

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 9, 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, December 9, 2021 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:20 a.m.

**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 10:53 a.m. See separate minutes.

68. 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 11:43 a.m.

**CONSENT AGENDA**

1. Approve the minutes of the Austin City Council joint special called of November 30, 2021, and special called of November 30, 2021.  
**The motion to approve the minutes of the Austin City Council joint special called of November 30, 2021, and special called of November 30, 2021 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
2. Authorize negotiation and execution of an interlocal agreement with Travis County for the City's provision of animal services, for a 12-month period beginning October 1, 2021, in an amount not to exceed \$2,263,000 to be paid to the City. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
3. Approve Service Extension Request No. 5216 for water service to an 8.1-acre tract located at 4315 City Park Road within the Drinking Water Protection Zone, the City's Limited Purpose

Jurisdiction and Austin Water's service area. Strategic Outcome(s): Government that Works for All.

**The motion approving the Service Extension Request No. 5216 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

4. Approve Service Extension Request No. 4796 for wastewater service to a 69.12-acre tract located at 8921 West US Highway 290 within the Drinking Water Protection Zone, the City's 2-mile Extra-Territorial Jurisdiction and Austin Water's service area. Strategic Outcome(s): Government That Works for All.

**This item was postponed to January 27, 2022 on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

5. Authorize negotiation and execution of an amendment to the interlocal agreement with the Austin Economic Development Corporation, to provide assistance in engaging and supporting three development projects which include implementation of East 11th and 12th Streets Urban Renewal Plan Development Feasibility, I-35 Central Austin Connecting Equitable land value and future development analysis, and East 11th Street Parcel Disposition services related to the Urban Renewal Plan vision. Strategic Outcome(s): Economic Opportunity and Affordability.

**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with the Austin Economic Development Corporation was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

6. Ratify an amendment to the contract with the Better Business Bureau to provide additional grants to arts and culture non-profits that had previously applied to the Austin Arts & Culture Non-Profit Relief Grant program, in the amount of \$522,500 for a total contract amount not to exceed \$36,104,425; related to Item #7. Strategic Outcome(s): Economic Opportunity and Affordability.

**The motion to ratify an amendment to the contract with the Better Business Bureau was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on a 10-1 vote. Council Member Kelly voted nay.**

7. Approve an ordinance amending the Fiscal Year 2021-2022 Economic Development Department Cultural Arts Fund Operating Budget (Ordinance No. 20210811-001) to increase appropriations in the amount of \$500,0000 to support Arts and Culture Nonprofit Relief Grant recipients. Related to Item #6. Strategic Outcome(s): Economic Opportunity and Affordability, Culture & Lifelong Learning.

**Ordinance No. 20211209-007 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on a 10-1 vote. Council Member Kelly voted nay.**

**Item 8 was pulled for discussion.**

9. Authorize the negotiation and execution of a contract with the Diversity and Ethnic Chamber Alliance to provide business development, economic development, recruitment, and retention services for a 12-month term and four one-year extension options in an amount not to exceed \$839,929 annually for a total contract amount not to exceed \$4,199,645. Strategic Outcome(s): Economic Opportunity and Affordability.

**This item was postponed to January 27, 2022 on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

10. Approve a resolution authorizing the issuance by Pilot Knob Municipal Utility District No. 3 of Unlimited Tax Bonds, Series 2021A, in the principal amount of \$6,465,000. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20211209-010 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
11. Approve a resolution authorizing the issuance by Pilot Knob Municipal Utility District No. 3 of Unlimited Tax Road Bonds, Series 2021, in the principal amount of \$5,000,000. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20211209-011 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
12. Approve a resolution authorizing the defeasance of certain outstanding Water and Wastewater System Revenue Refunding Bonds, including authorizing the execution of an escrow agreement, and related documents. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20211209-012 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
13. Approve a resolution authorizing the defeasance of certain outstanding 2010 General Obligation Public Improvement Refunding Bonds, including authorizing the execution of an escrow agreement, and related documents. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20211209-013 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

**Item 14 was pulled for discussion.**

15. Ratify a contract with Massbur, LLC d/b/a Restoration 1 of Austin to provide emergency winter weather damage mitigation, clean up, and repair services at Zach Scott Theatre, in the amount of \$136,373. (Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Culture and Lifelong Learning.  
**The motion to ratify a contract with Massbur, LLC doing business as Restoration 1 of Austin was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

**Council Member Tovo provided the following direction to staff that was accepted without objection. The direction was:**

**Provide more information about the top three departments that suffered the most damage during the winter storm.**

16. Approve a resolution finding that the use of the Construction Manager-at-Risk method of contracting, as authorized in Subchapter F, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the Walnut Creek Primary

Clarifier and Flow Equalization Basin Rehab project to rehabilitate wastewater treatment facilities. (Note: MBE/WBE goals will be established prior to issuance of this solicitation.) Strategic Outcome(s): Health and Environment.

**Resolution No. 20211209-016 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

17. Authorize negotiation and execution of a contract with Logical Concepts, Inc. d/b/a OmniSite to provide remote monitoring and storage of operational data of the Austin Water lift stations' existing telemetry units, for a term of five years in an amount not to exceed \$460,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

**The motion authorizing the negotiation and execution a contract with the Diversity and Ethnic Chamber Alliance was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

18. Authorize negotiation and execution of a contract with Innio Jenbacher North America, LLC to provide preventative and corrective maintenance for the generator at Hornsby Bend Biosolids Management Facility for a term of ten years in an amount not to exceed \$2,000,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

**The motion authorizing the negotiation and execution a contract with Innio Jenbacher North America, LLC was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

19. Authorize amendments to two cooperative contracts with Dell Marketing LP and Sirius Computer Solutions, Inc. d/b/a Sirius Computer Solutions for continued hardware, software, professional services, and related maintenance support services, to increase the amount by \$14,500,000 for a revised contract amount not to exceed \$48,500,000 divided between the contractors. (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 amendments to two cooperative contracts with Dell Marketing LP and Sirius Computer Solutions, Inc. doing business as Sirius Computer Solutions was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

20. Authorize an amendment to the contract with KUBRA Arizona, Inc. to upgrade the current Storm Center software at Austin Energy, to increase the amount by \$925,547 and to extend the term by one year, for a revised total contract amount not to exceed of \$3,234,767. (Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety, Health and Environment.

