

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 17, 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 17, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:05 a.m. Council Members Harper-Madison and Renteria appeared via videoconference.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council joint special called meeting of January 25, 2022, work session of February 1, 2022, regular meeting of February 3, 2022, special called meeting of February 3, 2022, and joint special called meeting of February 8, 2022.
The motion to approve the minutes of the Austin City Council joint special called meeting of January 25, 2022, work session of February 1, 2022, regular meeting of February 3, 2022, special called meeting of February 3, 2022, and joint special called meeting of February 8, 2022 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
2. Approve issuance of a capacity-based incentive to the Mothers' Milk Bank at Austin for the installation of solar electric systems on their facility located at 5925 Dillard Circle, Unit A, Austin, TX 78752, in an amount not to exceed \$268,960. District(s) Affected: District 4. Strategic Outcome(s): Government that Works for All.
The motion approving issuance of a capacity-based incentive to the Mothers' Milk Bank at Austin was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
3. Approve issuance of a capacity-based incentive to the Michael & Susan Dell Foundation for the installation of solar electric systems on their facility located at 4417 Westlake Drive, Building B, Austin, TX 78746, in an amount not to exceed \$141,750. District(s) Affected: District 10. Strategic Outcome(s): Government that Works for All.
The motion approving issuance of a capacity-based incentive to the Michael & Susan Dell Foundation was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
4. Approve issuance of a capacity-based incentive to Saint Edwards University for the installation of solar electric systems on their facility located at 3001 S Congress Ave OPS, Austin TX 78704, in

an amount not to exceed \$80,190. District(s) Affected: District 3. Strategic Outcome(s): Government that Works for All.

The motion approving issuance of a capacity-based incentive to Saint Edwards University was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

5. Approve issuance of a capacity-based incentive to Westminster Manor, Inc. for the installation of solar electric systems on their facility located at 4232 Bull Creek Road, in an amount not to exceed \$252,780. District(s) Affected: District 10. Strategic Outcome(s): Government that Works for All.

The motion approving issuance of a capacity-based incentive to Westminster Manor, Inc. was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on a 10-0 vote. Council Member Tovo abstained.

6. Approve issuance of a capacity-based incentive to the YMCA of Austin for the installation of solar electric systems on their facility located at 5807 McNeil Drive, Austin, TX 78727, in an amount no to exceed \$273,240. District(s) Affected: District 6. Strategic Outcome(s): Government that Works for All.

The motion approving issuance of a capacity-based incentive to YMCA of Austin was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

7. Approve issuance of a capacity-based incentive to Westminster Manor, Inc. for the installation of solar electric systems on their facility located at 4300 Bull Creek Road, Austin, TX 78731, in an amount not to exceed \$190,080. District(s) Affected: District 10. Strategic Outcome(s): Government that Works for All.

The motion approving issuance of a capacity-based incentive to Westminster Manor, Inc. was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on a 10-0 vote. Council Member Tovo abstained.

8. Approve issuance of a capacity-based incentive to the YMCA of Austin for the installation of solar electric systems on their facility located at 5315 Ed Bluestein, Austin, TX 78724, in an amount not to exceed \$231,990. District(s) Affected: District 1. Strategic Outcome(s): Government that Works for All.

The motion approving issuance of a capacity-based incentive to the YMCA of Austin was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

9. Approve an ordinance creating City Code Chapter 4-21 (Private Parking Patio) relating to a private parking patio program, creating an offense, and establishing a penalty; amending City Code Chapter 14-4 (Sidewalk Cafes) relating to sidewalk cafes and sidewalk storefronts; and amending the Fiscal Year 2021 Austin Transportation Department, Development Services Department, and Austin Fire Departments fee schedules (Ordinance No. 20210811-002) to amend the Sidewalk Café fee name, to add sidewalk storefront, and establish Private Parking Patio review and inspection fees. Strategic Outcome(s): Economic Opportunity and Affordability, Government that Works for All.

