

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, NOVEMBER 4, 2021**

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 November 4, 2021 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:15 a.m. Mayor Pro Tem Harper-Madison 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 11:28 a.m. See separate minutes. Council Member Casar was off the dais.

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

Mayor Adler reconvened the Council Meeting at 11:29 a.m. 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 11:31 a.m. See separate minutes. Council Member Casar was off the dais.

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

Mayor Adler reconvened the Council Meeting at 11:34 a.m. Council Member Casar was off the dais.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council special called of October 4, 2021, special called of October 11, 2021, special called joint meeting of October 12, 2021, work session of October 12, 2021, regular meeting of October 14, 2021, and regular meeting of October 21, 2021.
The motion to approve the minutes of the Austin City Council special called of October 4, 2021, special called of October 11, 2021, special called joint meeting of October 12, 2021, work session of October 12, 2021, regular meeting of October 14, 2021, and regular meeting of October 21, 2021 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
2. Authorize negotiation and execution of an amendment to an interlocal agreement with the Lower Colorado River Authority concerning laboratory testing services, to increase funding in the amount of \$1,000,000 for a revised total contract amount not to exceed \$2,700,000. November 3, 2021 - Recommended by the Water and Wastewater Commission on a 7-0 vote with Commissioners Michel, Musgrove and Williams absent and one vacancy. Strategic Outcome(s): Health and Environment.
The motion authorizing the negotiation and execution of an amendment to an interlocal agreement with the Lower Colorado River Authority was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
3. Approve a resolution nominating Flextronics America, LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with Texas Government Code Chapter 2303. District(s) Affected: District 6. Strategic Outcome(s): Economic Opportunity and Affordability.
Resolution No. 20211104-003 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
4. Authorize negotiation and execution of a cooperative contract with immixTechnology, Inc. for maintenance and support of Infor software used for tracking and recording service requests, work orders, and asset inspections, for a term of five years in an amount not to exceed \$2,520,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.
The motion authorizing the negotiation and execution of a cooperative contract with immixTechnology, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
5. Authorize an amendment to a contract with Solix, Inc. for automatic enrollment administrator services, to increase the amount by \$7,250,000 and to extend the term by five years, for a revised total contract amount not to exceed \$12,424,700. (Note: This contract was awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for the contract, subcontractor goals were applied. Current participation to date is a combined 0.00% MBE/WBE participation). Strategic Outcome(s): Government that Works for All.
The motion authorizing the amendment to a contract with Solix, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

6. Authorize amendments to four existing contracts with Techline Inc., KBS Electrical Distributors Inc., Texas Electrical Cooperatives, and Stuart C Irby Company to provide transmission insulators and hardware, for a total increase in the amount of \$2,500,000, for a revised total contract amount not to exceed \$7,628,015, divided among the contractors. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.
The motion authorizing the amendments to four existing contracts with Techline Inc., KBS Electrical Distributors Inc., Texas Electrical Cooperatives, and Stuart C Irby Company was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

Item 7 was pulled for discussion.

8. Authorize negotiation and execution of a multi-term contract with Level 3 Financing, Inc. d/b/a Level 3 Telecom Holdings, LLC to provide data and telecommunications services, for up to ten years for a total contract amount not to exceed \$7,000,000. (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 services required for this solicitation, there were no subcontracting opportunities, therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.
The motion authorizing the negotiation and execution of a multi-term contract with Level 3 Financing, Inc. doing business as Level 3 Telecom Holdings, LLC was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
9. Authorize negotiation and execution of a cooperative contract with GTS Technology Solutions, Inc., to provide security software, maintenance, and services, for a term of three years for a total contract amount not to exceed \$400,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.
The motion authorizing the negotiation and execution of a cooperative contract with GTS Technology Solutions, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
10. Authorize negotiation and execution of a cooperative contract with CGI Technologies and Solutions, Inc., for infectious disease response software support, for a term of three years in an amount not to exceed \$5,470,042. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment.
The motion authorizing the negotiation and execution of a cooperative contract with CGI Technologies and Solutions, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

