



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 3, 2022**

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, February 3, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 12:14 p.m.

Mayor Pro Tem Alter, Council Members Casar, Ellis, Fuentes, Harper-Madison, Kelly, Kitchen, Pool, Renteria, and Tovo were remote.

CITIZEN COMMUNICATIONS: GENERAL

R.W.Rushing - Recycling Budget **Not present.**

Sridhar Reddy - RED Tag on lot 1010 Ogden Street 78733 **Not present.**

Thomas Elmasri - Sexual assault, police policing, and general status of roads **Present.**

Rosie Darby - The Most Vulnerable in Our Community **Not present.**

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 1:22 p.m. See separate minutes.

41. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of The Austin Industrial Development Corporation. Following adjournment of The Austin Industrial Development Corporation meeting the City Council will reconvene.

Mayor Adler recessed the Austin Housing Finance Corporation at 1:26 p.m.

Mayor Adler reconvened the Council Meeting at 1:26 p.m.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council special called of January 18, 2022, work session of January 25, 2022, and regular meeting of January 27, 2022.
The motion to approve the minutes of the Austin City Council special called of January 18, 2022, work session of January 25, 2022, and regular meeting of January 27, 2022 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
2. Authorize negotiation and execution of an encroachment agreement with Robert T. Nicholas, Howard Michael Joseph, Jr., Doris Attal Potts, Janice Joseph Carmona, Patricia Ann Joseph, Mary Attal Rizzo, and Laura J. Nicholas, for the permanent surface encroachments of public right-of-way consisting of approximately 13 square feet extending along the 1800 block of Rosewood Avenue for a building. District(s) Affected: District 1. Strategic Outcome(s): Government that Works for All.
The motion authorizing the negotiation and execution of an encroachment agreement with Robert T. Nicholas, Howard Michael Joseph, Jr., Doris Attal Potts, Janice Joseph Carmona, Patricia Ann Joseph, Mary Attal Rizzo, and Laura J. Nicholas was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
3. Authorize negotiation and execution of a contract with Powell Electrical Systems, Inc. to provide 15kV automatic throw over double tank switchgear, for a term of five years for a total contract amount not to exceed \$1,200,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.
The motion authorizing the negotiation and execution of a contract with Powell Electrical Systems, Inc. was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
4. Authorize award of two contracts with Techline, Inc. and Wesco Distribution, Inc. to provide capacitor banks and associated parts, each for a term of five years for total contract amounts not to exceed \$3,565,000, divided between 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 insufficient subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.
The motion authorizing the award of two contracts with Techline, Inc. and Wesco Distribution, Inc. was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
5. Authorize award of a multi-term contract with AVI Systems, Inc. to provide a video wall upgrade and related maintenance for Austin Energy's Systems Control Center, for up to 10 years for a total contract amount not to exceed \$1,900,000. (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 and 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 award of a multi-term contract with AVI Systems, Inc. was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

6. Authorize negotiation and execution of a contract with Burns & McDonnell Engineering Company, Inc. to provide an energy transmission study, resource planning, and market risk study, for a total contract amount not to exceed \$1,200,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B 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 contract with Burns & McDonnell Engineering Company, Inc. was approved on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

7. Authorize additional expenditures to contracts with Oracle America, Inc. to continue providing licenses, enhancements, hosting software and management services of the City's customer utility billing information system, to increase the amount by \$18,625,000, and to extend the contract terms each for up to five years, for revised total contract amounts not to exceed \$32,212,083. (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 additional expenditures to contracts with Oracle America, Inc. was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

8. Authorize negotiation and execution of a contract with KorTerra, Inc. to provide software for the management of underground utility location requests, for a term of five years for a total contract amount not to exceed \$400,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety, Government that Works for All.

The motion authorizing the negotiation and execution of a contract with KorTerra, Inc. was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

9. Authorize award of a contract with Polydyne Inc. to provide cationic polymer for a term of five years for a total contract amount not to exceed \$2,739,200. (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): Health and Environment.

The motion authorizing the award of a contract with Polydyne Inc. was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

10. Authorize negotiation and execution of four contracts with Ricondo Associates, Inc., Unison Consulting, Inc., LeighFisher Inc., and Frasca & Associates LLC for financial and other related consulting services, each for a term of five years for total contract amounts not to exceed \$2,500,000 divided among the contractors. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Mobility, Government that Works for All.