**The motion authorizing the amendment to the contract with KUBRA Arizona, Inc. was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

21. Ratify a construction contract with DeNucci Constructors, LLC for the 5th Street at Shoal Creek Chilled Water Trench Repair Project, in an amount not to exceed \$940,344.83. (Note: This contract is exempt from the City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.) District(s) Affected: District 9. Strategic Outcome(s): Safety, Health and Environment.

**The motion to ratify a construction contract with DeNucci Constructors, LLC was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

22. Authorize negotiation and execution of an amendment to the professional services agreement with Jacobs Engineering Group Inc., for engineering services for the Austin Community College Chiller Plant in the amount of \$80,000, for a total contract amount not to exceed \$3,478,094.24. [Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 35.34% MBE and 30.97% WBE.] District(s) Affected: District 4. Strategic Outcome(s): Culture and Lifelong Learning, Economic Opportunity and Affordability, Health and Environment.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Jacobs Engineering Group Inc. was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

23. Ratify a construction contract with Technical Structural Repair Group, LLC for the Austin City Hall Parking Garage Emergency Structural Repairs in an amount not to exceed \$356,514. (Note: This contract is exempt from the City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.) District(s) Affected: District 9. Strategic Outcome(s): Safety, Health and Environment

**The motion to ratify a construction contract with Technical Structural Repair Group, LLC was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

24. Authorize award and execution of a construction contract with Santa Clara Construction, LTD. (MBE) for the Hyde Park Water and Wastewater Pipeline Renewal project in the amount of \$7,722,797.50 plus a \$772,279.75 contingency, for a total contract amount not to exceed \$8,495,077.25. [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 79.15% MBE and 0.89% WBE participation.] District(s) Affected: District 9. Strategic Outcome(s): Safety, Health and Environment.

**The motion the award and execution of a construction contract with Santa Clara Construction, LTD. (MBE) was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

25. Authorize award and execution of a construction contract with Austin Underground, Inc. (MBE), for the Polybutylene Water Services Replacement Program project in the amount of \$8,640,295.00 plus a \$864,029.50 contingency, for a total contract amount not to exceed \$9,504,324.50. [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 99.27% MBE and 0.72% WBE participation.] District(s) Affected: District 3, District 5, District 6, District 8, District 10. Strategic Outcome(s): Health and Environment  
**The motion the award and execution of a construction contract with Austin Underground, Inc. (MBE) was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
26. Authorize negotiation and execution of a contract with Southwire Company, LLC d/b/a Southwire to provide overhead conductor lines and accessories, in an amount not to exceed \$1,400,000. (Note: This contract 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). Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of a contract with Southwire Company, LLC doing business as Southwire was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
27. Authorize negotiation and execution of a cooperative contract with Toter LLC for refuse, recycling, and organics carts, for a term of 13 months in an amount not to exceed \$3,900,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment, Government that Works for All.  
**The motion authorizing the negotiation and execution of a cooperative contract with Toter LLC was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
28. Authorize negotiation and execution of a contract with MicroStrategy Services Corporation to provide software maintenance and support for business intelligence software, for a term of five years in an amount not to exceed \$1,360,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of a contract with MicroStrategy Services Corporation was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
29. Authorize negotiation and execution of a contract with Ecosystem Design Group, LLC for land management planning services, for a term of one year in an amount not to exceed \$244,675. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City

Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment.

**The motion authorizing the negotiation and execution of a contract with Ecosystem Design Group, LLC was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

30. Authorize negotiation and execution of an amendment to the professional services agreement with CH2M Hill Engineers, Inc. for additional engineering services for the Walnut Creek Wastewater Treatment Plant Secondary Process Improvements project in the amount of \$548,758.37 for a total contract amount not to exceed \$4,279,460.87. [Note: This amendment will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) Current participation to date is 9.08% MBE and 21.74% WBE participation.] District(s) Affected: District 1. Strategic Outcome(s): Health and Environment, Safety.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with CH2M Hill Engineers, Inc. was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

31. Authorize execution of a construction contract with Massbur, LLC d/b/a Restoration 1 of Austin for the Zach Scott Theatre Emergency Repairs, in an amount not to exceed \$569,000. [Note: This contract is exempt from the MBE/WBE Program requirements due to its public health and safety requirements] District(s) Affected: District 5. Strategic Outcome(s): Culture and Lifelong Learning, Safety, Health and Environment

**The motion the execution of a construction contract with Massbur, LLC doing business as Restoration 1 of Austin was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

**Council Member Tovo provided the following direction to staff that was accepted without objection. The direction was:**

**Provide more information about the top three departments that suffered the most damage during the winter storm.**

32. Authorize negotiation and execution of a professional services agreement with HNTB Corp, (staff recommendation) or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP320 to provide architectural and engineering services for Airport Principal Architect/Engineer in an amount not to exceed \$25,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 18.50% MBE and 15.80% WBE participation.] District(s) Affected: District 2. Strategic Outcome(s): Mobility

**The motion authorizing the negotiation and execution of a professional services agreement with HNTB Corp was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

33. Authorize negotiation and execution of a contract with Jane G. Kershner d/b/a Ginsburg Kershner Associates to provide early childhood consulting services, for a term of one year in an amount not to exceed \$75,000. (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): Health and Environment, Government that Works for All.  
**The motion authorizing the negotiation and execution of a contract with Jane G. Kershner doing business as Ginsburg Kershner Associates was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
34. Authorize negotiation and execution of a contract with High Sierra Electronics, Inc. for the upgrade of the Flood Early Warning System's Supervisory Control and Data Acquisition system, for a term of five years in an amount not to exceed \$760,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety, Health and Environment.  
**The motion authorizing the negotiation and execution of a contract with High Sierra Electronics, Inc. was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
35. Authorize negotiation and execution of a contract with Llama, LLC to provide a real estate management solution, for a term of five years in an amount not to exceed \$2,600,000. (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). Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of a contract with Llama, LLC was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
36. Authorize award of a contract with Youngblood Automotive & Tire LLC to provide vehicle tire repair and replacement services, for a term of five years in an amount not to exceed \$620,000. (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). Strategic Outcome(s): Mobility, Safety.  
**The motion authorizing the award of a contract with Youngblood Automotive & Tire LLC was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
37. Authorize negotiation and execution of a cooperative contract with Precision Task Group, Inc. to provide licenses, maintenance, and support services for a workflow management software platform, for a term of five years in an amount not to exceed \$8,000,000. (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 Precision Task Group, Inc. was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

38. Authorize award of a contract with Texas Disposal Systems Inc. for portable toilet rental, for a term of five years for a total contract amount not to exceed \$2,500,000. (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 no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment.