11. Authorize award of a contract with Consolidated Traffic Controls, Inc., to provide traffic signal network equipment, for a term of five years in an amount not to exceed \$6,740,000. (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 opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Mobility.
The motion authorizing the award of a contract with Consolidated Traffic Controls, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
12. Authorize negotiation and execution of all documents and instruments necessary to acquire in fee simple Lot 58, Block B, Enclave at Covered Bridge, according to the map or plat, recorded in Document No. 2015000145, Official Public Records, Travis County, Texas, located at 6700 Halesboro Drive, Austin, Texas from Evelyn L. Bassford a/k/a Evelyn Bassford Hull and Marvin Glenn Bassford, Trustee of the Marvin Bassford Trust, for a total amount not to exceed \$781,549, including closing costs. District(s) Affected: District 8. Strategic Outcome(s): Health and Environment.
The motion authorizing the negotiation and execution of all documents and instruments necessary to acquire in fee simple Lot 58, Block B, Enclave at Covered Bridge was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
13. Authorize negotiation and execution of a fifth amendment to the lease agreement with Pajo Properties, Ltd., a Texas limited partnership, extending the term for 12 months, with one extension option for an additional 12 months, for approximately 7,675 square feet, located at 5335 Burnet Rd., Austin, Travis County, Texas 78756, for space to be used for the continued operation of Austin Public Library Recycled Reads bookstore, in an amount not to exceed \$426,654. District(s) Affected: District 7. Strategic Outcome(s): Economic Opportunity and Affordability.
This item was withdrawn.
14. Authorize negotiation and execution of all documents and instruments necessary or desirable for the sale of approximately 2.798 acres, more or less, in fee simple, being a portion of an approximate 44.45-acre tract of land, out of the J.C. Tannehill League Survey No. 29, in Travis County, Texas, generally located at 7201 Levander Loop, Austin, Texas to the Austin Housing Finance Corporation, in an amount not to exceed \$550,000, including closing costs. District(s) Affected: District 3. Strategic Outcome(s): Economic Opportunity and Affordability.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the sale of approximately 2.798 acres, was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
15. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire two Temporary Working Space Easements: one easement being approximately 0.126 of an acre (5,476 sq. ft.) and 0.426 of an acre (18,559 sq. ft.) out of land situated in the William Bell Survey No. 802 in the City of Austin, Travis County, Texas, and being a portion of Lot 2, Austin Center/3M Subdivision, a subdivision of record in volume 87, Page 7B of the Plat Records, Travis County, Texas; the other easement being approximately 0.204 of an acre (8,865 sq. ft.) out of land situated in the J.W. Preece Survey Number 2 in the City of Austin, Travis County, Texas,

and being a portion of Lot 4, Austin Center/3M Subdivision, a subdivision of record in volume 87, Page 7B of the Plat Records, Travis County, Texas, both easements located at 6801 River Place Boulevard, Austin, Texas 78750, from ATX Debt Fund 1, LLC in an amount not to exceed \$79,450, including closing costs. District(s) Affected: District 6. Strategic Outcome(s): Health and Environment.

This item was withdrawn.

16. Authorize negotiation and execution of a Construction Manager at Risk Agreement with Flintco, LLC, for preconstruction and construction services for the Beverly S. Sheffield Northwest District Park and Montopolis Neighborhood Park Aquatic Facilities project in an amount not to exceed \$12,540,000. [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 15.00% MBE and 5.50% WBE participation.]. District(s) Affected: District 3, District 7. Strategic Outcome(s): Safety, Government that Works for All, Health and Environment.

The motion authorizing the negotiation and execution of a Construction Manager at Risk Agreement with Flintco, LLC, was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

17. Authorize negotiation and execution of a Job Order Assignment with Hensel Phelps Construction Co., one of the City's Facilities Improvement Job Order Contractors, to reconfigure Austin-Bergstrom International Airport Transportation Security Administration (TSA) Checkpoints 1 and 2 Remodel for a total amount not to exceed \$1,500,000. [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 established for the Job Order Contract.]. District(s) Affected: District 2. Strategic Outcome(s): Government that Works for All, Mobility.

The motion authorizing the negotiation and execution of a Job Order Assignment with Hensel Phelps Construction Co. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

18. Authorize award and execution of a construction contract with Flintco, LLC, for the AUS Cargo Development East project in the amount of \$16,584,000, plus a \$1,658,400 contingency, for a total contract amount not to exceed \$18,242,400. [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 12.73% MBE and 1.79% WBE participation.]. District(s) Affected: District 2. Strategic Outcome(s): Safety, Mobility, Government that Works for All.

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

19. Authorize award and execution of a construction contract with MAC, Inc., for the Violet Crown Trail - North Phase 2A project in the amount of \$1,366,693 plus a \$136,669.30 contingency, for a total contract amount not to exceed \$1,503,362.30. [Note: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise

Program) by meeting the goals with 22.23% DBE participation.] District(s) Affected: District 8. Strategic Outcome(s): Mobility.

The motion authorizing the award and execution of a construction contract with MAC, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

20. Approve an ordinance amending Exhibit A to the Fiscal Year 2021-2022 City of Austin Fee and Fine Ordinance (Ordinance No. 20210811-002) to reduce the fire alarm system plan review and fire sprinkler plan review fees for 1-10 devices. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20211104-020 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
21. Approve a resolution consenting to Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, issuing multi-family private activity bonds in an amount not to exceed \$48,000,000 to partially finance new construction of an affordable rental development located at or near the northeast corner of Estancia Parkway and Avenida Mercado Street, Austin, Texas 78748. District(s) Affected: District 5. Strategic Outcome(s): Economic Opportunity and Affordability.
Resolution No. 20211104-021 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
22. Approve an ordinance adopting the Third Amendment to the Consent Agreement and the First Amendment to the Strategic Partnership Agreement with Southeast Travis County Municipal Utility District No. 1 to adjust dates relating to construction of facilities and full-purpose annexation conversion. District(s) Affected: District 2. Strategic Outcome(s): Government that Works For All.
Ordinance No. 20211104-022 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
23. Approve an ordinance adopting the Third Amendment to the Consent Agreement and the Second Amendment to the Strategic Partnership Agreement with Southeast Travis County Municipal Utility District No. 2 to adjust dates relating to construction of facilities and full-purpose annexation conversion. District(s) Affected: District 2. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20211104-023 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
24. Approve an ordinance adopting the Third Amendment to the Consent Agreement and the Second Amendment to the Strategic Partnership Agreement with Southeast Travis County Municipal Utility District No. 3 to adjust dates relating to construction of facilities and full-purpose annexation conversion. District(s) Affected: District 2. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20211104-024 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

