to the interlocal agreement with the Austin Travis County Mental Health Mental Retardation Center D/B/A Integral Care for the Expanded Mobile Crisis Outreach Team, which offers a first response team for mental health crises in collaboration with City first responders, to increase funding for the three remaining renewal options by \$1,350,000 per renewal option, for a total contract amount not to exceed \$4,050,000.

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

Item 12 was pulled for discussion.

13. Approve a resolution authorizing the City Manager to award, negotiate and execute cultural arts services contracts for Fiscal Year 2020-2021 in an amount not to exceed \$3,582,971, and

authorizing payment in the amount of \$60,000 for Zachary Scott Theatre Center maintenance required under a separate operations agreement.

Resolution No. 20200917-013 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

14. Approve a resolution authorizing the City Manager to award, negotiate, and execute historic preservation fund service contracts for Fiscal Year 2020-2021 in an amount not to exceed \$16,079,216 for historic preservation and restoration projects District(s) Affected: District 1, District 3, District 8, District 9, District 10

Resolution No. 20200917-014 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

15. Approve an ordinance authorizing acceptance of \$398,342 in grant funds from the Texas Commission on Environmental Quality; amending the Fiscal Year 2019-2020 Fleet Mobility Services Department Operating Budget Special Revenue Fund (Ordinance No. 20190910-001) to appropriate these funds; and amending the Fiscal Year 2019-2020 Fleet Mobility Services Department Capital Budget (Ordinance No. 20190910-001) to transfer in and appropriate \$398,342 from the Fleet Mobility Services Department Operating Budget Special Revenue Fund to assist with the purchase of six replacement vehicles.

Ordinance No. 20200917-015 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

16. Authorize negotiation and execution of professional services agreements for: (1) state agency and legislative representation and consulting services each for a one-year term, for a total combined contract amount not to exceed \$540,000, and (2) federal agency and legislative representation and consulting services each for a one-year term, for a total combined amount not to exceed \$132,000

The motion authorizing the negotiation and execution of professional services agreements was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Items 17 and 18 was pulled for discussion.

19. Authorize the negotiation and execution of an interlocal agreement with Travis County for the purchase of Dupont Tyvek Suits as protective personal equipment.

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

20. Authorize the negotiation and execution of Amendment No. 2 to the Fiscal Year 2019-2020 Service Agreement with the Austin Housing Finance Corporation to decrease available funding by \$2,675,489 for a total contract amount not to exceed \$81,914,403.

The motion authorizing the negotiation and execution of Amendment No. 2 to the Fiscal Year 2019-2020 Service Agreement with the Austin Housing Finance Corporation was

approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

21. Ratify a master agreement with multiple grantees to provide emergency outreach for COVID-19 impacted households who are in need of emergency rental assistance through the Relief for Emergency Needs of Tenants program, not to exceed \$400,000 for the term of August 17, 2020 through December 31, 2020.

The motion to ratify a master agreement with multiple grantees to provide emergency outreach for COVID-19 impacted households through the Relief for Emergency Needs of Tenants program was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

22. Ratify and authorize negotiation and execution of an amendment to an interlocal agreement with the Housing Authority of the City of Austin to provide emergency rental assistance for households impacted by COVID-19 in an amount not to exceed \$15,900,000 for the term August 10, 2020 through January 31, 2021.

The motion to ratify and authorize the negotiation and execution of an amendment to an interlocal agreement with the Housing Authority of the City of Austin was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

23. Authorize the negotiation and execution of an interlocal agreement with Austin Independent School district to fund and administer the Community Development Block Grant Teen Parent Services Program in an amount not to exceed \$138,275.

The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

24. Authorize negotiation and execution of a 12-month interlocal agreement with Austin-Travis County Integral Care to fund and administer the Community Development Block Grant Youth Services Program in an amount not to exceed \$188,490.

The motion authorizing the negotiation and execution of a 12-month interlocal agreement with Austin-Travis County Integral Care was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

25. Authorize negotiation and execution of a one-year contract plus an optional one-year extension with Austin Tenants' Council to fund and administer the Tenants' Rights Assistance Program that provides community education and information about tenant protection laws in an amount not to exceed \$287,223.

The motion authorizing the negotiation and execution of a one-year contract plus an optional one-year extension with Austin Tenants' Council was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

26. Authorize negotiation and execution of a 12-month social services contract with Child, Inc. to fund and administer the Early Head Start Child Care Program in an amount not to exceed \$78,398.

The motion authorizing the negotiation and execution of a 12-month social services contract with Child, Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

27. Authorize the negotiation and execution of a one-year contract with Family Eldercare, Inc. to fund and administer the Community Development Block Grant Senior Services Program in an amount not to exceed \$123,995.

The motion authorizing the negotiation and execution of a one-year contract with Family Eldercare, Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

28. Authorize negotiation and execution of a one-year contract with Family Eldercare Inc. to fund and administer the Emergency Rental Assistance- Homeless Assistance Program for households impacted by the economic impacts of COVID-19 in an amount not to exceed \$1,000,000.

The motion authorizing the negotiation and execution of a one-year contract with Family Eldercare Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

29. Authorize negotiation and execution of a 12-month social services contract with Young Women's Christian Association Greater Austin to fund and administer the Child Care Voucher Services Program in an amount not to exceed \$262,935.

The motion authorizing the negotiation and execution of a 12-month social services contract with Young Women's Christian Association Greater Austin was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

30. Ratify an agreement with Texas Rio Grande Legal Aid to provide emergency eviction counseling and prevention services for COVID-19 impacted households in an amount not to exceed \$220,000 for the term August 17, 2020 through August 31, 2021.

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

31. 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

This item was postponed to October 1, 2020 on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

A motion to reconsider this item and amend the postponement date to October 15, 2020 was approved without objection.

32. Authorize negotiation and execution of an interlocal agreement with the Save Historic Muny District for the operation and management of the food and beverage concession at Lions Municipal Golf Course. District(s) Affected: District 10.
The motion authorizing the negotiation and execution of an interlocal agreement with the Save Historic Muny District was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
33. Approve a resolution authorizing the extension of line of duty injury leave of absence for Austin Police Department Officer Abel Garza through September 5, 2021.
Resolution No. 20200917-033 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
34. Authorize negotiation and execution of a contract with five subgrantees for teen pregnancy prevention services for an initial 12-month term through June 30, 2021 with two 12-month renewal options, as follows: Integral Care in an amount not to exceed \$64,057 for the initial term and each of the two renewal options, for a total contract amount not to exceed \$192,171; Nicole Trevino Consulting in an amount not to exceed \$68,605 for the initial term, \$67,614 for the first renewal option, and \$69,258 for the second renewal option, for a total contract amount not to exceed \$205,477; SAFE Alliance in an amount not to exceed \$61,327 for the initial term, \$62,398 for the first renewal option, and \$62,729 for the second renewal option, for a total contract amount not to exceed \$186,454; The University of Texas Health Science Center at Houston, School of Public Health in an amount not to exceed \$123,585 for the initial term, \$106,408 for the first renewal option, and \$121,007 for the second renewal option, for a total contract amount not to exceed \$351,000; and El Buen Samaritano in an amount not to exceed \$88,802 for the initial term, \$91,446 for the first renewal option, and \$94,184 for the second renewal option, for a total contract amount not to exceed \$274,432.
The motion authorizing the negotiation and execution of a contract with Integral Care, Nicole Trevino Consulting, SAFE Alliance, The University of Texas Health Science Center at Houston, School of Public Health and El Buen Samaritano for an initial 12-month term was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
35. Authorize negotiation and execution of Amendment No. 8 to the agreement with the Asian American Resource Center, Inc., dba Asian American Community Health Initiative, for health care system navigation services, adding two 12-month renewal options each in an amount not to exceed \$412,305, for a new total agreement amount not to exceed \$2,404,300.
The motion authorizing the negotiation and execution of Amendment No. 8 to the agreement with the Asian American Resource Center, Inc., doing business as Asian American Community Health Initiative was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.
36. Authorize negotiation and execution of Amendment No. 8 to the agreement with Sustainable Food Center for electronic benefits transfer technology and produce purchase incentives for farmers markets, adding two twelve-month extension options beginning October 1, 2020, each in an amount not to exceed \$77,003, for a total agreement amount not to exceed \$897,180.