The motion authorizing the negotiation and execution of four contracts with Ricondo Associates, Inc., Unison Consulting, Inc., LeighFisher Inc., and Frasca & Associates LLC was approved on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

11. Authorize award of a contract with Washing Equipment of Texas, Inc. to purchase and install new truck washing equipment and related maintenance services, for a term of five years for a total contract amount not to exceed \$550,000. (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): Safety, Mobility.

The motion authorizing the award of a contract with Washing Equipment of Texas, Inc. was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

12. Authorize an amendment to the contract with Enterprise Professional Services, Inc. for continued cleanup services of lands, creeks, electric utility distribution and transmission sites, and related infrastructures, to increase the amount by \$308,000, for a revised total contract amount not to exceed \$1,540,000. (Note: This contract was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this contract, there were no subcontracting opportunities; therefore, no subcontracting goals were established. However, the recommended contractor identified subcontracting opportunities). Strategic Outcome(s): Health and Environment, Safety.

The motion authorizing an amendment to the contract with Enterprise Professional Services, Inc. was approved on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

13. Authorize negotiation and execution of a Construction Manager-at-Risk agreement with Linbeck Group, LLC, for preconstruction and construction services for the Mexic-Arte Museum project in an amount not to exceed \$14,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 4.00% MBE and 5.00% WBE participation.] District(s) Affected: District 9. Strategic Outcome(s): Culture and Lifelong Learning, Government that Works for All, Economic Opportunity and Affordability.

The motion authorizing the negotiation and execution of a Construction Manager-at-Risk agreement with Linbeck Group, LLC, was approved on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

14. Authorize negotiation and execution of a professional services agreement with HDR Engineering, Inc., (staff recommendation) or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP321 to provide engineering services for the Congress Avenue Urban Design Initiative in an amount not to exceed \$10,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 49 CFR Part 26 (Disadvantaged Business Enterprise Procurement Program) by meeting the goals with 14.8% DBE participation.] District(s) Affected: District 9. Strategic Outcome(s): Mobility.

The motion authorizing the negotiation and execution of a professional services agreement with HDR Engineering, Inc., (staff recommendation) or one of the other qualified responders was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

15. Authorize award and execution of a construction contract with Restek, Inc., for the 2021-2025 Bridge Maintenance Indefinite Delivery/Indefinite Quantity Rebid contract in the amount of \$850,000 for an initial one-year term, with four, one-year extension options of \$850,000 each for a total contract amount not to exceed \$4,250,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.58% MBE and 1.67% WBE participation.] Strategic Outcome(s): Safety, Mobility.

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

16. Approve negotiation and execution of all documents and instruments necessary or desirable to acquire in fee simple approximately 61.687 acres of land and improvements located at 1495 W. State Highway 21, Cedar Creek, Bastrop County, Texas 78612, also known as the Austin Equestrian Center for an amount not to exceed \$1,817,500 including closing costs. This project is located outside of the City's extra-territorial jurisdiction. Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

17. Authorize negotiation and execution of a contract with United Way for Greater Austin to administer emergency childcare and family support services related to the American Rescue Plan Act, for a term of three years in an amount not to exceed \$3,513,000. (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): Economic Opportunity and Affordability, Health and Environment.

The motion authorizing the negotiation and execution of a contract with United Way for Greater Austin was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

18. Authorize negotiation and execution of a contract with Capital Investing In Development & Employment Of Adults Inc. d/b/a Capital IDEA to provide workforce development services related to the American Rescue Plan Act, for a term of three years in an amount not to exceed \$1,500,000. (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): Economic Opportunity and Affordability.

The motion authorizing the negotiation and execution of a contract with Capital Investing In Development & Employment Of Adults Inc. doing business as Capital IDEA was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

19. Approve an ordinance authorizing acceptance of \$36,000 in grant funds from the Texas Comptroller of Public Accounts, State Energy Conservation Office; amending the Fiscal Year 2021-2022 Fleet Mobility Services Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to appropriate these funds; and amending the Fiscal Year 2021-2022 Fleet Mobility Services Department Capital Budget (Ordinance No. 20210811-001) to transfer in and appropriate \$36,000 from the Fleet Mobility Services Department Operating Budget Special Revenue Fund to assist with the installation of electrical vehicles charging stations. Strategic Outcome(s): Mobility, Health & Environment.

Ordinance No. 20220203-019 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

20. Authorize negotiation and execution of a contract with Austin Travis County Integral Care to fund renovations at the Texas Bungalows Hotel & Suites located at 13311 Burnet Road, Austin, TX 78727, known as the Bungalows at Century Park, a hotel conversion project to create new, permanent supportive housing in the City, for a one-year term for a total contract amount not to exceed \$1,364,210.40. District(s) Affected: District 7. Strategic Outcome(s): Economic Opportunity and Affordability.