Ordinance No. 20220217-009 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

10. Authorize execution of an amendment to and one-year renewal of an existing agreement with the Community Care Collaborative for the Emergency Medical Services Department to provide ground emergency medical transport services to the Travis County Healthcare District's (d/b/a Central Health) eligible Medical Access Program beneficiaries in exchange for a fee paid to the City. Strategic Outcome(s): Safety.

The motion authorizing the execution of an amendment to and one-year renewal of an existing agreement with the Community Care Collaborative for the Emergency Medical Services Department was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

11. Approve a resolution authorizing the defeasance of certain outstanding 2020 General Obligation Public Improvement and Refunding Bonds, including authorizing the execution of an escrow agreement, and related documents. Strategic Outcome(s): Government that Works for All.

Resolution No. 20220217-011 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

Item 12 was pulled for discussion.

Item 13 was pulled for discussion.

14. Authorize negotiation and execution of a multi-term contract with Howroyd-Wright Employment Agency Inc. d/b/a AppleOne Employment for temporary staffing services for the Austin Energy Customer Care team, for up to five years for a total contract amount not to exceed \$68,800,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of a multi-term contract with Howroyd-Wright Employment Agency Inc. doing business as AppleOne Employment was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

15. Authorize award and execution of a construction contract with Austin Underground, Inc. (MBE), for the Jain Lane Street Realignment project in the amount of \$1,254,432 plus a \$125,443.20 contingency, for a total contract amount not to exceed \$1,379,875.20. [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 95.19% MBE and 1.56% WBE participation.] District(s) Affected: District 3. Strategic Outcome(s): Safety, Government that Works for All, Economic Opportunity and Affordability, Mobility.

This item was postponed to March 3, 2022 on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

Item 16 was pulled for discussion.

17. Approve an ordinance authorizing negotiation and execution of the seventh amendment to the license agreement with Austin Pets Alive for use of the Town Lake Animal Center located at 1156 W. Cesar Chavez, Austin, Texas, to commence on February 23, 2022, and terminate February 23, 2023, authorizing waiver of the appraisal and annual license fees required under City Code Sections 14-11-42 and 14-11-43 and declaring an emergency. District(s) Affected: District 9. Strategic Outcome(s): Health and Environment, Government that Works for All.
Ordinance No. 20220217-017 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

Item 18 was pulled for discussion.

19. Authorize negotiation and execution of a multi-term contract with Code 4 Emergency Services LLC to administer secondary employment and related services of off-duty Travis County Deputies for City of Austin special events, for up to five years in an amount not to exceed of \$2,500,000. (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): Safety.
This item was withdrawn and replaced by addendum item #56.
20. Authorize negotiation and execution of an interlocal agreement with the Dallas-Fort Worth International Airport Board to provide training and training facilities to the Austin Fire Department in an amount not to exceed \$60,000. Strategic Outcome(s): Safety, Culture and Lifelong Learning, Government that Works for All.
The motion authorizing the negotiation and execution of an interlocal agreement with the Dallas-Fort Worth International Airport Board was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
21. Authorize negotiation and execution of a 12-month contract with the Ending Community Homelessness Coalition to administer landlord incentives that will be used to encourage property owners, managers, and developers to set aside available units for families and individuals exiting homelessness in the City, in an amount not to exceed \$500,000. Strategic Outcome(s): Economic Opportunity and Affordability.
The motion authorizing the negotiation and execution of a 12-month contract with the Ending Community Homelessness Coalition was approved with the following direction on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

Additional direction: "City Council is grateful for the assistance of the Austin Apartment Association, Austin Board of Realtors, and the Real Estate Council of Austin who previously helped our community achieve net effective zero homelessness for veterans, and further appreciates their willingness now to meet and collaborate to help design effective

incentives that would create opportunities for access to low barrier private market rental units.

With the passage of this item, the City Manager is directed to work with the contracted agency (ECHO) to proactively engage these stakeholders, and others, in the design of incentives for landlords and housing unit owners to make available housing for people experiencing homelessness.”