The motion authorizing the negotiation and execution of Amendment No. 8 to the agreement with Sustainable Food Center was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

37. Authorize negotiation and execution of Amendment No. 11 to the agreement with Austin Travis County Mental Health & Mental Retardation Center dba Integral Care to provide Community Forums, to add two 12-month extension options beginning October 1, 2020 in an amount not to exceed \$100,797 per extension option, for a total agreement amount not to exceed \$789,139.

The motion authorizing the negotiation and execution of Amendment No. 11 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, Mayor Pro Tem Garza's second on an 11-0 vote.

38. Authorize negotiation and execution of Amendment No. 6 with Austin Child Guidance Center for programs that address underserved family mental health to add one 12-month renewal option beginning October 1, 2020 in an amount not to exceed \$198,725, for a revised total agreement amount not to exceed \$1,377,022.

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

39. Approve the extension of the appointment of Mark Escott, M.D., as Interim Health Authority and the designation of Jason R. Pickett, M.D., Ming Tang, M.D., and Jonathan MacClements, M.D., each individually as an Alternate Health Authority through March 31, 2021.

The motion approving the extension of the appointment of Mark Escott, M.D., as Interim Health Authority and the designation of Jason R. Pickett, M.D., Ming Tang, M.D., and Jonathan MacClements, M.D., each individually as an Alternate Health Authority was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

40. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2020-2021, for the purchase of computer, network and other technology hardware, software, and related maintenance and technology services, in an amount not to exceed \$62,000,000. (Note: These procurements will be reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9 Minority Owned and Women Owned Business Enterprise Procurement Program. Department of Information contracts also have historically underutilized business requirements for subcontracting)

The motion authorizing the negotiation and execution of various cooperative contracts during Fiscal Year 2020-2021 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

41. Authorize an amendment to an existing cooperative contract with CDW LLC D/B/A CDW Government D/B/A CDWG D/B/A CDW Government LLC, to provide additional Trend Micro products and services, for an increase in the amount of \$110,262, for a revised total contract amount not to exceed \$268,000. Electric Utility Commission recommended unanimously, with Commissioner Wray absent. (Note: This amendment was reviewed in accordance with City Code

Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this contract, there were no subcontracting opportunities identified; therefore, no goals were established).

The motion authorizing an amendment to an existing cooperative contract with CDW LLC, doing business as CDW Government, doing business as CDWG, doing business as CDW Government LLC was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

42. Authorize negotiation and execution of a multi-term contract with Techline Inc., to provide design, fabrication and purchase of steel transmission poles, for up to five years for a total contract amount not to exceed \$15,000,000. (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 For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

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

43. Authorize an amendment to an existing contract with Altec Industries, Inc., to provide customized utility vehicles, for an increase in the amount of \$9,500,000, for a revised total contract amount not to exceed \$30,500,000. (Note: This amendment 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 contract, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing an amendment to an existing contract with Altec Industries, Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

44. Authorize negotiation and execution of a multi-term contract with CityBase, Inc., or one of the other qualified offerors to Request For Proposals 7400 DDM3002, to provide an enterprise-wide online e-payment system, for up to nine years for a total contract amount not to exceed \$24,500,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were an insufficient availability of M/WBEs; therefore, no subcontracting goals were established).

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

45. Authorize negotiation and execution of a contract with Marsh USA, Inc. D/B/A Marsh Wortham, for Austin Energy property insurance and related services, for a term of five years in an amount not to exceed \$38,565,000. Electric Utility Commission recommended unanimously, with Commissioner Wray absent. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned

Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of a contract with Marsh USA, Inc., doing business as Marsh Wortham was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

46. Authorize award of a contract to provide original equipment manufacturer parts and repair services for BMW motorcycles, with Woods Fun Center, Inc. D/B/A BMW Motorcycles of Austin, a local bidder that offers the City the best combination of contract price and additional economic development opportunities, including employment of residents and increased tax revenues, for a term of five years in an amount not to exceed \$1,105,300. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the award of a contract with Woods Fun Center, Inc., doing business as BMW Motorcycles of Austin was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

47. Authorize award of a multi-term contract with Trillium Development LTD CO, to provide traffic signal cables, for up to five years for a total contract amount not to exceed \$403,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D, Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting goals established)

The motion authorizing the award of a multi-term contract with Trillium Development LTD CO was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Item 48 was pulled for discussion.

49. Authorize negotiation and execution of a contract with Public Consulting Group Inc., to provide a dispatch equity and optimization efficiency study, in an amount not to exceed \$250,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established. However, the recommended contractor identified subcontracting opportunities).

The motion authorizing the negotiation and execution of a contract with Public Consulting Group Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

50. Authorize negotiation and execution of a contract with Daniel L Sun Inc. D/B/A Sun-Net Inc., to provide maintenance, support and system upgrades for the transmission outage scheduler software, for a term of five years for a total contract amount not to exceed \$1,000,000. Electric Utility Commission recommended unanimously, with Commissioner Wray absent. (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).

The motion authorizing the negotiation and execution of a contract with Daniel L Sun Inc., doing business as Sun-Net Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

51. Authorize negotiation and execution of a multi-term contract with Isabella Rizer, to provide real estate consulting services, for up to three years for a total contract amount not to exceed \$200,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

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

52. Authorize negotiation and execution of a contract with Public Consulting Group Inc., to provide a Disability Quality of Life Study, for a term of 15 months in an amount not to exceed \$199,670. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

The motion authorizing the negotiation and execution of a contract with Public Consulting Group Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

53. Authorize award of a multi-term contract with MEA Promos, to provide marketing collateral products, for up to five years for a total contract amount not to exceed \$3,957,800. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established).

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

Item 54 was pulled for discussion.

55. Authorize award and execution of a construction contract with Sefbo Pipeline Bridge, Inc., for the ATD - Traffic Signs and Pavement Markings Toolbox Indefinite Delivery/Indefinite Quantity contract (REBID) in the amount of \$3,440,000 for an initial one-year term, with four, one-year extension options of \$3,440,000 each, for a total contract amount not to exceed \$17,200,000. [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 a combined MBE/WBE goal of 1.75% participation.]