The motion authorizing the negotiation and execution of a contract with Austin Travis County Integral Care was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

21. Approve a resolution related to an application by MHP Anderson Creek, LLC, or an affiliated entity, for competitive 9% housing tax credits for a new construction development to be known as Anderson Creek, located at or near 1701 East Anderson Lane, Austin, TX 78752, and related to the allocation of housing tax credits within the City and near the proposed development. District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability.

Resolution No. 20220203-021 was approved on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

22. Approve a resolution related to an application by Cady Lofts, LLC, or an affiliated entity, for competitive 9% housing tax credits for a new construction development to be known as Cady

Lofts, located at or near 1004-1008 East 39th Street, Austin, TX 78751, and related to the allocation of housing tax credits within the City and near the proposed development. District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity and Affordability.

Resolution No. 20220203-022 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

23. Approve a resolution related to an application by Cobblestone Senior Housing Limited Partnership, or an affiliated entity, for competitive 9% housing tax credits for a rehabilitation development to be known as Cobblestone Court, located at or near 2101 Davis Lane, Austin, TX 78745, and related to the allocation of housing tax credits within the City and near the proposed development. District(s) Affected: District 5. Strategic Outcome(s): Economic Opportunity and Affordability.

Resolution No. 20220203-023 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

24. Approve a resolution related to an application by Kensington Apartments, LP, or an affiliated entity, for competitive 9% housing tax credits for a rehabilitation development to be known as Kensington Apartments, located at or near 3300 Manor Road, Austin, TX 78723, and related to the allocation of housing tax credits within the City and near the proposed development. District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability.

- This item was withdrawn.** 25. Approve a resolution related to an application by Lancaster Ct. Housing Partnership, LP, or an affiliated entity, for competitive 9% housing tax credits for a new construction development to be known as The Lancaster, located at or near 5107-5111 Lancaster Court, Austin, TX 78723, and related to the allocation of housing tax credits within the City and near the proposed development. District(s) Affected: District 4. Strategic Outcome(s): Economic Opportunity and Affordability.

Resolution No. 20220203-025 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

26. Approve a resolution related to an application by HTG Anderson, LLC, or an affiliated entity, for competitive 9% housing tax credits for a new construction development to be known as Red Oaks, located at or near the 1100 Block of RM 620 and El Salido Parkway, Austin, TX 78750, and related to the allocation of housing tax credits within the City and near the proposed development. District(s) Affected: District 6. Strategic Outcome(s): Economic Opportunity and Affordability.

Resolution No. 20220203-026 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

27. Authorize negotiation and execution of a second amendment to the legal services agreement with Winstead PC for representation regarding negotiations related to the purchase of the leasehold interest in the South Terminal at Austin-Bergstrom International Airport in the amount of \$600,000, for a total contract amount not to exceed \$847,000. Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of a second amendment to the legal services agreement with Winstead PC was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

28. Approve the Pease Park Conservancy's Annual Programming Plan for Kingsbury Commons within Pease District Park. District(s) Affected: District 9. Strategic Outcome(s): Health and Environment, Culture and Lifelong Learning, Government that Works for All.
The motion approving the Pease Park Conservancy's Annual Programming Plan for Kingsbury Commons was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
29. Approve an ordinance authorizing negotiation and execution of an interlocal cooperation agreement with the University of Texas to accept grant funds in the amount of \$25,000 from the National Science Foundation for the 'Civic Innovation Challenge' project to address the spatial mismatch between affordable housing and jobs by creating a community hub for smart mobility; amending the Fiscal Year 2021-2022 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept funds from the University of Texas in the amount of \$25,000; and amending the Austin Transportation Department Capital Budget (Ordinance No. 20210811-001) to transfer in and appropriate \$25,000 for the implementation of the project. Strategic Outcome(s): Economic Opportunity & Affordability.
Ordinance No. 20220203-029 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
30. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to establish a maximum speed limit of 35 miles per hour for Convict Hill Road from Brodie Lane to US Highway 290. District(s) Affected: District 8. Strategic Outcome(s): Mobility, Safety.
Ordinance No. 20220203-030 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
31. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to establish a maximum speed limit of 35 miles per hour for Salt Springs Drive from William Cannon Drive (East) to Thaxton Road. District(s) Affected: District 2. Strategic Outcome(s): Mobility, Safety.
Ordinance No. 20220203-031 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
32. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to establish a maximum speed limit of 45 miles per hour for Slaughter Lane (West) from Ranch to Market (R.M.) 1826 to Escarpment Boulevard. District(s) Affected: District 8. Strategic Outcome(s): Mobility, Safety.
Ordinance No. 20220203-032 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
33. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to establish a maximum speed limit of 30 miles per hour on Nuckols Crossing Road from St. Elmo Road (East) to Pleasant Valley Road (South); St. Elmo Road (East) from Nuckols Crossing Road to Todd Lane/Pleasant Valley Road (South); and 35 miles per hour from St. Elmo Road (East) from IH 35 (South) East Frontage Road to Todd Lane/Pleasant Valley Road (South). District(s) Affected: District 2. Strategic Outcome(s): Mobility, Safety.
Ordinance No. 20220203-033 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

34. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to reduce the speed limit on East Yager Lane from Tech Ridge Boulevard to Parmer Lane. District(s) Affected: District 1. Strategic Outcome(s): Mobility, Safety.
Ordinance No. 20220203-034 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
35. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to establish a maximum speed limit of 45 miles per hour on Tech Ridge Boulevard from IH 35 Northbound Frontage Road to East Parmer Lane. District(s) Affected: District 7. Strategic Outcome(s): Mobility, Safety.
Ordinance No. 20220203-035 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.
36. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to establish a maximum speed limit of 35 miles per hour on West Yager Lane from North Lamar Boulevard to IH 35 Northbound Frontage Road. District(s) Affected: District 7. Strategic Outcome(s): Mobility, Safety.
Ordinance No. 20220203-036 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

ITEMS FROM COUNCIL

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

Board/Nominee

Nominated by

Austin Travis County Food Policy Board

Karen Magid

Travis County

College Student Commission

Kennedy Fears

Huston-Tillotson University

Commission for Women

Desiree Bermea

Council Member Fuentes

Commission on Immigrant Affairs

Karen Reyes

Council Member Tovo

Downtown Commission

Amy Mok

Arts Commission

Environmental Commission

Ana Aguirre

Council Member Tovo

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

Emily Bush

Council Member Kitchen

38. Approve the waiver or reimbursement of certain fees for the USAFIT Resolution Race Half Marathon and 5K that was held on January 2, 2022. Council Sponsors: Council Member Vanessa Fuentes, Council Member Gregorio Casar, Council Member Ann Kitchen, Council Member Paige Ellis.

The following waiver or reimbursement was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

Items 39 and 40 were pulled for discussion.

50. Approve an ordinance amending Ordinance No. 20220118-002 ordering a special municipal election regarding measures to eliminate low-level marijuana enforcement and ban no-knock warrants to revise Section 16-1-1 to reflect the correct section lettering as set forth in the citizen-initiated ordinance; to set the hours of voting on election day and add Exhibit A regarding early voting dates, times, and locations; and declaring an emergency. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20220203-050 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

51. Approve a resolution canvassing the results of the January 25, 2022 special election. Strategic Outcome(s): Government that Works for All.

Resolution No. 20220203-051 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

City Council Member District 4 special election as tabulated and canvassed votes cast at the election

Amanda Rios	349
Isa Boonto	33
Ramesses II Setepenre	17
Melinda Schiera	175
Jade Lovera	402
Monica Guzmán	497
José "Chito" Vela	2,141

52. Approve an ordinance amending City Code Chapter 4-20 (Special Events) to modify the definition of a special event and the description of a tier 2 special event; and declaring an emergency. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Safety.

Ordinance No. 20220203-052 was approved on consent on Council Member Pool's motion, Council Member Kelly's second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

54. C14-2020-0143 -6705 and 6501 Regiene Road - Approve third reading 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 November 18, 2021. Vote 11-0. Second Reading approved January 27, 2022. Vote: 11-0. Owner/Applicant: Kunikco, LLC (Daryl Kunik). Agent: Drenner Group PC (Leah Bojo). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed to February 17, 2022 on Council Member Harper-Madison's motion, Council Member Kitchen's second on an 11-0 vote.

55. NPA-2020-0015.03 - 6705 & 6501 Regiene Road - Approve third reading of an ordinance amending Ordinance No. 021107-Z-11 the East MLK Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 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. Second Reading approved January 27, 2022. 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.

This item was postponed to February 17, 2022 on Council Member Harper-Madison's motion, Council Member Kitchen's second on an 11-0 vote.