**The motion authorizing the award of a contract with Texas Disposal Systems Inc. was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

39. Authorize negotiation and execution of a contract with Sabre Development, LLC to develop a framework for the cultural districts in the City, for a term of two years for a total contract amount not to exceed \$120,000. (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. However, the recommended contractor identified subcontracting opportunities). Strategic Outcome(s): Economic Opportunity and Affordability.

**This item was withdrawn.**

40. Authorize negotiation and execution of a multi-term contract with Touchstone Golf, LCC to provide golf course and tennis court qualified management services, for up to 18 years for a total contract amount not to exceed \$1,737,000. (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): Economic Opportunity and Affordability, Health and Environment, Government that Works for All **The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Jacobs Engineering Group Inc. was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

41. Authorize negotiation and execution of a fifth amendment to the lease agreement with Pajo Properties, Ltd., a Texas limited partnership, extending the term for 48 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, in an amount not to exceed \$1,107,963. District(s) Affected: District 7. Strategic Outcome(s): Culture & Lifelong Learning.

**The motion authorizing the negotiation and execution of a fifth amendment to the lease agreement with Pajo Properties, Ltd., a Texas limited partnership was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

42. Approve a resolution authorizing the extension of line of duty illness leave of absence for Austin Fire Department Firefighter Andrew Thomas. Strategic Outcome(s): Safety, Health and Environment, Government that Works for All.

**Resolution No. 20211209-042 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

43. Approve a resolution initiating zoning and rezoning and necessary neighborhood plan amendments for the properties owned by the University of Texas System known as the Pickle Research Campus East tract, generally located east of the Union Pacific Railroad tracks, south of Braker Lane, west of Burnet Road and north of Innovation Drive. District(s) Affected: District 7. Strategic Outcome(s): Economic Opportunity and Affordability.

**Resolution No. 20211209-043 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

**Items 44 and 45 were pulled for discussion.**

46. Authorize negotiation and execution of an amendment to the legal services agreement with the Law Offices of Charles Frigerio for legal services related to Abel Soto-Torres v. City of Austin et al, Cause No. 1:19-cv-00707-LY in the United States District Court for the Western District of Texas in the amount of \$26,000 for a total contract amount not to exceed \$76,000. Strategic Outcome(s): Government That Works for All.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with the Law Offices of Charles Frigerio was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

47. Approve a resolution adopting the Texas Term Sheet for the global opioid settlement in Texas Opioid Multi-District Litigation, In Re: Texas Opioid Litigation, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas. Strategic Outcome(s): Government that Works for All.

**Resolution No. 20211209-047 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

48. Approve a resolution authorizing execution of a contingency fee agreement with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery, LLC for legal services representing the City pursuing legal claims against the video service companies of Netflix, Inc., Hulu LLC, Disney DTC LLC, and others to recover compensation for use of City rights of way for delivery of video services. Strategic Outcome(s): Government that Works for All.

**Resolution No. 20211209-048 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

**Item 49 was pulled for discussion.**

50. Approve an ordinance amending the Fiscal Year 2021-2022 Support Services Fund and Information and Technology Fund Operating Budgets (Ordinance No. 20210811-001) to increase the number of authorized positions by one full-time equivalent in the Office of the City Clerk; two full-time equivalents in the Communications and Public Information Office; and two full-time equivalents in the Communications and Technology Management Department to provide resources and staff for the continuation of virtual testimony and hybrid participation of Council Members, board and commission members, and subcommittee members. Strategic Outcome(s): Government that Works for All.  
**Ordinance No. 20211209-050 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
51. Authorize negotiation and execution of an interlocal cooperation agreement with the Austin Independent School District to support the Literacy First Program and Tutoring Intervention Program for a 12-month term through September 30, 2022 in an amount not to exceed \$100,000, with four 12-month renewal options in amounts not to exceed \$100,000 per renewal option, for a total agreement amount not to exceed \$500,000. Strategic Outcome(s): Culture and Lifelong Learning, Government that Works for All.  
**The motion authorizing the negotiation and execution of an interlocal cooperation agreement with the Austin Independent School District was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
52. Authorize negotiation and execution of an interlocal cooperation agreement with the Austin Independent School District for use of Parque Zaragoza Recreation Center Softball Field and Delores Duffie Recreation Center Softball field for girls' fast pitch softball and boys' baseball. District(s) Affected: District 1, District 3. Strategic Outcome(s): Health and Environment, Government that Works for All.  
**The motion authorizing the negotiation and execution of an interlocal cooperation agreement with the Austin Independent School District was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
53. Authorize negotiation and execution of an interlocal agreement with Travis County for the City's provision of public health services, for a 12-month period beginning October 1, 2021 in an amount not to exceed \$4,814,000 to be paid to the City. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
54. Approve an ordinance amending the Fiscal Year 2021-2022 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept and appropriate \$281,057 in grant funds from United Way for Greater Austin and to add 1.0 full time equivalent grant-funded position, for the Family Connects Program. Strategic Outcome(s): Health and Environment.  
**Ordinance No. 20211209-054 was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

55. 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 certain related waivers to citizen boards and commissions and other intergovernmental bodies, and to public facility corporations was approved on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote:**

**Bond Oversight Commission**

**Kristin Weaver**

**Mayor Pro Tem Harper-Madison**

**Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission**

**Katelyn Jones**

**Council Member Ellis**

**Resource Management Commission**

**Charlotte Davis**

**Mayor Pro Tem Harper-Madison**

**Reappointments**

**Housing Authority of the City of Austin**

**Charles Bailey**

**Mayor Adler**

**Housing Authority of the City of Austin**

**Mary Apostolou**

**Mayor Adler**

**Housing Authority of the City of Austin**

**Carl Richie**

**Mayor Adler**

**Waivers**

**Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Vanessa Bissereth on the Commission for Women. The waiver includes absences through today's date.**

**Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Sophie Gairo on the Community Technology and Telecommunications Commission. The waiver includes absences through today's date.**

**Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Kannou (Kimbely) Curette on the Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission. The waiver includes absences through today's date.**

56. Approve a resolution initiating amendments to City Code Title 25 to create a voluntary housing incentive program that allows residential uses in commercial zoning districts. Council Sponsors: Council Member Alison Alter, Mayor Steve Adler, Council Member Kathie Tovo, Council Member Gregorio Casar, Council Member Leslie Pool, Council Member Ann Kitchen.  
**Resolution No. 20211209-056 was approved on consent on Council Member Alter's motion, Council Member Fuentes' second on an 11-0 vote.**

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

**The City Council directs the City Manager to conduct a series of two public engagement meetings to discuss the proposed code amendments and gather community feedback with a report of the feedback to city council. Public meetings of the Housing and Planning Committee and the Planning Commission may be used to satisfy this direction.**

57. Approve a resolution directing the City Manager to explore the establishment of a Veterans and Military Affairs Office, identify possible funding sources for the office, and return to Council with a report before April 2022. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Gregorio Casar, Council Member Vanessa Fuentes, Mayor Pro Tem Natasha Harper-Madison, Council Member Ellis.

**Resolution No. 20211209-057 was approved on consent on Council Member Renteria's motion, Council Member Fuentes' second on an 11-0 vote.**

58. Approve an ordinance amending City Code Chapter 4-9 to establish a 300-foot minimum distance requirement for the sale of alcoholic beverages near private schools, to clarify the method for calculating minimum distance from a day-care or child-care facility, and creating an offense. Council Sponsors: Council Member Alison Alter, Council Member Vanessa Fuentes, Council Member Mackenzie Kelly, Council Member Leslie Pool, Council Member Kathie Tovo.

**Ordinance No. 20211209-058 was approved on consent on Council Member Alter's motion, Council Member Fuentes' second on an 11-0 vote.**

59. Approve a resolution authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple the property, and improvements thereon, identified as Lot 2, Tannehill Two-B Section Three, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 86, Pages 193C-193D of the Plat Records of Travis County, Texas, save and except that portion of said lot that was conveyed to the State of Texas in that Deed recorded under Document No .2003253470 of the Official Public Records of Travis County, Texas; known locally as 5606 E. 51st Street, Austin, TX 78723 from Longhorn Hotels, L.P., a Texas Limited Partnership for a total amount not to exceed \$6,800,000. Council Sponsors: Council Member Gregorio Casar, Council Member Paige Ellis, Council Member Kathie Tovo, Mayor Pro Tem Natasha Harper-Madison, Mayor Steve Adler.

**Resolution No. 20211209-059 was approved on consent on Council Member Casar's motion, Council Member Fuentes' second on an 11-0 vote.**

**Item 60 was pulled for discussion.**

61. Approve a resolution directing the City Manager to conduct community information meetings regarding the site selection process for the new Jet-A fuel storage facility, alternative sites for the new facility, and previously conducted environmental assessments required by the Federal Aviation Administration; and to provide a Council briefing regarding the recommended site, including information related to the governmental compliance process, the environmental impact review process, and potential changes in air quality. Council Sponsors: Council Member Vanessa Fuentes, Mayor Steve Adler, Council Member Leslie Pool, Council Member Alison Alter, Council Member Gregorio Casar.

**Resolution No. 20211209-061 was approved on consent on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

**Item 62 was pulled for discussion.**

63. Approve a resolution appointing a City Clerk and establishing compensation and benefits. Council Sponsors: Mayor Steve Adler, Council Member Leslie Pool, Council Member Paige Ellis, Council Member Kathie Tovo, Council Member Vanessa Fuentes.  
**Resolution No. 20211209-063 was approved on consent on Mayor Adler's motion, Council Member Fuentes' second on an 11-0 vote.**

**Item 64 was pulled for discussion.**

65. Set a public hearing regarding CenterPoint Energy's proposal to change customer natural gas rates and to adopt an Energy Efficiency Cost Recovery Rider. (Suggested date: January 27, 2022, at Austin City Hall, 301 W. Second Street, Austin, TX). Strategic Outcome(s): Government that Works for All.  
**The public hearing was set for Thursday, January 27, 2021, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**
66. Set a public hearing to consider an ordinance to amend Title 25 (Land Development Code) of the City Code to modify the affordability requirements and allowable building height in the Vertical Mixed Use Incentive Program. (Suggested date: January 27, 2021, at 301 W. Second St., Austin, TX). Strategic Outcome(s): Economic Opportunity and Affordability.  
**The public hearing was set for Thursday, January 27, 2021, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Ellis' motion, Council Member Fuentes' second on an 11-0 vote.**

### **CITIZEN COMMUNICATIONS**

Alexia Leclercq- PODER's Colorado River Conservancy

CarolAnneRose Kennedy- CAROLANNEROSEKENNEDY - BLACK CHRISTMAS

**Mayor Adler recessed the meeting to go into Executive Session at 12:52 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.**

14. Approve an ordinance creating the Tax Increment Reinvestment Zone No. 19 for the South-Central Waterfront to be located within the area bounded on the west by South 1st Street from Lady Bird Lake south to Bouldin Creek, on the south by Bouldin Creek from South 1st Street east to Riverside Drive, on the east by the Ann and Roy Butler Hike and Bike Trail from Riverside Drive north to Lady Bird Lake, and on the north by Lady Bird Lake from South 1st Street east to

the Ann and Roy Butler Hike and Bike Trail between Lady Bird Lake and Riverside Drive, and excludes the area bounded to the west by South 1st Street between Riverside Drive and Barton Springs Road, bounded to the east by Barton Springs Road between South 1st Street and Riverside Drive, and bounded to the north by Riverside Drive between South 1st Street and Barton Springs Road; and establishing a Board of Directors for the zone, and related matters. Related to Item #69. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning.