25. Approve an ordinance adopting the Third Amendment to the Consent Agreement and the Second Amendment to the Strategic Partnership Agreement with Southeast Travis County Municipal Utility District No. 4 to adjust dates relating to construction of facilities and full-purpose annexation conversion. District(s) Affected: District 4. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20211104-025 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
26. Approve an ordinance setting the Council meeting schedule for calendar year 2022 and setting the budget and tax rate hearings for Fiscal Year 2022-2023. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20211104-026 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
27. Approve an ordinance amending the Fiscal Year 2021-2022 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept and appropriate \$200,000 in grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services, for the City of Austin De-Escalation Training Project. Strategic Outcome(s): Safety.
Ordinance No. 20211104-027 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
28. Authorize negotiation and execution of an agreement with Asian Family Supportive Services of Austin to provide domestic violence services to Asian and Pacific Islander and immigrant communities, in an amount not to exceed \$200,000 for the 12-month period beginning November 15, 2021, for a total agreement amount not to exceed \$200,000. Strategic Outcome(s): Economic Opportunity and Affordability, Health and Environment.
The motion authorizing the negotiation and execution of an agreement with Asian Family Supportive Services of Austin was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.
29. Authorize negotiation and execution of an interlocal agreement with Austin Travis County Mental Health Mental Retardation Center, d/b/a Integral Care to provide tobacco cessation health and wellness services to lesbian, gay, bisexual, transgender, and queer+ individuals, in the amount of \$35,800 for the term of October 15, 2021 to April 28, 2022, with three 12-month extension options each in an amount not to exceed \$15,000, for a total agreement amount not to exceed \$80,800. Strategic Outcome(s): Health and Environment.
The motion authorizing the negotiation and execution of an interlocal agreement with Austin Travis County Mental Health Mental Retardation Center, doing business as Integral Care, was approved on consent on Council Member Alter's motion, Council Member Ellis' second on a 10-1 vote. Council Member Kelly voted nay.
30. Authorize negotiation and execution of Amendment No. 14 to an agreement with Front Steps, Inc. to provide permanent supportive housing services for the period of October 1, 2021 through September 30, 2022, adding one 12-month extension option in an amount not to exceed \$111,149,

for a revised total agreement amount not to exceed \$1,246,592. Strategic Outcome(s): Economic Opportunity and Affordability.

The motion authorizing the negotiation and execution of Amendment No. 14 to an agreement with Front Steps, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

31. Authorize negotiation and execution of Amendment No. 5 to an agreement with Family Eldercare, Inc. to provide temporary work and supportive services to individuals experiencing homelessness, to add funding in an amount not to exceed \$316,167, for a revised total agreement amount not to exceed \$3,373,321. Strategic Outcome(s): Economic Opportunity and Affordability.

The motion authorizing the negotiation and execution of Amendment No. 5 to an agreement with Family Eldercare, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

32. Ratify Amendment No. 2 to the agreement with Family Eldercare, Inc. to provide mobile hygiene services to people experiencing homelessness in the Austin/Travis County area to add one 12-month extension option through September 30, 2022 in an amount not to exceed \$168,900, for a revised total agreement amount not to exceed \$743,500. Strategic Outcome(s): Economic Opportunity and Affordability.

The motion to ratify an Amendment No. 2 to the agreement with Family Eldercare, Inc. was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

33. Approve a resolution authorizing negotiation and execution of a Local On-System Improvement Project Agreement with the Texas Department of Transportation in an amount not to exceed \$4,000,000, for the implementation of safety and mobility improvements on South Congress Avenue between Mockingbird Lane and Little Texas Lane. District(s) Affected: District 2, District 3. Strategic Outcome(s): Mobility, Safety.

Resolution No. 20211104-033 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

34. 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 motion approving the following appointments and waivers was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote:

Austin Travis County Food Policy Board

Frances Deviney

Travis County Representative

Austin Integrated Water Resource Planning Community Task Force

Robert Levinski

Council Member Alter

College Student Commission

Justin Parker

Austin Community College

Electric Board

David Deschaine

Council Member Pool

Electric Utility Commission

Makenna Jonker

Mayor Pro Tem Harper-Madison

Mechanical and Plumbing Board

Kyle Smith

Council Member Pool

South Central Waterfront Advisory Board

Paul Byars

The Trails Foundation

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Kyle Smith on the Mechanical and Plumbing Board.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of David Deschaine on the Electric Board.

35. Approve an ordinance waiving or reimbursing certain fees for the L.D. Washington community memorial service that was held at Givens Recreation Center on October 9, 2021. Council Sponsors: Mayor Pro Tem Natasha Harper-Madison, Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Council Member Gregorio Casar, Council Member Vanessa Fuentes.
Ordinance No. 20211104-035 was approved on consent on Mayor Pro Tem Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.
36. Approve an ordinance waiving or reimbursing certain fees for the Violet Crown Community Works' 4th Annual Oktoberfest on Sunday, October 24, 2021 at Brentwood Park. Council Sponsors: Council Member Leslie Pool, Council Member Alison Alter, Council Member Ann Kitchen, Council Member Kathie Tovo.
Ordinance No. 20211104-036 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.
37. Approve an ordinance waiving and modifying certain City Code requirements for the South by Southwest Conferences and Festival to be held March 7-20, 2022; and establishing a deadline for certain special event applications. Council Sponsors: Mayor Steve Adler, Mayor Pro Tem Natasha Harper-Madison, Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Alison Alter.
Ordinance No. 20211104-037 was approved on consent on Mayor Adler's motion, Council Member Ellis' second on an 11-0 vote.