22. Authorize negotiation and execution of an amendment to a legal services agreement with Richards Rodriguez and Skeith related to S.J. Louis Construction of Texas, LTD v. City of Austin, Cause No. D-1-18-001121 in the 459th District Court of Travis County, Texas in the amount of \$650,000 for a total contract not to exceed \$2,145,000. Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of an amendment to a legal services agreement with Richards Rodriguez and Skeith was approved on consent on Council Member Ellis’ motion, Mayor Pro Tem Alter’s second on an 11-0 vote.

23. Approve a settlement in Raymond Francois v. City of Austin, Cause No. D-1-GN-21-007323 in the 261st Judicial District for Travis County, Texas and settle the property damage claim brought by Capital Metro related to the same March 2020 car wreck. Strategic Outcome(s): Government that Works for All.

The motion approving a settlement in Raymond Francois v. City of Austin, Cause No. D-1-GN-21-007323 was approved on consent on Council Member Ellis’ motion, Mayor Pro Tem Alter’s second on an 11-0 vote.

The approved settlement amount was: \$350,000.

24. Approve an ordinance amending City Code Chapter 2-10 (Municipal Court) to establish the City Marshal Office as a division of the Austin Municipal Court; repealing Sections 2-6-1 through 2-6-14 related to the former Public Safety and Emergency Management Department, renumbering remaining sections accordingly, and renaming Chapter 2-6 (Public Safety and Emergency Management Department). Strategic Outcome(s): Safety.

This item was postponed indefinitely on consent with the following direction on Council Member Ellis’ motion, Mayor Pro Tem Alter’s second on an 11-0 vote.

Additional direction: “Council wishes to indefinitely postpone the establishment of a Marshal’s program as a division of the Austin Municipal Court (Item 24). The Manager is directed to conduct public engagement with stakeholders and community members to discuss how best to meet the civilian and sworn staffing and security needs of the Municipal Court and the Downtown Austin Court. If the results of that engagement identify needs of the Municipal Court and the Downtown Austin Court. If the results of that engagement identify needs which require Council action, the Manager is directed to return to Council for the appropriate approvals. Stakeholder engagement should begin within the next 30 days.”

25. Approve an ordinance creating temporary navigation control zones on Lake Austin during the PGA Tour World Golf Championships-Dell Technologies Match Play event and creating an offense. Strategic Outcome(s): Safety.

Ordinance No. 20220217-025 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

26. Authorize negotiation and execution of Amendment No. 8 to the agreement with Austin Latino/a Lesbian & Gay Organization to provide funding for a community-based health prevention and education program, to add two 12-month extension options each in an amount not to exceed \$104,858, for a revised total agreement amount not to exceed \$831,448. Strategic Outcome(s): Safety, Health and Environment.
The motion authorizing the negotiation and execution of Amendment No. 8 to the agreement with Austin Latino/a Lesbian & Gay Organization was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
27. Authorize negotiation and execution of Amendment No. 8 to the agreement with Austin Revitalization Authority to provide funding for a community-based health prevention and education program, to add two 12-month extension options each in an amount not to exceed \$76,579, for a revised total agreement amount not to exceed \$607,216. Strategic Outcome(s): Safety, Health and Environment.
The motion authorizing the negotiation and execution of Amendment No. 8 to the agreement with Austin Revitalization Authority was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
28. Authorize negotiation and execution of Amendment No. 8 to the agreement with the University of Texas at Austin to provide funding for community-based health prevention and education programs, to add two 12-month extension options each in an amount not to exceed \$117,643, for a revised total agreement amount not to exceed \$932,826. Strategic Outcome(s): Safety, Health and Environment.
The motion authorizing the negotiation and execution of Amendment No. 8 to the agreement with the University of Texas at Austin was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
29. Authorize negotiation and execution of Amendment No. 8 to the agreement with the University of Texas at Austin to provide funding for community-based health prevention and education programs, to add two 12-month extension options each in an amount not to exceed \$408,944, for a revised total agreement amount not to exceed \$3,242,634. Strategic Outcome(s): Safety, Health and Environment.
The motion authorizing the negotiation and execution of Amendment No. 8 to the agreement with the University of Texas at Austin was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.
30. Authorize negotiation and execution of an interlocal agreement with Travis County for the City's provision of food shopping and delivery services to Women Infants and Children families in Travis County in an amount not to exceed \$180,755 to be paid to the City, for an initial 12-month term and one additional 12-month renewal option ending on December 31, 2023. 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, Mayor Pro Tem Alter's second on an 11-0 vote.