The motion authorizing the award and execution of a construction contract with Sefbo Pipeline Bridge, Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

56. Authorize award and execution of a construction contract with Mastec North America, Inc. for the 2016 Mobility Bond - Corridor Mobility Program Traffic Signal Improvements Indefinite Delivery/Indefinite Quantity contract in the amount of \$10,000,000 for an initial two-year term, with three, one-year extension options of \$5,000,000 each, for a total contract amount not to exceed \$25,000,000. [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 6.88% MBE and 2.15% WBE participation.] District(s) Affected: District 1, District 2, District 3, District 4, District 5, District 7, District 8, District 9

The motion authorizing the award and execution of a construction contract with Mastec North America, Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

57. Approve an ordinance authorizing the issuance and sale of tax-exempt City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2020C (Series 2020C Bonds), in a par amount not to exceed \$262,000,000, in accordance with the parameters set out in the ordinance, authorizing related documents, approving the payment of the costs of issuance, and providing that the issuance and sale be accomplished by March 17, 2021.

Ordinance No. 20200917-057 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

58. Approve an ordinance authorizing the issuance and sale of City of Austin, Texas, Electric Utility System Revenue Refunding and Improvement Bonds, Series 2020A (Series 2020A Bonds), in a par amount not to exceed \$300,000,000, in accordance with the parameters set out in the ordinance; authorizing related documents; approving the payment of costs of issuance; and providing that the issuance and sale be accomplished by March 17, 2021

Ordinance No. 20200917-058 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

59. Approve an ordinance authorizing the issuance and sale of City of Austin, Texas, Electric Utility System Revenue Refunding Bonds, Taxable Series 2020B (Taxable Series 2020B Bonds), in a par amount not to exceed \$55,500,000, in accordance with the parameters set out in the ordinance; authorizing related documents; approving the payment of costs of issuance; and providing that the issuance and sale be accomplished by March 17, 2021.

Ordinance No. 20200917-059 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

60. Authorize execution of a Cost Recovery Agreement with Capital Metro Transportation Authority for a water quality control improvement project at 609 E. 3rd Street, associated with the Consolidated Administrative Site Plan SP-2018-0163C, in the amount of \$249,800.00. District(s) Affected: District 9.

The motion authorizing the execution of a Cost Recovery Agreement with Capital Metro Transportation Authority was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

61. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies, and to public facility corporations; removal and replacement of members; and amendments to board and commission bylaws.
The following appointments and waivers were approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote:

Board/Nominee	Nominated by
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<u>Asian American Quality of Life Advisory Commission</u> Shruti Mangalmurti	Council Member Flannigan
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<u>Austin Integrated Water Resource Planning Community Task Force</u> Sarah Faust	Council Member Kitchen
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<u>Austin-Travis County EMS Advisory Board</u> April Geruso	Mayor Adler
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<u>College Student Commission</u> Lira Ramirez	Austin Community College
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<u>College Student Commission</u> Cristobal Garcia-Quiroz	St. Edwards University
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<u>College Student Commission</u> Jeffrey Clemmons	Huston-Tillotson University
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<u>Historic Landmark Commission</u> Caroline Wright	Council Member Tovo
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<u>Mayor's Committee for People with Disabilities</u> Kathryn Broadwater	Council Member Kitchen
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<u>Planning Commission</u> João Paulo Connolly Waivers	Council Member Casar
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Approve a waiver of the filing deadline for the statement of financial information as prescribed in Sections 2-1-25 and 2-7-72 of the City Code and establishing a new deadline of Friday, October 19, 2020 for the following members:

Kevin Ramberg
Terri Myers
Rometeen Farasat
Carmen Llanes-Pulido
Chris Harris
Ellen Ray
Patrick Howard
Joe Deshotel
Amanda Masino
Edwina P. Carrington
Martha Gonzalez

Environmental Commission
Historic Landmark Commission
Parks and Recreation Board
Planning Commission
Public Safety Commission
Zoning and Platting Commission
Planning Commission
Community Development Commission
Zero Waste Advisory Commission
Housing Authority of the City of Austin
Board of Adjustment

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Mathew Jacob on the Historic Landmark Commission. The waiver includes absences through today's date.

Item 62 was pulled for discussion.

63. Set a public hearing to consider an ordinance amending Ordinance No. 20200812-002 to set the Fiscal Year 2020-21 Power Supply Adjustments, Community Benefit Charges, and Regulatory Charges for Austin Energy, and make corresponding amendments to the Austin Energy Fiscal Year 2020-21 operating budget in Ordinance No. 20200812-001 (Suggested date: Thursday, October 1, 2020, Austin City Hall, 301 W. 2nd St., Austin, Texas 78701).

The public hearing was set for October 1, 2020, Austin City Hall, 301 W. 2nd St., Austin, Texas 78701 on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

64. Set a public hearing to consider an ordinance amending City Code Title 25 (Land Development) to include a Street Impact Fee program. (Suggested date: November 12, 2020, Austin City Hall, Council Chambers, 301 W Second Street, Austin, Texas)

The public hearing was set for November 12, 2020, Austin City Hall, Council Chambers, 301 W. Second Street, Austin, Texas on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Item 95 was pulled for discussion.

96. Adopt an ordinance amending Ordinances 20200812-009 and 20200812-010 ordering the November 3, 2020 general and special municipal elections to amend Exhibit A to correct an early voting site and add early voting hours, and to add Exhibits B, C, D, E, F, G, and H that adopt English and Spanish versions of the ordinances calling the elections and establishing ballot language, adopt election day and early voting polling places, attach an executed contract for election services and executed joint election agreements, and list election day judges, central counting station staff, and early voting ballot board members; and amending Ordinance

20200812-009 to additionally add Exhibit I to provide a general description of the fixed rail transit system; and declaring an emergency.

Ordinance No. 20200917-096 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

97. Ratify the execution of Amendment No. 1 to the Pre-Purchase Possession Agreement with Karvins Hotels, Inc for the City to occupy the property located at 7400 N Interstate 35 Frontage Rd., Austin, TX 78752 from Karvins Hotels Inc. for emergency housing, supportive housing, and isolation of individuals related to the COVID-19 pandemic to extend the initial term at the rate of \$5,500 per day for 30 days and \$5,000 for any day in excess of 30, in an amount not to exceed \$320,500 for a total contract amount not to exceed \$820,500. District(s) Affected: District 4.
The motion to ratify the execution of Amendment No. 1 to the Pre-Purchase Possession Agreement with Karvins Hotels, Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

98. Ratify the execution of Amendment No. 2 to the agreement with DBG Austin Hotel, LLC, for the City to occupy the real property located at 3105 North Interstate Highway 35 for emergency housing, supportive housing and isolation of individuals related to the COVID-19 pandemic, until September 30, 2020, with an option to extend for three additional one-month terms, at a rate of \$3,780 per day, for an amount not to exceed \$714,780 for the extensions, for a total contract amount not to exceed \$949,180. District(s) Affected: District 9.
The motion to ratify the execution of Amendment No. 2 to the agreement with DBG Austin Hotel, LLC was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