Item 38 was pulled for discussion.

39. Approve a resolution initiating amendments to City Code Chapter 25-12 (Technical Codes) related to certain fence designs. Council Sponsors: Council Member Leslie Pool, Mayor Pro Tem Natasha Harper-Madison, Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Council Member Alison Alter.
Resolution No. 20211104-039 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Tovo abstained.
40. Set a public hearing related to an application by Airport Crossing Ltd., or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private

activity bond program to be known as Airport Crossing, located within the City at or near the southeast corner of Foley Drive and Ross Road, Austin, Texas 78617. (Suggested date: Thursday, November 18, 2021, Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701). District(s) Affected: District 2.

The public hearing was set for Thursday November 18, 2021, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

41. Set a public hearing related to an application by Richman Easton Park Apartments, LLC, 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 Easton Park Affordable Multifamily, located within the City at or near the southwest corner of William Cannon Drive and McKinney Falls Parkway. (Suggested date: Thursday, November 18, 2021, Austin City Hall, 301 W. Second Street, Austin, Texas). District(s) Affected: District 2.

The public hearing was set for Thursday November 18, 2021, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

42. Set a public hearing related to an application by Bluestein Boulevard Apartments, L.P., 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 Ed Bluestein Multifamily Apartments, located within the City of Austin at or near 7009 Ed Bluestein Boulevard. (Suggested date: Thursday, November 18, 2021, Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701). District(s) Affected: District 1.

The public hearing was set for Thursday November 18, 2021, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

62. Approve an ordinance amending City Code Chapter 2-1 (City Boards) to allow for hybrid participation at meetings of boards and commissions and their subcommittees, and remove the requirement that a quorum must be physically present at a meeting to conduct business. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20211104-062 was approved on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

Item 63 was pulled for discussion.

64. Approve a resolution condemning antisemitic, racist, and homophobic vandalism, violence and hateful speech, and directing the City Manager to collaborate with local community groups to identify and implement improvements to the City's response to hate. Council Sponsors: Council Member Alison Alter, Mayor Steve Adler, Council Member Vanessa Fuentes, Council Member Mackenzie Kelly, Council Member Kathie Tovo, Council Member Gregorio Casar, Council Member Leslie Pool, Council Member Paige Ellis, Mayor Pro Tem Harper-Madison.

Resolution No. 20211104-064 was approved, as amended below, on consent on Council Member Alter's motion, Council Member Ellis' second on an 11-0 vote.

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

“The City Council of Austin will strengthen its efforts to protect residents and targets and victims of hate, and to prosecute and curb hate acts in partnership with nonprofit organizations, the Travis County District Attorney’s Office, the Austin Police Department, Williamson County District Attorney, Williamson County Sheriff’s office, Travis County Sheriff’s Office, Hays County District Attorney and Hays County Sheriff’s office, and other law enforcement partners; Austin ISD, Round Rock ISD, Hays CISD, and other Austin Metro area education partners.”

CITIZEN COMMUNICATIONS: GENERAL

CarolAnne Rose Kennedy- Domestic Violence

Corey Satterwhite- Minority police cadet wrongful termination

Sadie Pack- Austin Water AMI project. I am a woman owned construction company who was chosen to be the plumbing contractor on this project. Since the first meeting I was required to perform duties outside of the contract. There were several meetings with the HUB office, Austin Water, and Aclara and for 7 months I worked in good faith that these issues would be resolved. Both Aclara and Austin Water have conspired to create situations designed to make me fail and walk away from the contract whether it be by late payment, no chain of command or revolving chain of command, no follow-through on change orders basically not honoring the contract that I signed. I am asking that the City Contracts legal review what has transpired to this point and allow me the opportunity to be successful as a woman of color, a professional, an Austin resident. I have not had one complaint from any customer but cannot continue to work in this bullying situation.

DISCUSSION ITEMS

7. Authorize negotiation and execution of a multi-term contract with Preferred Technologies LLC to provide an access control and identity management system, for up to five years for a total contract amount not to exceed \$6,400,000. (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). Strategic Outcome(s): Mobility, Safety.
The motion authorizing the negotiation and execution of a multi-term contract with Preferred Technologies, LLC was approved on Council Member Tovo’s motion, Council Member Fuentes’ second on a 10-0 vote. Mayor Pro Tem Harper-Madison was off the dais.
38. Approve a resolution related to the geographic constraints and minimum intake requirements of the City's agreement with Austin Pets Alive! and directing the City Manager to negotiate certain terms for the operation of the Town Lake Animal Center facility. Council Sponsors: Council Member Leslie Pool, Mayor Steve Adler, Council Member Ann Kitchen, Council Member Gregorio Casar, Council Member Vanessa Fuentes.
Resolution No. 20211104-038 was approved on Council Member Pool’s motion, Council Member Kitchen’s second on a 9-0 vote. Mayor Pro Tem Harper-Madison and Council Member Kelly were off the dais.