**Discussion occurred.**

69. Conduct a public hearing and consider an ordinance creating the proposed Tax Increment Reinvestment Zone No. 19 for the South-Central Waterfront to be located within the area bounded on the west by South 1st Street from Lady Bird Lake south to Bouldin Creek, on the south by Bouldin Creek from South 1st Street east to Riverside Drive, on the east by the Ann and Roy Butler Hike and Bike Trail from Riverside Drive north to Lady Bird Lake, and on the north by Lady Bird Lake from South 1st Street east to the Ann and Roy Butler Hike and Bike Trail between Lady Bird Lake and Riverside Drive, and excludes the area bounded to the west by South 1st Street between Riverside Drive and Barton Springs Road, bounded to the east by Barton Springs Road between South 1st Street and Riverside Drive, and bounded to the north by Riverside Drive between South 1st Street and Barton Springs Road; and establishing a Board of Directors for the zone, and related matters. Related to Item #14. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning.

**Discussion occurred.**

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

**Withdrawn.**

71. Discuss legal issues related to the Fair Housing Act, affordable housing requirements, and impacts of redevelopment on tenants. (Private consultation with legal counsel - Section 551.071 of the Government Code).

**Withdrawn.**

72. Discuss the employment, duties, compensation and evaluation of the City Manager (Personnel matters - Section 551.074 of the Government Code).

**Discussion occurred.**

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

**Withdrawn.**

74. Discuss real estate and legal matters related to the purchase, exchange, lease, or value of an interest in real property and improvements to be used for historic preservation and affordable housing (Real property - Section 551.072 of the Government Code; private consultation with legal counsel - Section 551.071 of the Government Code).

**Withdrawn.**

75. Discuss the appointment, compensation, and benefits of judges for the City of Austin Municipal Court for the term beginning January 1, 2022. (Personnel matters - Tex. Government Code Chap. 551.074).

**Withdrawn.**

**Mayor Adler reconvened the Council Meeting at 3:44 p.m.**

### **DISCUSSION ITEMS**

14. Approve an ordinance creating the Tax Increment Reinvestment Zone No. 19 for the South-Central Waterfront to be located within the area bounded on the west by South 1st Street from Lady Bird Lake south to Bouldin Creek, on the south by Bouldin Creek from South 1st Street east to Riverside Drive, on the east by the Ann and Roy Butler Hike and Bike Trail from Riverside Drive north to Lady Bird Lake, and on the north by Lady Bird Lake from South 1st Street east to the Ann and Roy Butler Hike and Bike Trail between Lady Bird Lake and Riverside Drive, and excludes the area bounded to the west by South 1st Street between Riverside Drive and Barton Springs Road, bounded to the east by Barton Springs Road between South 1st Street and Riverside Drive, and bounded to the north by Riverside Drive between South 1st Street and Barton Springs Road; and establishing a Board of Directors for the zone, and related matters. Related to Item #69. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning.

**This item was postponed to December 20, 2021 on Mayor Adler's motion, Council Member Kelly's second on a 9-0 vote. Council Members Fuentes and Tovo were off the dais.**

### **PUBLIC HEARINGS AND POSSIBLE ACTIONS**

69. Conduct a public hearing and consider an ordinance creating the proposed Tax Increment Reinvestment Zone No. 19 for the South-Central Waterfront to be located within the area bounded on the west by South 1st Street from Lady Bird Lake south to Bouldin Creek, on the south by Bouldin Creek from South 1st Street east to Riverside Drive, on the east by the Ann and Roy Butler Hike and Bike Trail from Riverside Drive north to Lady Bird Lake, and on the north by Lady Bird Lake from South 1st Street east to the Ann and Roy Butler Hike and Bike Trail between Lady Bird Lake and Riverside Drive, and excludes the area bounded to the west by South 1st Street between Riverside Drive and Barton Springs Road, bounded to the east by Barton Springs Road between South 1st Street and Riverside Drive, and bounded to the north by Riverside Drive between South 1st Street and Barton Springs Road; and establishing a Board of Directors for the zone, and related matters. Related to Item #14. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning.

**This item was postponed to December 20, 2021 on Mayor Adler's motion, Council Member Kelly's second on a 9-0 vote. Council Members Fuentes and Tovo were off the dais.**

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



76. C14-2021-0146 - 127 East Slaughter Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 127 East Slaughter Lane (Onion Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner / Applicant: UH Storage Limited Partnership (Stuart Shoen). Agent: Kimley-Horn and Associates, Inc. (Amanda C. Brown). 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. 20211209-076 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

77. NPA-2021-0011.02 - Amaya's Building Project-Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30 the North Loop 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 5804 North IH 35 Service Road Southbound (Tannehill Branch Watershed) from Commercial to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Roberto Amaya (AKA R. Felix, Inc.). Agent: Moreno Development Services (Candelario Moreno). 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 Ordinance No. 20211209-077 to change the future land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

78. C14-2021-0162 - Amaya's Building Project - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning a property locally known as 5804 N IH 35 SVRD SB (Tannehill Branch 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 and Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner: Roberto C Amaya, INC. Applicant: Moreno Development Services (Candelario Moreno). City Staff: Kate Clark, 512-974-1237. District(s) Affected: District 4.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20211209-078 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

79. C14-2021-0127 Rogers Lane Residential - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known 5417 Rogers Lane (Walnut Creek and Elm Creek Watersheds). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning to urban family residence (SF-5) district zoning, as amended. First reading approved November 18, 2021. Vote: 11-0. Owner/Applicant: 5417 Rogers Lane LLC (Stuart Carr). Agent: Thrower Design, LLC (A. Ron Thrower). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 1.  
**This item was postponed to January 27, 2022 at the request of the neighborhood on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**
80. C14-2020-0143 12121 N IH 35 Rezoning- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12121 North IH 35 Service Road Northbound (Walnut Creek Watershed). Applicant's Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning to multifamily residence-moderate high density (MF-4) district zoning. Staff and Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high density (MF-4) district zoning. Owner/Applicant: Dupius Investments, Ltd. (Daniel McCormack) Agent: Coats Rose (John M. Joseph). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 1.  
**This item was postponed indefinitely at the request of the applicant on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**
81. C14-2021-0137 - 3427 Jefferson Street - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3427 Jefferson Street (Shoal Creek Watershed). Applicant Request: To rezone from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Owner: Estate of Tom Wiley (Lindabeth Doby, Executor). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 10.  
**This item was postponed to January 27, 2022 at the request of the neighborhood on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**
82. NPA-2020-0015.03 - 6705 & 6501 Regiene Road - Approve second and third readings of an ordinance amending Ordinance No. 021107-Z-11 the East MLK Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6501 and 6705 Regiene Road (Boggy Creek Watershed) from Industry to Major Planned Development land use. First Reading approved Major Planned Development land use on November 18, 2021. Vote: 11-0. Owner/Applicant: KUNIKCO LLC (Daryl Kunik). Agent: Drenner Group (Leah M. Bojo). City Staff: Jesse Gutierrez, Housing and Planning Department (512) 974-1606. District(s) Affected: District 1.