47. C14-2021-0177 - 4401 Gillis - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4401 Gillis Street (Williamson Creek Watershed). Applicant's Request: To rezone from limited office-neighborhood plan (LO-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Owner/Applicant: 4401 Gillis LLC (Jay Symcox). Agent: Drenner Group, P.C. (Charley Dorsaneo). 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. 20220203-047 for family residence-neighborhood plan (SF-3-NP) combining district zoning was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.

48. C14-82-185(RCT) - 4401 Gillis - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 4401 Gillis Street (Williamson Creek Watershed). Applicant's Request: To terminate a public Restrictive Covenant. Staff Recommendation and Planning Commission Recommendation: To grant termination of a public Restrictive Covenant. Owner/Applicant: 4401 Gillis LLC (Jay Symcox). Agent: Drenner Group, P.C. (Charley Dorsaneo). 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 the restrictive covenant termination was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.

AUSTIN HOUSING AND FINANCE CORPORATION MEETING

Mayor Adler recessed the Council Meeting and reconvened the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 2:23 p.m. See separate minutes.

41. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of The Austin Industrial Development Corporation. Following adjournment of The Austin Industrial Development Corporation meeting the City Council will reconvene.

Mayor Adler reconvened the Council Meeting at 2:25 p.m.

Mayor Adler recessed the Council Meeting at 2:58 p.m.

Mayor Adler reconvened the Council Meeting at 3:37 p.m.

49. C14H-2021-0181 - Nalley-Shear-Bremond Warehouse - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 301 San Jacinto Street. Applicant's Request: To rezone from central business district (CBD) zoning to central business district - historic landmark (CBD-H) combining district zoning. Historic Landmark Commission Recommendation and Staff Recommendation: To grant central business district - historic landmark (CBD-H) combining district zoning. Planning Commission Recommendation: To deny central business district - historic landmark (CBD-H) combining district zoning. Applicant: Historic Landmark Commission. Owner: 301 San Jacinto Manager, LLC (Will Houston). Owner's agent: Armbrust & Brown, PLLC (Richard T. Suttle). City Staff: Elizabeth Brummett, Historic Preservation Office, Housing and Planning Department, 512-974-1264. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 9. **A motion was made by Council Member Tovo and seconded by Council Member Pool to approve the ordinance on first reading only with the following direction:**

For staff to consider whether there's an opportunity for transfer of development rights either to another property that the property owner owns.

For the developer to return back to Council and provide further explanation what is possible on the site.

The ordinance was approved on first reading only with the direction noted above on Council Member Tovo's motion, Council Member Pool's second on a 7-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Alter, Council Members Casar, Harper-Madison, Kelly, Kitchen, Pool, and Tovo. Those voting nay were: Council Members Ellis and Renteria. Council Members Casar and Fuentes were off the dais.

Mayor Adler recessed the Council Meeting to go into Executive Session at 3:42 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.

39. Approve a resolution related to establishing rights for renters. Council Sponsors: Council Member Gregorio Casar, Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Natasha Harper-Madison.
Conducted
40. Approve a resolution related to notices of proposed eviction that would provide a tenant the opportunity to prevent an eviction. Council Sponsors: Council Member Gregorio Casar, Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Vanessa Fuentes, Mayor Steve Adler.
Conducted
42. Discuss real estate and legal matters related to the purchase, exchange, lease, or value of an interest in real property and improvements related to the Airport Expansion and Development Program (Real property - Section 551.072 of the Government Code and private consultation with legal counsel - Section 551.071 of the Government Code).
Withdrawn
43. Discuss legal issues related to funding, program evaluation, and selection criteria associated with the Project Connect displacement mitigation program and projects funded through ARPA/CARES Act (Private consultation with legal counsel - Section 551.071 of the Government Code).
Withdrawn
44. Discuss legal issues related to City of Austin 2022 labor negotiations (Private consultation with legal counsel - Section 551.071 of the Government Code).
Withdrawn
45. 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 and Private Consultation with Legal Counsel - Section 551.071 of the Government Code).
Withdrawn
46. Discuss the employment, duties, compensation and evaluation of the City Manager (Personnel matters - Section 551.074 of the Government Code).
Conducted
53. Discuss legal issues involved with lawsuits and claims related to Austin Police Department during the protests that occurred on May 30 and 31, 2020 and the City's Liability Reserve. (Private consultation with legal counsel - Section 551.071 of the Government Code).
Conducted

Mayor Adler reconvened the Council Meeting at 5:03 p.m.