99. Authorize negotiation and execution of an agreement with WorkSource Greater Austin Area Workforce Board, dba Workforce Solutions Capital Area Workforce Board, to fund and administer child care services for essential workers for the COVID-19 response in an amount not to exceed \$945,170 for a 12-month term beginning October 1, 2020
The motion to authorizing the negotiation and execution of an agreement with WorkSource Greater Austin Area Workforce Board, doing business as Workforce Solutions Capital Area Workforce Board was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

100. Approve negotiation and execution of Amendment No. 7 to the agreement with Front Steps, Inc. to provide shelter and housing services to homeless individuals, to add one extension option beginning September 1, 2020 in an amount not to exceed \$176,337 for a total agreement amount not to exceed \$1,636,611.
The motion to approve the negotiation and execution of Amendment No. 7 to the agreement with Front Steps, Inc. was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

101. Approve negotiation and execution of Amendment No. 7 to the agreement with The Salvation Army, a Georgia Corporation, to provide shelter and housing services to homeless individuals, to

add one extension option beginning September 1, 2020 in an amount not to exceed \$300,694 for a total agreement amount not to exceed \$1,626,893.

The motion to approve the negotiation and execution of Amendment No. 7 to the agreement with The Salvation Army was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

102. Authorize negotiation and execution of Amendment No. 2 to the agreement with the University of Texas at Austin School of Nursing to provide community health worker training curriculum services, to add funding in an amount not to exceed \$125,000 for a term of September 15, 2020 through September 30, 2021, for a total agreement amount not to exceed \$300,000.

The motion to authorizing the negotiation and execution of Amendment No. 2 to the agreement with the University of Texas at Austin School of Nursing was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

103. Authorize negotiation and execution of a contract with Austin Area Urban League for the provision of rental assistance to low-income Austin/Travis County residents affected by the COVID-19 pandemic to prevent homelessness, in an amount not to exceed \$1,208,178 for a 10-month term beginning September 1, 2020.

The motion authorizing the negotiation and execution of a contract with Austin Area Urban League was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

104. Authorize negotiation and execution Amendment No. 1 to the agreement with Financial Literacy Coalition of Central Texas to provide direct financial assistance and direct relief services to Austin/Travis County residents impacted by COVID-19, to increase funding in an amount not to exceed \$35,000, for a revised total agreement amount not to exceed \$237,300.

The motion authorizing the negotiation and execution of Amendment No. 1 to the agreement with Financial Literacy Coalition of Central Texas was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

105. Authorize negotiation and execution of Amendment No. 6 to the agreement with Austin Child Guidance Center for programs that address underserved family mental health, to add one 12-month renewal option in an amount not to exceed \$198,725, for a new total agreement amount not to exceed \$1,377,022.

The motion authorizing the negotiation and execution of Amendment No. 6 to the agreement with Austin Child Guidance Center was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

106. Approve an ordinance amending Ordinance No. 20200729-115 to extend the applicability period and the expiration date applicable to Ordinance No. 20200326-090, which relates to requiring notices of proposed eviction. Council Sponsors: Council Member Gregorio Casar, Mayor Steve Adler, Mayor Pro Tem Delia Garza, Council Member Kathie Tovo, Council Member Ann Kitchen.

Ordinance No. 20200917-106 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Staff was directed to provide a written summary to Council of the steps taken to mitigate the impact of the eviction moratorium on smaller landlords.

107. Approve an ordinance increasing the maximum number of special event days for the 2020 Trail of Lights Event at Zilker Metropolitan Park to 30 days Council Sponsors: Council Member Paige Ellis, Mayor Steve Adler, Council Member Gregorio Casar, Council Member Natasha Harper-Madison, Council Member Ann Kitchen.

Ordinance No. 20200917-107 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Garza's second on an 11-0 vote.

Direction was given to staff to develop a way to discourage cut-through traffic through the surrounding neighborhoods during the Trail of Lights drive-through events and to consider keeping more parkland available for regular use in anticipation of the reduced foot traffic at the Trail of Lights this year.

GENERAL CITIZEN COMMUNICATIONS

Genevieve Flores – speak about the City of Hondo

Robert Towne – Personal Incident – accountability to contractors who placed road closure signs – **Not Present**

Ruben Rivera-Clemente Sr. – 1) Police Harassment 2) Ignored by Police Oversight Officer

Tony Farmer – Austin Water

Paul Robbins – City and Budget Issues

Angela Benavidez Garza – Heart of Austin Ordinance

Julian Reyes – Policing and the state of homelessness

Shaun Warman – Homeless crisis and specifically a single individual causing numerous problems for the District 3 related neighborhoods. – **Not Present**

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:49 p.m. 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.

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

Withdrawn.

72. Discuss real estate and legal matters related to the purchase, exchange, lease, or value of an interest in real property and improvements for the Austin Convention Center (Real Property - Section 551.072 of the Government Code and Private consultation with legal counsel- Section 551.071 of the Government Code).

Discussion occurred.

Executive Session ended and Mayor Adler reconvened the Council Meeting at 2:48 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

73. C814-2018-0122 - Circuit of the Americas PUD - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 9201 Circuit of the Americas Boulevard (Dry Creek and Maha Watersheds). Applicant Request: To zone from interim-rural residence (I-RR) district zoning to planned unit development (PUD) district. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, with additional conditions. Owner/Applicant: Circuit of the Americas, LLC. Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 2.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

74. C14-2020-0070 - JBR Holdings - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9315 South IH 35 Service Road Northbound (Onion Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Owner: Alpha Meadows Crossing, Ltd. (Joseph Richter, Jr.). Agent: Kimley-Horn (Luke Caraway). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20200917-074 for general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning was approved on Mayor Pro Tem

Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

75. C14-2020-0062 - Webberville - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1907 Webberville Road (Fort Branch 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: Webberville Holdings, LLC (Elisa Jiang and Haung Lung Wang). Agent: Storybuilt (Jarred Corbell). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20200917-075 for townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

76. C14-2020-0072 - IH 35 & US 183 Retail Center - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7821 North IH 35 Service Road Northbound (Buttermilk Branch Watershed). Applicant's Request. To rezone from commercial highway services-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Owner/Applicant: Ave Inc. (John Coil). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 4.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20200917-076 for general commercial services-neighborhood plan (CS-NP) combining district zoning was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

77. C14-2020-0055 - Cooper Tract Commercial -Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 10001 East US Highway 290 (Decker Creek and Gilleland Creek Watersheds). Applicant Request: To zone from interim-rural residence (I-RR) district zoning to commercial highway services (CH) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant commercial highway services (CH) district zoning on Tract 1 and general commercial services-mixed use (CS-MU) combining district zoning on Tract 2. Owner/Applicant: Cooper Milly Holdings LLC (Leighton Lord). Agent: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122 District(s) Affected: District 1.