Mayor Adler recessed the meeting to go into Executive Session at 12:40 p.m. without objection. Mayor Pro Tem Harper-Madison was off the dais.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

66. Discuss legal issues related to the City's response to hate speech and activity (Private consultation with legal counsel - Section 551.071 of the Government Code).

Discussion occurred.

Mayor Adler reconvened the Council Meeting at 2:35 p.m. Council Members Alter, Casar, Fuentes, and Tovo were off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

46. NPA-2020-0002.01- Fair Market - Approve third reading of an ordinance amending Ordinance No. 990513-70 East Cesar Chavez Neighborhood Plan and Ordinance No. 20081211-083 Plaza Saltillo (TOD) Station Area Plan, an element of the Imagine Austin Comprehensive Plan, to change the base maximum building height from 60 feet to a maximum height of 85 feet on properties locally known as 1100, 1108, 1110 East 5th Street; and 502 and 504 Waller Street (Waller Creek Watershed). First reading approved a maximum building height of 85 feet on August 25, 2021. Vote: 9-0. Second reading approved for applicant's request for a maximum building height of 85 feet on September 30, 2021. Vote: 10-0 (Mayor Adler off the dais). Owner/Applicant: Montwalk Holdings, Ltd. (R. Cullen Powell). Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 3.

Ordinance No. 20211104-046 to change the base maximum building height to 85 feet was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

47. C14-2021-0061 - Fair Market Rezoning-Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 1100, 1108, and 1110 East 5th Street and 502 and 504 Waller Street (Waller Creek Watershed). Applicant's Request: To rezone from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change the base maximum building height from 60 feet to 85 feet. First reading approved transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change the base maximum building height from 60 feet to 85 feet, on August 26, 2021. Vote: 9-0. Second reading approved transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change the base maximum building height from 60 feet to 85 feet, on September 30, 2021. Vote: 10-0. Owner/Applicant: Montwalk Holdings, Ltd. (R. Cullen Powell). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

Ordinance No. 20211104-047 for a transit oriented development-neighborhood plan (TOD-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

48. C14-2021-0104 - Acts Fellowship Church - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 9807 Dessau Road (Walnut Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner: Alpha Anchor Investments, LLC (Andrew Kim). Agent: Dunaway Associates (Meg Greenfield). Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20211104-048 for community commercial (GR) district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

49. C14-2021-0122 - Rees Tract - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 10221 David Moore Drive (Slaughter Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to urban family residence-conditional overlay (SF-5-CO) combining district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning. Owner / Applicant: Charles and Janice Rees. Agent: Dunaway Associates (Meg Greenfield). 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. 20211104-049 for urban family residence-conditional overlay (SF-5-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

50. C14-2021-0136 - 2609 and 2611 Davis Lane, Lots 1 and 2, Charles Hoffman Subdivision - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2609 and 2611 Davis Lane (South Boggy Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Owner/Applicant: Doors Development Gold LLC c/o Jeffery Davis (Prashant Vank). Agent: Land Answers, Inc. (Jim Wittliff). 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. 20211104-050 for family residence (SF-3) district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

51. C14-2021-0119 - McHeath 1.48 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 911 and 915 West Dittmar Road (South Boggy Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning and single family residence standard lot (SF-2) district zoning to multifamily residence low density (MF-2) district zoning. Staff Recommendation: To grant multifamily

residence low density (MF-2) district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence-limited density-conditional overlay (MF-1-CO) combining district zoning. Agent: Bennett Consulting (Rodney Bennett). Staff: Mark Graham, 512-974-3574. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 2. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20211104-050 for multifamily residence low density (MF-2) district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.**

52. C14-2021-0100 - Luby's Site - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 8176 North MoPac Expressway (Shoal Creek Watershed). Applicant Request: To rezone from neighborhood commercial (LR) district zoning to multifamily residence-highest density (MF-6) district zoning. First Reading approved on October 14, 2021. Vote: 11-0. Owner/Applicant: Luby's Fuddruckers Restaurants, LLC (Bill Gordon). Agent: Armbrust & Brown, PLLC (Michael Whellan). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10. **Ordinance No. 20211104-052 for multifamily residence-highest density (MF-6) district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.**
53. C14-2020-0151 - 8401-8407 South 1st Street - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 8401, 8403, 8405, and 8407 South 1st Street (South Boggy Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning; single family residence-standard lot (SF-2) district zoning; townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning; and neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning to multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. First Reading approved on October 14, 2021. Vote: 11-0. Owner/Applicant: 8401 Venture LP (Herman Cardenas); Harvey Kronberg. Agent: Smith Robertson L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 2. **Ordinance No. 20211104-053 for multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.**
54. C14-2021-0094 - Fox Hollow Multifamily - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 2117 Brandt Road (Onion Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to multifamily residence-low density (MF-2) district zoning, with conditions. First Reading approved multifamily residence-low density (MF-2) district zoning, with conditions on October 14, 2021. Vote: 11-0. Owner/Applicant: Jesus Turullols. Agent: Dunaway Associates, Inc. (J Segura). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5. **Ordinance No. 20211104-054 for multifamily residence-low density (MF-2) district zoning, with conditions was approved, with the following direction, on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.**

Council Member Kitchen offered the following direction that was accepted without objection. The direction was:

“The City commits that prior to site plan approval, Austin Transportation Department and Public Works Department staff will work with the developer to improve Brandt Road, including identification of an interim solution to include a pedestrian connection from the development to a nearby transit stop prior to issuance of a site development permit with construction of internal connections to be concurrent with construction of the development and second, a permanent solution elevating the priority of Brandt Road improvements as part of the roadway capacity plan. The City Manager will report to council on the status of the work and such plan as has been developed and prepared for implementation prior to site plan approval.”