31. Authorize negotiation and execution of contracts with providers of HIV-related services under the Ryan White Part A HIV Emergency Relief and Minority AIDS Initiative Grant Programs, for an initial 12-month term beginning on March 1, 2022 with up to three additional 12-month renewal options, as follows: Central Texas Community Health Centers, Inc. in an amount not to exceed \$1,428,563 for the initial term and each renewal option, for a total contract amount not to exceed \$5,714,252; AIDS Services of Austin, Inc. in an amount not to exceed \$1,339,835 for the initial term and each renewal option, for a total contract amount not to exceed \$5,359,340; AIDS Healthcare Foundation in an amount not to exceed \$132,861 for the initial term and each renewal option, for a total contract amount not to exceed \$531,444; The Wright House Wellness Center in an amount not to exceed \$499,872 for the initial term and each renewal option, for a total contract amount not to exceed \$1,999,488; Texas Health Action in an amount not to exceed \$331,638 for the initial term and each renewal option, for a total contract amount not to exceed \$1,326,552; Austin Travis County Integral Care in an amount not to exceed \$333,604 for the initial term and each renewal option, for a total contract amount not to exceed \$1,334,416; Community Action, Inc. in an amount not to exceed \$55,000 for the initial term and each renewal option, for a total contract amount not to exceed \$220,000; Project Transitions, Inc. in an amount not to exceed \$150,063 for the initial term and each renewal option, for a total contract amount not to exceed \$600,252; AIDS Service of Austin, Inc. in an amount not to exceed \$183,249 for the initial term and each renewal option, for a total contract amount not to exceed \$732,996; and The Wright House Wellness Center in an amount not to exceed \$143,640 for the initial term and each renewal option, for a total contract amount not to exceed \$574,560. Strategic Outcome(s): Health and Environment.

The motion authorizing the negotiation and execution of contracts with providers of HIV-related services under the Ryan White Part A HIV Emergency Relief and Minority AIDS Initiative Grant Programs was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

32. 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 appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies, and to public facility corporations was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

33. Approve a resolution relating to replacing the term 'citizen communication' with the term 'public communication' in council meetings, council committee meetings and in board and commission meetings and approve an ordinance that facilitates that change by amending City Code Sections 2-1-43 (Meeting Requirements) and 2-5-107 (Citizen Participation), waiving Subsection (A)(3) of City Code Section 2-1-8 (Council Audit and Finance Committee) and authorizing the City Clerk to make conforming changes to board and commission bylaws, agendas, and public meeting

notices. Council Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Natasha Harper-Madison, Council Member Sabino 'Pio' Renteria.

Resolution No. 20220217-033 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

Ordinance No. 20220217-033 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

34. Approve an ordinance amending Exhibit A to Ordinance No. 20210811-002 (City of Austin Fee and Fine Ordinance for Fiscal Year 2021-2022) to remove the fee for overdue library materials for adult library patrons. Council Sponsors: Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Leslie Pool, Council Member Sabino 'Pio' Renteria, Council Member Paige Ellis.

Ordinance No. 20220217-034 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

35. Approve an ordinance initiating the renaming of Confederate Avenue to Maggie Mayes under City Code Chapter 14-5 (Street Name Change) and waiving certain requirements. Council Sponsors: Council Member Kathie Tovo, Council Member Natasha Harper-Madison, Council Member Ann Kitchen, Mayor Pro Tem Alison Alter, Council Member Sabino 'Pio' Renteria.