A motion to postpone this item to October 1, 2020 at the request of staff was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

78. C14-2020-0076 - Alpha .89 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4022 Valley View Road (West Bouldin Creek Watershed). Applicant Request: To rezone from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation and Planning Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Owner: Alpha Builders Group (Gino Shvets). Applicant: Bennett Consulting (Rodney Bennett). City Staff: Kate Clark, 512-974-1237. District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20200917-078 for townhouse and condominium residence (SF-6) district zoning was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

79. NPA-2019-0003.01 - David Chapel Missionary Baptist Church-Conduct a public hearing and approve an ordinance amending Ordinance No. 19990715-113, the Chestnut Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2201, 2203, 2205, 2207, 2209 2211, 2301 E. Martin Luther King, Jr. Blvd; 1805, 1807 Ferdinand Street and 1803, 1805, 1807 Chestnut Ave. (Boggy Creek Watershed) from Civic and Single Family to Mixed Use land use. Staff recommendation: To grant Mixed Use land use. Planning Commission recommendation: To be reviewed on September 8, 2020. Owner/Applicant: David Chapel Missionary Baptist Church Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 1

A motion to postpone this item to October 29, 2020 at the request of staff was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

80. NPA-2019-0016.01 - Shady Lane Mixed Use - Conduct a public hearing and approve second and third readings of an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 914 Shady Lane (Boggy Creek Watershed) from Single Family and Water land use to Neighborhood Mixed Use and Higher Density Single Family land use. First reading approved July 30, 2020. Vote: 11-0. Owner/Applicant: Kimberly Beal and Stephanie Scherzer. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 3.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on second reading only was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

Staff was directed to bring this item back to Council on October 1, 2020.

81. C14-2019-0098 - Shady Lane Mixed Use- Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 914 Shady Lane (Boggy 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 (Tract 1) and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning (Tract 2). First reading approved townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning (Tracts 1 and 2a) and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning (Tract 2b) on July 30, 2020. Vote: 11-0. Owner/Applicant: Kimberly Beal and Stephanie Scherzer. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning case. District(s) Affected: District 3

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on second reading only was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

Staff was directed to bring this item back to Council on October 1, 2020.

82. C14-72-032(RCT) - 7113 Burnet Rd -- Conduct a public hearing and approve the termination of a restrictive covenant on property locally known as 7113 Burnet Road (Shoal Creek Watershed). Staff Recommendation and Planning Commission Recommendation: To grant termination of the restrictive covenant. Owner: Ronan Corporation (Craig Hopper). Agent Armbrust & Brown PLLC (Michael Gaudini). City Staff: Mark Graham, 512-974-3574. District(s) Affected: District 7.

This item was postponed to November 12, 2020 at the request of staff on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

84. NPA-2019-0015.02 - Pecan Springs Residential - Conduct a public hearing and approve second and third readings 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. Owner/Applicant: Peter Gray. Agent: Ron Thrower; Thrower Design. City Staff: Jesse Gutierrez, (512) 974-1606. District(s) Affected: District 1

The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on second reading only was approved with the following condition on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

The condition was to limit the number of units to 18.

Staff was directed to bring this item back to Council on October 15, 2020.

85. C14-2019-0164 - Pecan Springs Residential - Conduct a public hearing and approve second and third readings 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. 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.

The public hearing was conducted and a motion to keep the public hearing open and approve the ordinance on second reading only was approved with the following condition on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

The condition was to limit the number of units to 18.

Staff was directed to bring this item back to Council on October 15, 2020.

86. NPA-2018-0005.01 - 1501 Airport Commerce Drive-Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis 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 1501 Airport Commerce Drive, (Carson Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation and Planning Commission recommendation: To deny Mixed Use land use. Owner/Applicant: W2 Hill ACP II LP; W2 Real Estate Partners. Agent: Amanda Svor; Drenner Group City Staff: Jesse Gutierrez, (512) 974-1606. District(s) Affected: District 3.

This item was postponed indefinitely at the request of the applicant on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

87. C14-2019-0029 - 1501 Airport Commerce Dr - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1501 Airport Commerce Drive (Carson Creek Watershed). Applicant Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To deny general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner/Applicant: W2 Hill ACP II, LP. Agent: Drenner Group, PC (Amanda Svor). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 3.

This item was postponed indefinitely at the request of the applicant on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

88. C14-2019-0108 - Parker House - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2404 Rio Grande Street (Shoal Creek Watershed). Applicant Request: To rezone from general office-historic landmark-neighborhood

plan (GO-H-NP) combining district zoning and multifamily residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning to community commercial-mixed use-historic landmark-neighborhood plan (GR-MU-H-NP) combining district zoning and community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-historic landmark-neighborhood plan (GR-MU-H-NP) combining district zoning and community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Historic Landmark Commission Recommendation: To deny community commercial-mixed use-historic landmark-neighborhood plan (GR-MU-H-NP) combining district zoning and community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general office-historic landmark-neighborhood plan (GO-H-NP) combining district zoning on Tract 1 and multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning on Tract 2, as amended. Owner/Applicant: 2404 Rio Grande St LP (William Archer). Agent: South Llano Strategies (Glen Coleman). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 9.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 9-0 vote. Council Member Tovo abstained. Council Member Casar was off the dais.

90. NPA-2020-0019.01- Texas International Education Consortium - Conduct a public hearing and approve an ordinance amending Ordinance No. 20040826-056 the Central Austin Combined Neighborhood Plan, an element to the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1103 W. 24th Street (Shoal Creek Watershed) from Office to Mixed Use land use. Staff and Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Texas International Education Consortium (Robin Lerner). Agent: Drenner Group, PC (Leah Bojo). City Staff: Maureen Meredith, (512) 974-2695. District(s) Affected: District 9.
- This item was postponed to October 1, 2020 at the request of staff on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.**

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

This item was withdrawn and re-notified to October 1, 2020 on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

92. 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.

This item was postponed to October 15, 2020 at the request of the neighborhood on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

94. C14-05-0112(RCA2) - AMLI South Shore - Conduct a public hearing and approve restrictive covenant amendments on property locally known as 1720 South Lakeshore Blvd (Lady Bird Lake Watershed). Staff Recommendation and Planning Commission Recommendation: To grant amendments to the restrictive covenants. Owner and Applicant: 1620 East Riverside Drive, LLC. (Taylor Bowen). Agent: Drenner Group, PC (Amanda Swor). City Staff: Kate Clark, 512-974-1237. District(s) Affected: District 9.

The public hearing was conducted and a motion to close the public hearing and approve the restrictive covenant amendments was approved on Mayor Pro Tem Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

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 4:16 p.m. See separate minutes.

66. 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 6:05 p.m. Council Member Flannigan was off the dais.