55. C14-2021-0117 - West Slaughter Lane Residences - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1017 West Slaughter Lane (Slaughter Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning to community commercial-mixed use-vertical mixed use building (GR-MU-V) combining district zoning. First Reading approved on October 14, 2021. Vote: 11-0. Owner/Applicant: Jamee F. & Charles Stewart. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.
Ordinance No. 20211104-055 for community commercial-mixed use-vertical mixed use building (GR-MU-V) combining district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.
57. C14-2020-0146 - 11705 Research Blvd Zoning - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 11705 Research Boulevard Service Road Northbound (Walnut Creek Watershed). Applicant Request: To rezone from limited industrial services-conditional overlay (LI-CO) combining district zoning to limited industrial services-conditional overlay (LI-CO) combining district zoning, to change a condition of zoning. First Reading approved limited industrial services-conditional overlay (LI-CO) combining district zoning, with conditions, on October 14, 2021. Vote: 11-0. Owner/Applicant: 3M Company. Agent: Drenner Group, PC (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.
Ordinance No. 20211104-057 for limited industrial services-conditional overlay (LI-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.
58. NPA-2021-0026.01, Grady & Brownie Mixed Use-Conduct a public hearing and approve an ordinance amending Ordinance No. 20100624-110 the North Lamar 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 10609, 10611, 10613, 10615 Brownie Drive and 10610, 10612, 10614 Middle Fiskville Road (Walnut Creek & Little Walnut Creek Watersheds) from Single Family and Neighborhood Commercial land use to Mixed Use land use. Staff and Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Grady & Brownie Investments, LLC. Agent: Thrower Design (Ron Thrower & Victoria Haase). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 4.

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 Pool's motion, Council Member Kitchen's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, and Council Members Casar, Ellis, Fuentes, Kitchen, Pool, Renteria. Those voting nay were: Council Members Alter, Tovo, and Kelly voted nay.

59. C14-2021-0039 - Grady & Brownie Mixed Use - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 10609, 10611, 10613, 10615 Brownie Drive and 10610, 10612, 10614 Middle Fiskville Road (Little Walnut Creek Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning for Tract 1 and neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning for Tract 2. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant multifamily residence-low density district-neighborhood plan (MF-2-NP) combining district zoning for Tract 1 and neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning for Tract 2. Owner/Applicant: Grady & Brownie Investments LLC (Saleem Memon). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 4.

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 Pool's motion, Council Member Kitchen's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, and Council Members Casar, Ellis, Fuentes, Kitchen, Pool, Renteria. Those voting nay were: Council Members Alter, Tovo, and Kelly voted nay.

60. C14-2021-0009 - 1725 Toomey - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1725 Toomey Road (Lady Bird Lake Watershed). Applicant Request: To rezone from general commercial services (CS) district zoning to multifamily residence highest density (MF-6) district zoning. Staff Recommendation: To grant multifamily residence highest density (MF-6) district zoning. Planning Commission Recommendation: To be reviewed October 26, 2021. Owner/Applicant: 1725 Toomey LLC. A valid petition has been filed in opposition to this rezoning request. Agent: Drenner Group PC (Amanda Swor). City Staff: Kate Clark, 512-974-1237. District(s) Affected: District 5.

This item was postponed to November 18, 2021 at the request of staff on Council Member Pool's motion, Council Member Kitchen's second on an 11-0 vote.

61. C14H-2021-0057 - Kohn House - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5312 Shoal Creek Boulevard. Applicant's Request: To rezone from single family residence standard lot (SF-2) district zoning to single family residence standard lot - historic landmark (SF-2-H) combining district zoning. Staff Recommendation, Historic Landmark Commission Recommendation, and Planning Commission Recommendation: To grant single family residence standard lot - historic landmark (SF-2-H) combining district zoning. Applicant: Bon Ton Revocable Trust (owner). City Staff: Elizabeth Brummett, Housing & Planning Department, 512-974-1264. District(s) Affected: District 7.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20211104-061 for single family residence standard lot - historic landmark

(SF-2-H) combining district zoning was approved on Council Member Pool's motion, Council Member Kitchen's second on an 10-1 vote. Mayor Pro Tem Harper-Madison voted nay.

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 3:53 p.m. See separate minutes.

43. 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 3:55 p.m.

Mayor Adler recessed the meeting to go into Executive Session at 3:55 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.

67. Discuss legal issues related to the Joint Powers Agreement between the City of Austin, Capital Metro and the Austin Transit Partnership (Private consultation with legal counsel - Section 551.071 of the Government Code).
Discussion occurred.

Mayor Adler reconvened the Council Meeting at 6:12 p.m.

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

Mayor Adler reconvened the Council Meeting at 7:15 p.m.