**This item was postponed to January 27, 2022 at the request of the neighborhood on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

83. C14-2020-0150 6705 and 6501 Regiene Road- Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6501 and 6705 Regiene Road (Boggy Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning and limited industrial services-neighborhood plan (LI-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. The ordinance may include modifications of City regulations. First Reading approved on November 18, 2021. Vote 11-0. Owner/Applicant: Kunikco, LLC (Daryl Kunik). Agent: Drenner Group PC (Leah Bojo). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

**This item was postponed to January 27, 2022 at the request of the neighborhood on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

84. NPA-2021-0026.01, Grady & Brownie Mixed Use-Approve third reading of 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, and 10615 Brownie Drive; and 10610, 10612, and 10614 Middle Fiskville Road (Walnut Creek & Little Walnut Creek Watersheds) from Single Family and Neighborhood Commercial land use to Mixed Use land use. Second reading approved mixed use land use on November 18, 2021. Vote: 11-0. 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.

**This item was postponed to January 27, 2022 at the request of Council Member Casar on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

85. C14-2021-0039 - Grady and Brownie Mixed Use - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 10609, 10611, 10613, and 10615 Brownie Drive; and 10610, 10612, and 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 from 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. First Reading approved multifamily residence-low density-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 on November 4, 2021. Vote: 8-3, Council Members A. Alter, K. Tovo and N. Harper-Madison-No. Owner/Applicant: Grady & Brownie Investments LLC (Saleem Memon). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 4.

**This item was postponed to January 27, 2022 at the request of Council Member Casar on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

86. NPA-2021-0023.01.SH, Manor Road and Northeast Drive - Approve second and third readings of an ordinance amending Ordinance No. 20070809-55 the University Hills/Windsor Park 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 3209 Jack Cook Drive (Little Walnut Creek Watershed) from Single Family to Mixed Use land use. Approved first reading on November 18, 2021. Vote: 11-0. Owner/Applicant: AM1031, LLC (Managed by Anmol Mehra). Agent: Drenner Group, PC (Leah Bojo). City Staff: Maureen Meredith, Housing and Planning Department (512) 974-2695. District(s) Affected: District 1.  
**Ordinance No. 20211209-086 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**
87. C14-2021-0133.SH Manor Road and Northeast Drive- Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 3209 Jack Cook Drive (Little Walnut Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-vertical mixed use building-neighborhood plan (LR-MU-V-NP) combining district zoning. First reading approved neighborhood commercial-mixed use- vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) combining district zoning, on November 18, 2021. Vote: 11-0. Owner/ Applicant: AM1031 LLC (Anmol Mehra). Agent: Drenner Group PC (Leah Bojo). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.  
**Ordinance No. 20211209-087 to neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (LR-MU-V-CO-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**
88. 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: Forwarded to Council without a recommendation to lack of an affirmative vote. Owner/Applicant: 1725 Toomey LLC. Agent: Drenner Group PC (Amanda Swor). City Staff: Kate Clark, 512-974-1237. A valid petition has been filed in opposition to this rezoning case. 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, with the following direction, was approved on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**  
  
**Council Member Kitchen directed to staff to include possible language to restrict short term rentals, adding a vegetative buffer along Toomey Road and limiting building height to 75 feet.**
89. C14-2020-0121 - Holland Stone - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1105 Matthews Lane (South Boggy

Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning to urban family residence (SF-5) district zoning. On December 2, 2021, Council approved urban family residence-conditional overlay (SF-5-CO) combining district zoning on First Reading. Vote: 10-0, Council Member Casar was off the dais. Owner: Bart Van Cromvoirt. Agent: Sandlin Services, LLC (Nick Sandlin). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 5. **Ordinance No. 20211209-089 to urban family residence-conditional overlay (SF-5-CO) combining district zoning was approved on Council Member Fuentes' motion, Council Member Ellis' second on an 11-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

64. Approve a resolution relating to policies and programs that encourage affordable housing development and preservation, and to financial opportunities and regulatory options that may encourage or facilitate the development of accessory dwellings; and initiating amendments to Title 25 (Land Development Code) relating to accessory dwellings. Council Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Alison Alter, Council Member Leslie Pool, Council Member Ann Kitchen.  
**Resolution No. 20211209-064 was approved, as amended below, on Council Member Tovo's motion, Council Member Pool's second on an 11-0 vote.**

**Council Member Tovo offered the following amendments that were accepted without objection. The amendments were:**

**Amend the third paragraph of the second Be It Further Resolved clause to read:**

**"In the course of constructing this amendment, the City Manager shall also do the following:**

- 1. consider options for scaling the size of ADUs based on lot size, and review examples including in Honolulu--Hawaii, Santa Cruz, Seattle, and Santa Barbara;**
- 2. propose regulations to restrict use of ADUs as short-term rentals in these expanded areas;**
- 3. consider expedited permitting, fee waivers, and other incentives for 63 property owners who construct income-restricted ADUs; and"**

**Amend the fifth Be It Further Resolved clause to read:**

**"The City Manager returns to Council with options for a streamlined definition of "Accessory Dwelling" that eliminates distinctions among different types identified in the code (including internal and external units) and would also thus remove requirements related to age, ability, occupation, or family status. This work shall be completed no later than February 1, 2022. The City Manager shall also provide information about how different amendment options would impact the maximum number of units that could be constructed on Single Family 3-zoned properties."**

**Amend the sixth Be It Further Resolved clause to read:**

**“Prior to consideration of code amendments by the Planning Commission, the City Manager shall engage Neighborhood Planning Areas or Neighborhood Conservation Combining Districts (NCCD) where ADUs are not currently allowed in considering amendments that would enable broader opportunities for this housing type.”**