EMINENT DOMAIN

65. Approve a resolution authorizing the filing of eminent domain proceedings for the Country Club Creek Trail project for the public use of providing connectivity between many local attractions, homes, sidewalks, and bicycle lanes, the acquisition of one Sidewalk, Trail and Recreational Easement and one Temporary Working Space Easement. The Sidewalk, Trail and Recreational Easement being approximately 0.028 acre (1,231 square feet) tract of land out of the south one-half of Lot 4, Block A, Lot 1, Chevy Chase South, Phase Six Resubdivision, a subdivision of

record in Book 99, Page 40, of the Plat Records of Travis County, Texas. Said south one-half of Lot 4, Block A, Lot 1, being the remainder of a called 126.06 acre tract of land conveyed to Chevy Chase South, Ltd. by Deed recorded in Volume 3969, Page 898 of the Deed Records of Travis County, Texas. The Temporary Working Space Easement being approximately 0.014 acre (602 square feet) tract of land out of the south one-half of Lot 4, Block A, Lot 1, Chevy Chase South, Phase Six Resubdivision, a subdivision of record in Book 99, Page 40 of the Plat Records of Travis County, Texas. Said South one-half of Lot 4, Block A, Lot 1, being the remainder of a called 126.06 Acre tract of land conveyed to Chevy Chase South, Ltd. by Deed recorded in Volume 3969, Page 898 of the Deed Records of Travis County, Texas. The acquisition of both parcels in the amount of \$12,805. The owners of the needed property are Joe E. Russo and Paicor Corporation, successors in interest to Chevy Chase South Ltd., No. I Ltd. and CW- Chase Road 232, Inc., and FIMC Baton Rouge, Inc., successors in interest to Austin Student Housing I Ltd. The property is located at 4500 Sheringham Drive, Austin Texas 78741. District(s) Affected: District 3.

Resolution No. 20200917-065 was approved on Council Member Tovo's motion, Council Member Alter's second on a 10-0 vote. Council Member Casar was off the dais.

DISCUSSION ITEMS

54. Authorize payment of the City's membership fees for Fiscal Year 2020-2021 to the Greater Austin-San Antonio Corridor Council, for the promotion of the region's economic development, in an amount not to exceed \$100,000.

The motion authorizing the payment of the City's membership fees for Fiscal Year 2020-2021 to the Greater Austin-San Antonio Corridor Council was approved on Council Member Tovo's motion, Council Member Ellis' second on a 10-0 vote. Council Member Casar was off the dais.

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

This item was postponed to October 1, 2020 without objection on Council Member Tovo's motion, Council Member Alter's second. Council Member Flannigan was off the dais.

Direction was given to staff to have the City Auditor review the proposed changes.

PUBLIC HEARINGS

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

The public hearing was conducted and a motion to keep the public hearing open and approve Part 2 of the ordinance only and postpone consideration of the remaining parts of the ordinance to October 1, 2020 was approved on Council Member Tovo's motion, Council Member Pool's second on a 10-0 vote. Council Member Flannigan was off the dais.

DISCUSSION ITEMS CONTINUED

17. Approve a resolution adopting the City's State Legislative Program for the 87th Texas Legislative Session.

A motion to approve the resolution was made by Council Member Pool, seconded by Council Member Alter.

The following amendment was offered by Council Member Casar and accepted without objection. The amendment was:

Amend the *Public Infrastructure* section of Exhibit A by adding:

- “Support legislation that provides for the continuation of a stand-alone State entity to regulate the Plumbers and plumbing installations of Texas.”

The following amendments were offered by Council Member Alter and accepted without objection. The amendments were:

Amend the *Tax Reform & Debt Issuance* section of Exhibit A by adding:

- “Support legislation and funding that ensures sustainable sources of revenue for H.B. 3 (2019), which provides Austin residents with meaningful property tax relief.”

Amend the *Public Safety* section of Exhibit A by adding:

- “Support legislative efforts to continue support for sexual assault victims, including the continuation of the Texas Sexual Assault Survivors Task Force, the completion of the State Auditor’s Office’s audit of the investigation and processing of sexual assault cases in Texas, and the clearing of rape kit backlogs.”

The following amendments were offered by Council Member Kitchen and accepted without objection. The amendments were:

Amend the *Health & Prosperity* section of Exhibit A by adding:

- “Support legislation and funding to increase compensation, including Medicaid reimbursement, for home health aides, community attendants, direct support professionals, and direct care workforce in institutional settings.”

Amend the *Public Safety* section of Exhibit A by adding:

- “Support legislation and funding to allow qualified medical and mental health professionals to safely perform related duties currently restricted to law enforcement officers, including the authority to detain and transfer an individual believed to have a mental illness and who is a substantial risk of serious harm to themselves or others.”

Resolution No. 20200917-017 was approved as amended above on Council Member Pool's motion, Council Member Alter's second on a 10-0 vote. Council Member Flannigan was off the dais.

PUBLIC HEARINGS CONTINUED

68. Conduct a public hearing related to an application by Espero Austin at Rutland, 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 Espero Austin at Rutland, located at or near 1934 Rutland Drive, Austin, Texas, 78758, 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 4.

The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20200917-068 was approved on Council Member Casar's motion, Council Member Alter's second on a 10-0 vote. Council Member Flannigan was off the dais.

69. Conduct a public hearing and consider an ordinance amending City Code Title 25 to create the Central Health Overlay district within the Downtown Austin Plan District Map.

This item was withdrawn without objection.

70. Conduct a public hearing and consider an ordinance amending City Code Section 25-13-45 relating to compatible residential uses in Airport Overlay Zone Three (AO3).

This item was withdrawn without objection.

Mayor Adler recessed the meeting at 6:26 p.m. without objection.

Mayor Adler reconvened the Council Meeting at 7:42 p.m. without objection. Council Member Casar was off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

83. C814-2018-0121 - 218 S. Lamar -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 218 South Lamar Boulevard (Lady Bird Lake Watershed) Applicant Request: To rezone from general commercial services-vertical mixed use building (CS-V) combining district zoning to planned unit development (PUD) district zoning. Staff Recommendation and Planning Commission Recommendation: To grant planned unit development (PUD) district zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Owner/Applicant: Michael Pfluger, William Reid Pfluger & the Pfluger Spousal Irrevocable Trust Agent: Drenner Group PC (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected. District 5.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only was approved on Council Member Flannigan's motion, Council Member Ellis' second on a 7-4 vote. Those voting aye were: Mayor Adler, Mayor

Pro Tem Garza, and Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria. Those voting nay were: Council Members Alter, Kitchen, Pool, and Tovo.

89. C14-2020-0067 - 3504 S. 1st Street Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3504 South 1st Street (West Bouldin Creek and East Bouldin Creek Watersheds). Applicant Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district zoning. A valid petition has been filed in opposition to this rezoning request. Owner/Applicant: Merc Properties LTD (Daryl Kunik). Agent: Armbrust & Brown, LLC (Richard Suttle). 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. 20200917-089 for general commercial services-mixed use-vertical mixed use building-conditional overlay (CS-MU-V-CO) combining district zoning was approved on Council Member Flannigan's motion, Council Member Harper-Madison's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Garza, and Council Members Alter, Casar, Ellis, Flannigan, Harper-Madison, Renteria, and Tovo. Those voting nay were: Council Members Kitchen and Pool.

93. C14-2019-0041 - Stowers and Schiller - District 10 - Conduct a public hearing and approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 8500 Bluegrass Drive (Bull Creek Watershed). Applicant Request: To rezone from neighborhood commercial (LR) district zoning to single family residence-standard lot (SF-2) district zoning. First Reading approved single family residence-standard lot (SF-2) district zoning on August 27, 2020. Vote: 6-5. Owner/Applicant: Ken Schiller. Agent: Steve Stowers. City Staff: Sherri Sirvatis, 512-974-3057. District(s) Affected: District 10.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance failed on Council Member Alter's motion, Council Member Tovo's second on a 5-6 vote. Those voting aye were: Mayor Adler and Council Members Alter, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Pro Tem Garza and Council Members Casar, Ellis, Flannigan, Harper-Madison, and Renteria.