DISCUSSION ITEMS CONTINUED

63. Authorize negotiation and execution of the Joint Powers Agreement between the City of Austin, Capital Metro and the Austin Transit Partnership. Strategic Outcome(s): Mobility, Government that Works for All.

A motion to authorize the negotiation and execution of the Joint Powers Agreement was made on Mayor Pro Tem Harper-Madison's motion, seconded by Council Member Pool.

A motion to amend the staff proposed draft Joint Powers Agreement was approved on Mayor Adler's motion, Council Member Alter's second on a 10-0 vote. Council Member Casar was off the dais. The amendment was to replace the paragraph captioned "Executive Director" in Section 4.2.2 with the following:

"In accordance with the Bylaws, the ATP Board shall appoint an Executive Director. The ATP Board shall conclude an independent analysis to determine the appropriate leadership model for ATP no later than March 31, 2022. The independent analysis shall include a community engagement process with input from the CAC, technical advisory committees, and others. After careful consideration of such analysis, the ATP board shall determine its leadership model in its sole discretion. Further, the ATP Board shall make any Executive Director appointments in its sole discretion. The ATP Board shall establish a community engagement process for such appointments which is appropriate for the appointment of senior leadership and similar to the process described above.

The Executive Director of ATP shall be the chief executive officer of ATP and shall in general supervise and control all of the business and affairs of ATP."

A motion to amend the staff proposed draft Joint Powers Agreement was accepted without objection on Council Member Ellis' motion. The amendment was to amend Section 2.7, *Supplemental Agreements*, to read:

"Supplemental Agreements. The Parties also recognize that, in addition to this Agreement, the implementation of Project Connect will require the Parties to subsequently address a variety of matters. Therefore, supplemental agreements will be necessary to address specific interagency topics, and will be developed by the appropriate ATP, City and Capital Metro staffs, and, when necessary, adopted by the governing bodies of the Parties. These supplemental agreements must be taken by the appropriate parties and may be bilateral, such as for services or functions provided by the City or Capital Metro to ATP or to address specific project issues related to policy, planning, property acquisition, financing, design, construction, operations or maintenance of the Project Connect system. The existing supplemental agreements between the Parties are listed in Attachment B, and Executive Leadership shall ensure that staff maintains a publicly accessible list and records of such agreements and actions that relate to Project Connect.

Before final adoption by the governing bodies of the parties, all proposed language, except de minimis language, in supplemental agreements related to equity and anti-displacement must be submitted to the CAC with sufficient time for the CAC to review and comment, absent emergency circumstances. The proposed language must also be made for public feedback by the community at large by following, as applicable, the Boards' public input processes and in accordance with the Community Engagement and Inclusion Commitments outlined in Section 3.2."

A motion to amend the staff proposed draft Joint Powers Agreement, and provide direction, was accepted without objection on Council Member Tovo's motion. The amendments were:

Amend the first bullet of Section 5.2.1.2. *City Manager* to read:

- "interpret and apply regulations applicable to Project Connect in a manner that meets the City of Austin's goals and furthers the equitable design and construction of Project Connect; and"

Amend the fourth bullet of Section 5.2.1.2. *City Manager* by correcting the spelling of the word “idetifying” to “identifying”

The direction was:

“The City Manager shall evaluate and assess suitable and appropriate spaces for the Waller Creek Boathouse’s relocation with the aim of resolving this issue as soon as possible and to update Council on this issue by December 1, 2021. The update shall also include an analysis of which elements of the existing boathouse could be moved and reconstructed or reused.

The City Manager shall continue and expand community engagement efforts with impacted stakeholders and interested community members regarding identifying a new and feasible nearby location for a rowing use as well as the potential for replacing the café and including other public amenities.

The City Manager shall collaborate with the Project Connect team regarding the relocation to ensure that rowing operations are minimally disrupted.”

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

In areas where “adoption” is used or “adopt” or versions of “adopt” that the language be shifted to “approval” so long as such changes do not change the meaning, and that all spelling errors be corrected before the agreement is issued in final form.

The following direction was offered on Council Member Ellis’ motion, seconded by Council Member Fuentes. The direction was:

"The City Manager shall initiate development of a supplemental agreement with Capital Metro and the Austin Transit Partnership that establishes a framework for how the City of Austin and its partner entities will collaborate on multimodal infrastructure implementation along and around the Project Connect transit lines. This framework should document each entity s proposed responsibilities for planning, design, and construction, including but not limited to mutual expectations regarding funding sources and interagency communications. If the agreement does not require approval by Council under the Texas Interlocal Cooperation Act, the Manager shall finalize, publicly publish, and provide it to Council by March 1, 2022; otherwise, the Manager shall bring the draft agreement to Council for approval by March 3, 2022.

Further, the City Manager shall initiate development of a supplemental agreement with Capital Metro that establishes a framework for how the City of Austin and Capital Metro will collaborate on Equitable Transit-Oriented Development (eTOD) and any related land use planning in the eTOD study area, areas designated as TODs, and along the MetroRapid, Metrorail, and light rail lines included in the Proiect Connect initial investment. This framework should document each entity s proposed responsibilities for a successful land use planning process and be consistent with the eTOD Policy Plan currently under development under the Council adopted resolution on June 10, 2021. Barring unforeseen obstacles, if the agreement does not require approval by Council under the Texas Interlocal Cooperation

Act, the Manager shall finalize, publicly publish, and provide it to Council by March 1, 2022; otherwise, the Manager shall bring the draft agreement to Council for approval by March 3, 2022.”