#### **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 4:48 p.m. See separate minutes.**

68. 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 4:58 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

62. Approve a resolution directing the City Manager to perform an analysis of the cost of producing housing in Austin and to identify potential options for reducing this cost. Council Sponsors: Mayor Pro Tem Natasha Harper-Madison, Mayor Steve Adler, Council Member Paige Ellis, Council Member Gregorio Casar, Council Member Mackenzie Kelly.  
**A motion to approve the resolution was made on Mayor Pro Tem Harper-Madison's motion, seconded by Council Member Renteria.**

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

**The Manager is directed to develop recommendations for a scope of work to study opportunities to reduce permitting time for new housing construction including construction related to redevelopment in Austin. The Manager's recommendations should consider staff capacity, opportunity costs, and identify whether the scope of work will impact staffs ability to advance other pre-existing Council priorities or direction.**

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

**Staff should also consider, as part of the scope of work, revising and/or adding to current performance metrics which primarily focus on customer service to add metrics that reflect outcomes related to housing and the goals set forth in the Strategic Housing Blueprint. As examples such metrics to consider may include targets and timing for site and subdivision application intake meetings; 3-1-1 service requests closure rates; plan reviews completed**

on-time across all applicable departments: median length of time it takes for plan reviews to be completed; building permits issuance timing and subdivision approval timeframes.

Mayor Pro Tem Harper-Madison offered the following amendment that was accepted without objection. The amendment was:

Amend the Be It Resolved clause to read:

“The Council directs the City Manager to perform an analysis of the cost of producing housing in Austin and to identify potential options for reducing this cost. If, and when, the study or staff identify potential options for cost reductions, the Council directs the City Manager to provide information on the public benefits provided by any associated regulations and fees under consideration for changes. The City Manager should include detailed information on potential impacts to public infrastructure and the environment including funding impacts on existing or unmet needs, for any proposed changes;”

Council Member Tovo offered the following amendment that was accepted without objection. The amendment was:

Add a Be It Further Resolved clause to read:

“Be it Further Resolved

That prior to initiating the work or entering into contracts and no later than March 1, 2022, the City Manager shall return to City Council with the following:

1. A description of existing information, reports, and analysis that provide answers to questions raised in this Resolution.
2. An estimated cost for consultant contracts to provide any additional analysis called for in this Resolution.
3. An estimated number of staff hours and associated costs required to assist in this effort.”

A motion to amend the resolution was made on Council Member Pool’s motion, seconded by Council Member Kitchen. The amendment was:

Add two new Be It Further resolved clauses beginning on line 95 to read:

“BE IT FURTHER RESOLVED:

The City Manager is directed to provide an analysis of the value of City priorities such as open space and parkland dedication, transportation and right of way dedication, water quality and storm water requirements, heritage and protected tree preservation and mitigation regulations, and other safety and quality of life regulations that pertain to housing production. The City departments that oversee the regulation and fee requirements related to the safety and quality of life policies mentioned above should be tasked with performing the analysis: those include but are not limited to the Watershed Protection, Parks and Recreation, and Austin Transportation Departments.

Additionally, established national studies that quantify the value and state of Austin's natural resources should be drawn from for the analysis, including but not limited to

**"Austin's Urban Forest Report" released by the US Department of Agriculture with data compiled by Texas A&M University, and the Trust for Public Land's "2021 ParkScore Index" which includes a ranking for Austin. Other studies that analyze health and equity disparities in Austin's community related to either the lack of access to, or presence of natural resources, including increased heat island effects due to lack of tree canopy or parkland deficiency, for example, should also be reviewed and used in stairs analysis.**

**BE IT FURTHER RESOLVED:**

**Should the analysis of the cost of housing production identify potential fee reductions or changes to regulation as a remedy for rising housing production costs, the City Manager should also review and include for Council the subsequent cost, both financial and in terms of the overall health of the community, of any significant loss of natural resources and the other safety and quality of life measures mentioned above."**

**The amendment was withdrawn without objection.**

**Resolution No. 20211209-062 was approved, as amended, on Mayor Pro Tem Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Mayor Adler was off the dais.**

8. Approve a resolution to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Major Events Reimbursement Program for the purpose of conducting economic studies, submitting applications, and submitting any required funding to the Texas Office of the Governor for Formula 1 U. S. Grand Prix events to be held at the Circuit of the Americas facility. District(s) Affected: District 2. Strategic Outcome(s): Economic Opportunity and Affordability.

**Resolution No. 20211209-008 was approved, as amended below, on Council Member Fuentes' motion, Council Member Alter's second on a 10-0 vote. Mayor Adler was off the dais.**

**A motion to amend the resolution was made by Council Member Fuentes. The amendment was:**

**Be it resolved, the City Manager is authorized to negotiate and execute any contracts and agreements necessary to substantially effectuate the inclusion of the following obligations into the Exhibit A for the agreements between the City, COTA, and CELOC:**

**Reporting to Council periodically, but not less than quarterly, on completion of:**

**1. A traffic management plan that includes:**

- a. Project timelines and funding status of the following:**
- b. Sidewalk and bike lanes**
- c. Expansion of Hwy 812**
- d. Installation of traffic signals at:**
- e. SH-130 & Hwy 812**
- f. Kellan and Elroy Road to East**
- g. Hwy 812 and Circuit of the Americas Boulevard**
- h. 2-way stops for Elroy Road & Ross Road, and Elroy Road and Heine Farms Road**



- i. Pre-event signage alerting residents to the dates of the event along with any road closures.
- j. Evaluation of traffic management personnel allocation utilized throughout the event.