DISCUSSION ITEMS CONTINUED

62. Approve a resolution that directs the City Manager to explore and identify ways to support and to increase the survivability of those most vulnerable in Austin's hardest hit sectors: childcare, music and arts venues, restaurants and bars. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Delia Garza, Council Member Jimmy Flannigan, Council Member Kathie Tovo, Council Member Leslie Pool, Council Member Alison Alter, Council Member Ann Kitchen, Council Member Paige Ellis, Council Member Sabino "Pio" Renteria, Council Member Gregorio Casar, Council Member Natasha Harper-Madison.

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

The motion was to approve version two of the resolution with the following amendment proposed by Council Members Kitchen and Pool.

Council Member Kitchen's amendment to insert "as eligible for HOT Tax funding" following the words Tax Code, Section 351.101(a)(1) in the sixth Be It Further Resolved clause was accepted without objection.

Council Member Pool's amendment was accepted without objection. The amendment was to revise the Be It Resolved clause to read:

"City Manager is directed to broadly explore and identify funding options to provide financial and equivalent assistance to support the sustainability of the most vulnerable and at-risk live-music venues, arts venues, restaurants/bars and childcare providers, which support workers who sustain those industries (including at staging companies, artist service organizations, studio spaces) and the unique culture of our city.

A motion to amend the resolution was made by Council Member Alter and accepted without objection. The amendment was:

To revise page 4, line 72 to read "existing or additional federal assistance".

A motion to amend the resolution was made by Council Member Tovo. The amendments were accepted as amended below:

"Insert the following BE IT FURTHER RESOLVED after line 172:

The City Manager shall bring forward an ordinance or ordinances on October 1, 2020, that would allow the Council, should it decide to do so, to place into a designated business preservation fund the following payments: temporary use of right-of way fees, alley and street vacation sales and revenue from encroachment agreements from Downtown development projects located outside the Rainey Street Historic District and Subdistrict (as shown on the attached Exhibit 1).

On October 1, 2020, the City Manager shall also bring forward an ordinance or ordinances and associated budget amendments to effect the transfer of existing funds which fall within the above categories and can be reallocated so that staff can provide as much immediate relief as possible. To the extent that staff have concerns, recommendations, or identify obstacles to these actions, the City Manager shall communicate those to Council prior to the September 29, 2020, Council Work Session.

As soon as feasible, the funding identified from this resolution should be transferred and reside within the Austin Economic Development Organization."

The following direction to staff was offered by Council Member Pool and accepted without objection. The direction was:

“To consider the exploration of a live music venue preservation fund.”

Resolution 20200917-062 was approved as amended on Mayor Adler’s motion, Council Member Flannigan’s second on an 11-0 vote.

18. Authorize negotiation and execution of an amendment to the legal services agreement with Hornberger, Fuller & Garza for legal services related to the expansion of the Austin Convention Center in an amount not to exceed \$250,000 for a total contract amount not to exceed \$310,000. **The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Hornberger, Fuller & Garza was approved on Council Member Renteria’s motion, Council Member Flannigan’s second on a 10-0 vote. Council Member Pool abstained.**

The following direction to staff was offered by Council Member Tovo and accepted without objection. Council Member Renteria abstained. The direction was:

“1) The Convention Center expansion – and all actions to advance that project – should substantially align with the placemaking imperatives of the Palm District Planning Initiative (formerly referred to as “Palm District Master Plan”) as expressed in Resolution 20190523-029.

2) The Project Team for the Convention Center Expansion currently includes Conventional Wisdom, CBRE, the Office of Real Estate, the Law Department, and the Convention Center. The City’s project team should expand to include a representative from the University of Texas Center for Sustainable Development (assuming such an arrangement can be secured) and the city staff members from the Urban Design Division, Parks and Recreation, and Economic Development departments who serve on the Palm District Planning Initiative R/UDAT Steering Committee.

3) The Council affirms its intent that if the Convention Center is expanded westward, a substantial portion of the existing facility would be removed and reconfigured as public open space to create a gateway to Palm Park and Waterloo Greenway. By December 1, 2020, and prior to a purchase and lease agreement for the western tracts coming to Council for deliberation, the City Manager shall bring for Council approval design elements that reflect this commitment as well as the Council intent of ensuring development in the area along Waller Creek accords with the Waller Creek (Waterloo Greenway) Regulating Plan.

4) References to the area surrounding the Convention Center shall describe it as the “Palm District” rather than the “Convention Center District.”

5) The City Manager shall return to Council with a budget amendment at the next feasible Council meeting to appropriate funding in the Convention Center Capital Fund that is derived from the 2% hotel occupancy tax (HOT) for expansion to cover the cost of the earnest money required for item 95 on today's agenda."

48. Authorize an amendment to an existing contract with Conventional Wisdom, for continued technical advice on Austin Convention Center operations and expansion initiatives, for an increase in the amount up to \$815,000, for a revised total contract amount not to exceed \$1,109,000. (Note: This amendment was reviewed in compliance 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).

The motion authorizing an amendment to an existing contract with Conventional Wisdom was approved on Council Member Renteria's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Pool abstained.

The following direction to staff was offered by Council Member Tovo and accepted without objection. Council Member Renteria abstained. The direction was:

"1) The Convention Center expansion – and all actions to advance that project – should substantially align with the placemaking imperatives of the Palm District Planning Initiative (formerly referred to as "Palm District Master Plan") as expressed in Resolution 20190523-029.

2) The Project Team for the Convention Center Expansion currently includes Conventional Wisdom, CBRE, the Office of Real Estate, the Law Department, and the Convention Center. The City's project team should expand to include a representative from the University of Texas Center for Sustainable Development (assuming such an arrangement can be secured) and the city staff members from the Urban Design Division, Parks and Recreation, and Economic Development departments who serve on the Palm District Planning Initiative R/UDAT Steering Committee.

3) The Council affirms its intent that if the Convention Center is expanded westward, a substantial portion of the existing facility would be removed and reconfigured as public open space to create a gateway to Palm Park and Waterloo Greenway. By December 1, 2020, and prior to a purchase and lease agreement for the western tracts coming to Council for deliberation, the City Manager shall bring for Council approval design elements that reflect this commitment as well as the Council intent of ensuring development in the area along Waller Creek accords with the Waller Creek (Waterloo Greenway) Regulating Plan.

4) References to the area surrounding the Convention Center shall describe it as the "Palm District" rather than the "Convention Center District."

5) The City Manager shall return to Council with a budget amendment at the next feasible Council meeting to appropriate funding in the Convention Center Capital Fund that is derived from the 2% hotel occupancy tax (HOT) for expansion to cover the cost of the earnest money required for item 95 on today's agenda."