DISCUSSION ITEMS

39. Approve a resolution related to establishing rights for renters. Council Sponsors: Council Member Gregorio Casar, Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Natasha Harper-Madison.

Resolution No. 20220203-039 was approved as amended below, on Council Member Casar's motion, Council Member Fuentes second on an 11-0 vote.

A motion to amend the resolution was made by Mayor Adler to amend the beginning at line 26. The amendment was:

"The City Manager is also directed to provide a legal analysis, that Council may later determine the appropriateness of publicly sharing with the community and stakeholders, of what the impact implementing these regulations could have on both residents and rental housing providers, their agents and property managers"

40. Approve a resolution related to notices of proposed eviction that would provide a tenant the opportunity to prevent an eviction. Council Sponsors: Council Member Gregorio Casar, Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Vanessa Fuentes, Mayor Steve Adler.

Resolution No. 20220203-040 was approved as amended below, on Council Member Casar's motion, Council Member Fuentes second on an 11-0 vote.

A motion to amend the resolution was made by Mayor Adler. The amendments were:

To amend the first BE IT RESOLVED clause to "The City Manager is directed to prepare an eviction prevention code amendment for council consideration. The code amendment shall establish a notice of proposed eviction that rental property operators must provide to tenants before issuing a notice to vacate thereby providing a renter additional time, information, or resources to prevent an eviction, and any other notice requirements"...

To amend the second BE IT RESOLVED clause to "In developing the eviction prevention code amendment, the City Manager is directed to engage, without limitation, the Austin Apartment Association, the Austin Board of Realtors, Ending Community Homelessness Coalition, Texas RioGrande Legal Aide, Building and Strengthening Tenant Action, and Austin Tenants Council to consider input for recommendations on the various aspects of the code amendment, including but not limited to determining:

- The number of days required before providing a notice to vacate. The ordinance should consider best practices from other cities and states, and take into consideration renters' rights allowed in other cities and states, which typically allow for a cure period of between 7 days and 30 days;**
- Whether there should be reasonable exemptions to the notice of proposed eviction requirement such as imminent threats of physical harm, certain kinds of criminal activity, or certain kinds of property damage, and;**
- Whether there should be other elements that further the policy goal"...**

A motion to amend the first BE IT RESOLVED clause was made by Council Member Kelly and seconded by Council Member Kitchen. The amendments were:

... "The notice may allow tenants to respond and cure the issues to prevent an eviction, such as nonpayment of rent and lease violations unrelated to imminent threats of physical

harm or violent criminal activity. The notice may include a reasonable minimum time period by when a resident must make initial contact with the landlord or provide an initial response after receiving the notice of proposed eviction. The notice shall be in English, Spanish and any additional languages that may be required.”

Council Member Casar offered to divide the question to three questions and was accepted without objection. The divided questions were:

A motion to amend the last sentence on the BE IT RESOLVED clause made by Council Member Kelly to read “The notice shall be in English, Spanish and any additional languages that may be required.”

The motion to amend the last sentence was accepted without objection.

A motion to amend the first BE IT RESOLVED clause made by Council Member Kelly to revise “Shall” to “May”.

The motion to amend from “Shall” to “May” on the first BE IT RESOLVED clause failed on a 2-9 vote. Those voting aye were: Council Members Kelly and Pool. Those voting nay were: Mayor Adler, Mayor Pro Tem Alter, Council Members Casar, Ellis, Fuentes, Harper-Madison, Kitchen, Renteria, and Tovo

The motion to amend the “notice” on the first BE IT RESOLVED clause made by Council Member Kelly to read:

“The notice may include a reasonable minimum time period by when a resident must make initial contact with the landlord or provide an initial response after receiving the notice of proposed eviction.”

A motion to amend the amendment was made by Council Member Casar, seconded by Council Member Fuentes. The amendment was to include the phrase:

... “, if the proposed ordinance creates a notice period of 14 days or more.”

The motion to amend the amendment was approved without objection.

The motion to approve the amendment as amended was approved on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Alter, Council Members Casar, Fuentes, Kelly, Kitchen, Pool, Renteria, and Tovo. Those voting nay were Council Members Ellis and Harper-Madison.

The motion to approve main motion as amended was approved without objection.

Mayor Adler adjourned the meeting at 5:32 p.m. without objection.

The minutes were approved on this the 17th day of February 2022 on Council Member Ellis' motion, Mayor Pro Tem Alter's second on a 11-0 vote.