**2. COTA-funded youth-focused STEM education programs and internships targeted to Del Valle ISD, Akins High School, and other nearby schools.**

**3. Progress and implementation of improved access to events and parking facilities for people with disabilities as recommended by the Independent Accessibility Compliance Committee.**

**4. A post-F1 meeting with the City Manager's designee and the District representative, at minimum, not more than 30 days after the F1 event to debrief on the performance of the Transportation Management Plan to plan for mutually agreed upon measures to be taken to improve each F1 event.**

**5. The first report shall be due to Council presenting feasible recommendations, along with fiscal impacts, by March 4, 2022."**

**Council Member Tovo offered an amendment to the amendment that was accepted without objection. The amendment to the amendment was:**

**Amend part 2. of the amendment to read:**

**"2. An expansion of COTA-funded youth-focused STEM education programs and internships targeted to Del Valle ISD, Akins High School, and other nearby schools."**

**The motion to amend the resolution, as amended, was accepted without objection on Council Member Fuentes' motion.**

45. Authorize negotiation and execution of an amendment to the legal services agreement with Richards, Rodriguez & Skeith, LLP for representation related to Justin Howell v. City of Austin, Cause No. 1:21-CV-00749--RP in the United States District Court for the Western District of Texas in an amount of \$400,000 for a total contract amount not to exceed \$438,000. Strategic Outcome(s): Government That Works for All.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Richards, Rodriguez & Skeith, LLP was approved, as amended below, on Council Member Casar's motion, Council Member Fuentes' second on a 10-0 vote. Mayor Adler was off the dais.**

**Council Member Casar offered the following amendment that was accepted without objection. The amendment was:**

**"Reduce the amount of the legal services agreement by \$189,000 to \$211,000 for a total contract amount not to exceed \$249,000."**

49. Authorize negotiation and execution of an amendment to the legal services agreement with Richards, Rodriguez & Skeith, LLP for representation related to Anthony Evans v. City of Austin et al, Cause No. 1:20-cv1057-RP in the United States District Court for the Western District of

Texas in an amount of \$500,000 for a total contract amount not to exceed \$760,000. Strategic Outcome(s): Government That Works for All.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Richards, Rodriguez & Skeith, LLP was approved on Council Member Casar's motion, Council Member Fuentes' second on a 10-0 vote. Mayor Adler was off the dais.**

**Council Member Casar offered the following amendment that was accepted without objection. The amendment was:**

**"Reduce the amount of the legal services agreement by \$210,000 to \$290,000 for a total contract amount not to exceed \$550,000."**

44. Approve third reading of an ordinance to annex the Pilot Knob MUD No. 1, Tract I; Pilot Knob MUD No. 4, Tracts J, L, and M; and Pilot Knob MUD No. 5, Tract K for limited purposes (approximately 242 acres) in southeastern Travis County, east of the intersection of East Slaughter Lane and Thaxton Road (contiguous to Council District 2). Related to Item #90. District(s) Affected: District 2. Strategic Outcome(s): Government that Works for All.
- Ordinance No. 20211209-044 was approved on Council Member Fuentes' motion, Council Member Pool's second on a 10-0 vote. Mayor Adler was off the dais.**

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

90. C814-2012-0152.03 - Pilot Knob PUD - 3rd Amendment - Approve third reading of an ordinance amending City Code Title 25 by zoning property locally known as 7620 FM Road 1625, 8009 and 8047 Sassman Road, and two parcels near Thaxton Road and south of Sassman Road (Cottonmouth Creek Watershed; Marble Creek Watershed; North Fork Dry Creek Watershed; South Fork Dry Creek Watershed). Applicant's Request: To zone from unzoned to planned unit development (PUD) district zoning, to add five tracts of land. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved on November 18, 2021. Vote: 11-0. Second Reading approved on December 2, 2021. Vote: 10-0, Council Member Casar was off the dais. Applicant: Carma Easton, LLC (AJ Zorn). Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Wendy Rhoades, 512-974-7719. Contiguous to District 2. Related to Item #44. District(s) Affected: District 2.
- Ordinance No. 20211209-090 for planned unit development (PUD) district zoning was approved, with the following direction, on Council Member Fuentes' motion, Council Member Pool's second on a 10-0 vote. Mayor Adler was off the dais.**

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

**"Part 8B. of Ordinance No. 20161110-032 (Pilot Knob PUD ordinance) contemplates an agreement with the Landowner to achieve permanent affordability for owner-occupied units. Therefore, the City Council directs the City Manager to propose terms for an**

agreement that will achieve permanent affordability in Part 8B. of the Pilot Knob PUD ordinance; The City Council directs the City Manager to place an item on an upcoming Council agenda authorizing the City Manager to negotiate and execute an agreement that achieves permanent affordability for owner-occupied units subject to the Pilot Knob PUD ordinance no later than February 17, 2022.”

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

The City Manager is directed to clearly outline any fee waivers, or additional city costs, in the contemplated agreement.

#### **DISCUSSION ITEMS CONTINUED**

60. Approve a resolution directing the City Manager to develop options to provide paid parental leave for sworn Police, Fire, and EMS personnel. Council Sponsors: Council Member Ann Kitchen, Council Member Gregorio Casar, Council Member Paige Ellis, Council Member Mackenzie Kelly, Council Member Leslie Pool, Council Member Vanessa Fuentes, Council Member Katie Tovo.

**Resolution No. 20211209-060 was approved on Council Member Kitchen’s motion, Council Member Renteria’s second on a 9-0 vote. Mayor Pro Tem Harper-Madison recused. Mayor Adler was off the dais.**

#### **ITEMS REFERRED FROM COUNCIL COMMITTEES**

67. Discuss and approve an ordinance relating to appointment of municipal court judges. Council Sponsors: Public Safety Committee. Strategic Outcome(s): Government that Works for All, Public Safety.

**Ordinance No. 20211209-067 was approved, as amended below, on Council Member Pool’s motion, Council Member Kelly’s second on a 10-0 vote. Mayor Adler was off the dais.**

**The following amendments were accepted without objection. The amendments were:**

**Amend Part 7 to read:**

**“PART 7. Compensation for the presiding judge is \$6,322.40 per pay period, annualized to \$164,382.40, paid in accord with normal city payroll practices.”**

**Amend Part 8 to read:**

**“PART 8. Compensation for an associate judge, including the judge of the Downtown Austin Community Court and the overnight magistrate for the Travis County Central Booking Facility, is \$5,484.00 per pay period, annualized to \$142,584.00, paid in accord with normal city payroll practices.”**

**Amend Part 9 to read:**

**“PART 9. Compensation for a substitute judge is \$65.72 per hour, paid in accord with normal city payroll practices.”**

**Mayor Pro Tem Harper-Madison adjourned the meeting at 6:37 p.m. without objection. Mayor Adler was off the dais.**

**The minutes were approved on this the 27<sup>th</sup> day of January 2022 on Council Member Pool’s motion, Council Member Fuentes’ second on a 11-0 vote.**