95. Authorize negotiation and execution of an exclusive negotiating agreement with all necessary parties for acquisition of a real estate interest and improvements located on all or part of Block 16 of the Original City of Austin, Travis County, Texas, according to the plat on file at the General Land Office of the State of Texas, and Block 32 of the Original City of Austin, Travis County, Texas, according to the Plat on file at the General Land Office of the State of Texas, and earnest money in an amount not to exceed \$6,300,000. District(s) Affected: District 9.

A motion to authorize the negotiation and execution of an exclusive negotiating agreement with all necessary parties for acquisition of a real estate interest and improvements was made on Council Member Renteria's motion, Council Member Flannigan's second.

A motion to provide the following staff direction was made by Council Member Kitchen and accepted without objection. The direction was:

"In developing the financing model and any agreement for acquisition or improvements related to the expansion and redevelopment of the Austin Convention Center, consider the following and report back to the Council prior to bringing forth any items for future Council action on the financing model and/or property acquisition/improvements:

- Culinary, arts, music, and retail businesses founded in Austin, and unique to Austin, promote tourism and the hotel and convention industry by defining that character and brand as one filled with distinctive experiences for visitors found only in Austin**
- The trend in convention center planning is to focus on the destination as a primary component of competition for events and people decide to attend events in significant part on their opportunities to participate in and enjoy the location.**
- In agreements for property acquisition/improvements, consider opportunities to include spaces for local businesses that are affordable and accessible as part of convention center space.**
- Consider the opportunities to include in the financing model funding for the acquisition and/or support for the culinary, arts, music, and retail businesses that define the character and brand in Austin and establish Austin as a desirable destination for people attending events."**

A motion to provide the following staff direction was made by Council Member Casar and accepted without objection. The direction was:

"To require the following minimum worker standards in any agreement for acquisition or improvements related to the expansion and redevelopment of the Austin Convention Center as required on City public works, third-party agreements, city contracts for work on city land; and as required at the Austin Airport and Soccer Stadium in order to protect the interests of the City as a market participant:

- Payment of the higher of Davis-Bacon or the City's living wages rates for construction workers, the City's apprenticeship training requirements as set for large scale public works, and Better Builder standards
- Payment of the equivalent of a minimum of the City's living wage* for construction workers, hotel workers, and for custodians on significant janitorial contracts
- Requirement that any hotel operator or any significant custodial contractor agree to execute a labor peace agreement akin to those at the Austin Airport
- Ensuring these standards are in place and enforceable for contractors, subcontractors, tenants, and lessees (not including residential tenant and lessees), and management agreements, etc. across the publicly and privately managed portions of the property.

Currently, the City's living wage is set at \$15/hour. Since some of these contracts will not be bid for months or years to come, the parties should agree during negotiations upon a means to ensure this living wage standard is updated to reflect increases in CPI, inflation, etc. as established by Council."

The following direction was offered by Council Member Tovo and accepted without objection. Council Member Renteria abstained. The direction was:

"1) The Convention Center expansion – and all actions to advance that project – should substantially align with the placemaking imperatives of the Palm District Planning Initiative (formerly referred to as "Palm District Master Plan") as expressed in Resolution 20190523-029.

2) The Project Team for the Convention Center Expansion currently includes Conventional Wisdom, CBRE, the Office of Real Estate, the Law Department, and the Convention Center. The City's project team should expand to include a representative from the University of Texas Center for Sustainable Development (assuming such an arrangement can be secured) and the city staff members from the Urban Design Division, Parks and Recreation, and Economic Development departments who serve on the Palm District Planning Initiative R/UDAT Steering Committee.

3) The Council affirms its intent that if the Convention Center is expanded westward, a substantial portion of the existing facility would be removed and reconfigured as public open space to create a gateway to Palm Park and Waterloo Greenway. By December 1, 2020, and prior to a purchase and lease agreement for the western tracts coming to Council for deliberation, the City Manager shall bring for Council approval design elements that reflect this commitment as well as the Council intent of ensuring development in the area along Waller Creek accords with the Waller Creek (Waterloo Greenway) Regulating Plan.

4) References to the area surrounding the Convention Center shall describe it as the "Palm District" rather than the "Convention Center District."

5) The City Manager shall return to Council with a budget amendment at the next feasible Council meeting to appropriate funding in the Convention Center Capital Fund that is derived from the 2% hotel occupancy tax (HOT) for expansion to cover the cost of the earnest money required for item 95 on today's agenda."

The motion authorizing the negotiation and execution of an exclusive negotiating agreement with all necessary parties for acquisition of a real estate interest and improvements was approved on Council Member Renteria's motion, Council Member Flannigan's second on a 10-0 vote. Council Member Pool abstained.

Mayor Adler adjourned the Council Meeting at 10:33 p.m. without objection.

AUSTIN HOUSING AND FINANCE CORPORATION MEETING CONTINUED

Mayor Adler recessed the Council Meeting and reconvened the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 10:33 p.m. See separate minutes.

66. 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.

The minutes were approved on this the 1st day of October 2020 on Mayor Pro Tem Garza's motion, Council Member Ellis's second on an 11-0 vote.

STATE OF TEXAS
COUNTY OF TRAVIS

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AFFIDAVIT OF GREG MESZAROS

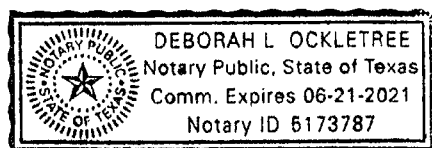
BEFORE ME, the undersigned authority, on this day personally appeared GREG MESZAROS, who, after being by me duly sworn, on this oath stated as follows.

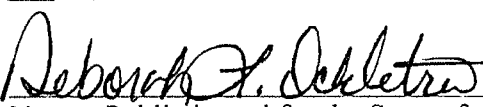
1. "My name is Greg Meszaros. I am the Austin Water Director of the City of Austin, Texas ("City"). I am over the age of 18 years, of sound mind, and am capable of making this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true and correct.
2. On September 17, 2020, the Austin City Council approved negotiation and execution of a Water Service Area Transfer Agreement ("Service Area Contract") between Aqua Texas, Inc. (Aqua Texas) and the City, to be established pursuant to Texas Water Code 13.248 and 16 Texas Administrative Code 24.253, transferring certain parcels of land ("Transfer Area") from Aqua Texas' water CCN No. 13254 to the City's water CCN No. 11322.
3. The Austin City Council's approval of the negotiation and execution of this Service Area Contract, at a public meeting on September 17, 2020, constitutes effective notice provided in accordance with 16 Texas Administrative Code 24.253(c)(2).
4. The Transfer Area identified in the Service Area Contract is the same property that is the subject of the "Petition of Aqua Texas, Inc. and the City of Austin for Approval of a Service Area Contract under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Travis County" to the Texas Public Utility Commission of which this Affidavit is part ("Petition").
5. The City supports the Petition. Further Affiant sayeth not."



GREG MESZAROS
AUSTIN WATER DIRECTOR, CITY OF AUSTIN

SUBSCRIBED AND SWORN TO BEFORE ME by Greg Meszaros, Austin Water Director of the City of Austin, Texas on this 14th day of October, 2020





Notary Public in and for the State of Texas
My Commission Expires: June 21, 2021