A motion to amend the direction as follows failed on Council Member Kitchens’ motion on a 5-6 vote. Those voting aye were: Council Members Alter, Fuentes, Kitchen, Pool, and Tovo. Those voting nay were: Mayor Adler, Mayor Pro Tem Harper-Madison, and Council Members Casar, Ellis, Kelly, and Renteria. The amendment was to have the second paragraph of the direction read:

“Further, the City Manager shall initiate development of a supplemental agreement with Capital Metro and ATP that documents how the City of Austin, Capital Metro, and ATP will collaborate on Equitable Transit-Oriented Development (eTOD) and any related land use planning in the eTOD study area, areas designated as TODs, and along the MetroRapid, Metrorail, and light rail lines included in the Project Connect initial investment. This agreement should document each entity's proposed responsibilities for a successful land use planning process and, be consistent with the eTOD Policy Plan currently under development under the Council adopted resolution on June 10,2021. Barring unforeseen obstacles, the Manager shall finalize, publicly publish, and bring to Council for approval the agreement by March 1,2022.”

A motion to postpone consideration of the second paragraph of the direction was approved without objection on Mayor Adler’s motion, seconded by Council Member Kelly.

The motion to provide staff direction, as amended, was approved without objection on Council Member Ellis’ motion, Council Member Fuentes’ second.

Council Member Kitchen offered the following amendment to the staff proposed draft Joint Powers Agreement that was accepted without objection. The amendment was to add the following language to Section 4.4, *Responsibilities of the ATP*:

“Capital Metro or any entity implementing Project Connect projects on behalf of ATP will abide by the labor and safety terms set forth in the JPA.”

Council Member Tovo offered the following amendment to the staff proposed draft Joint Powers Agreement that was accepted without objection. Council Member Casar was off the dais. The amendment was to add the following bullets to Section 3.1, *Joint Commitments*:

- “The Parties commit to developing an agreement outlining a process to discuss and mitigate the use and impact on parkland and historic squares, which shall be approved by the ATP Board, City Council, and the Capital Metro Board.
- The Parties commit to working together in collaborative fashion to discuss any potential or proposed legislation related to Project Connect as early in the process as practicable.”

The motion authorizing the negotiation and execution of the Joint Powers Agreement, as amended was approved on Mayor Pro Tem Harper-Madison's motion, Council Member Pool's second on a 10-0 vote. Council Member Casar was off the dais.

Mayor Adler recessed the meeting to go into Executive Session at 7:21 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.

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

Withdrawn.

45. Discuss the appointment, compensation and benefits of the City Clerk and an interim City Clerk (Personnel matters - Section 551.074 of the Government Code).

Discussion occurred.

Mayor Adler reconvened the Council Meeting at 8:53 p.m. Mayor Adler and Council Members Pool and Renteria were off the dais.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

56. C14-2020-0144 - 2700 S. Lamar - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning a property locally known as 2700, 2706, 2708, 2710, 2714 South Lamar Boulevard, Part of 2738 South Lamar Boulevard and 2803 Skyway Circle (Barton Creek Watershed-Barton Springs Zone, and West Bouldin Creek Watershed). Applicant Request: To rezone from community commercial (GR) district zoning, commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning, community commercial-vertical mixed use building (GR-V) combining district zoning, community commercial-vertical mixed use building-conditional overlay (GR-V-CO) combining district zoning, and multifamily residence medium density (MF-3) district zoning to multifamily residence highest density (MF-6) district zoning. First Reading approved multifamily residence highest density (MF-6) district zoning on October 14, 2021. Vote 11-0. Owners: Huaylas LLC; Sola 2706 LLC; Davis 2708 S Lamar LLC; Davis S Lamar LLC; Blue Crow Properties LTD; Goodwill Industries of Central Texas; and 2803 Skyway LLC. Agent: Armbrust & Brown (Michael Whellan). City Staff: Kate Clark, 512-974-1237. This action concerns land located in the Barton Springs Zone. District(s) Affected: District 5.

A motion to postpone this item to November 18, 2021 was approved on Mayor Pro Tem Harper-Madison's motion and accepted without objection. Mayor Adler and Council Members Pool and Renteria were off the dais.

AFTER 10:00 P.M.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Ellis' motion, Council Member Fuentes' second on a 7-2 vote. Those voting aye were:

Mayor Pro Tem Harper-Madison and Council Members Casar, Ellis, Fuentes, Kitchen, Renteria, and Tovo. Those voting nay were: Council Members Alter and Kelly. Mayor Adler and Council Member Pool were off the dais.

BRIEFINGS

65. Briefing on City's After Action Report related to Winter Storm Uri.

Presentation was given by: Juan Ortiz, Director, City of Austin Office of Homeland Security and Emergency Management; April Geruso, Project Executive, Hagerty Consulting, Inc.; Allen Freedman, Project Lead, Hagerty Consulting, Inc.; Sidney Jackson, Chief Operating Officer, Austin Energy; Greg Mezaros, Director, Austin Water.

Mayor Pro Tem Harper-Madison adjourned the meeting at 10:32 p.m. without objection.

The minutes were approved on this the 18th day of November 2021 on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.