Ordinance No. 20220217-035 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

36. Approve a resolution directing the City Manager to develop the ATX Public Safety Vacancy Staffing Plan, a comprehensive staffing plan for Austin/Travis County Emergency Medical Services, Austin Fire Department, and Austin Police Department. Council Sponsors: Council Member Mackenzie Kelly, Mayor Pro Tem Alison Alter, Council Member Leslie Pool, Council Member Paige Ellis, Council Member Kathie Tovo, Council Member Ann Kitchen.

Resolution No. 20220217-036 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

37. Approve a resolution initiating rezoning for the property generally known as the Crestview Station Development located at 905 Banyon Street to remove the condition prohibiting vehicular access to Morrow Street. Council Sponsors: Council Member Leslie Pool, Mayor Pro Tem Alison Alter, Council Member Kathie Tovo, Council Member Mackenzie Kelly.

Resolution No. 20220217-037 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

38. Set a public hearing to be conducted in accordance with Texas Parks and Wildlife Code Chapter 26 to consider a resolution authorizing a change in use of dedicated parkland, known as Holly Shores / Edward Rendon Sr. Metro Park at Festival Beach and Peace Point at Lady Bird Lake Metro Park, for Austin Energy to construct, install, use, maintain, and repair approximately 10,791 sq. ft. of permanent, subterranean electric duct bank, and an additional approximately 59,885 sq. ft. of temporary use area, in order to replace, an aging electric cable across Lady Bird Lake. (Suggested date and location: March 24, 2022, Austin City Hall, 301 W. Second Street,

Austin, TX.). District(s) Affected: District 3. Strategic Outcome(s): Health and Environment, Government that Works for All.

The public hearing was set for Thursday, March 24, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

39. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, Subchapter E, Section 4.3 relating to vertical mixed use buildings. (Suggested date: March 24, 2022, at Austin City Hall, 301 W. Second St., Austin, TX). Strategic Outcome(s): Economic Opportunity and Affordability.

The public hearing was set for Thursday, March 24, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

53. Authorize an amendment to a revenue contract with Howard Barnett d/b/a Zilker Park Boat Rentals for continued boating concession operation services for an estimated revenue increase in the amount of \$130,282 and to extend the term by two years, for a revised total estimated contract revenue amount of \$800,000. (Note: This contract was awarded in accordance with City Code Chapter 2-9 Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established). Strategic Outcome(s): Economic Opportunity and Affordability, Health and Environment, Culture and Lifelong Learning, Government that Works for All.

The motion authorizing the amendment to a revenue contract with Howard Barnett doing business as Zilker Park Boat Rentals was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

54. Authorize an amendment to a revenue contract with Rowing Dock for continued boating concession operation services for an estimated revenue increase in the amount of \$280,000 and to extend the term by two years for a revised total estimated contract revenue amount of \$1,711,686. (Note: This contract was awarded in compliance with the 1996 M/WBE Ordinance. There were no opportunities for subcontracting available; therefore, no goals were established). Strategic Outcome(s): Economic Opportunity and Affordability, Health and Environment, Culture and Lifelong Learning, Government that Works for All.

This item was postponed to March 3, 2022 on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

55. Authorize negotiation and execution of a contract with COBUS Industries, LP for a low floor airside transport bus, in an amount not to exceed \$470,000. (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): Mobility.

The motion authorizing the negotiation and execution of a contract with COBUS Industries, LP was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.

56. Authorize negotiation and execution of a multi-term contract with Code 4 Emergency Services LLC to administer secondary employment and related services of Travis County law enforcement

for City of Austin Special Events, for up to five years in an amount not to exceed of \$2,500,000. (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): Safety. **The motion authorizing the negotiation and execution of a multi-term contract with Code 4 Emergency Services LLC was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.**

57. Approve a settlement subject to court approval in Evans v. City of Austin et al, Cause No. 1:20-cv-1057-RP, in the United States District Court for the Western District of Texas and direct the City Manager to return to Council the necessary resolution and ordinance to finance the court approved settlement. Strategic Outcome(s): Government that Works for All. **The motion approving a settlement subject to court approval in Evans v. City of Austin et al, Cause No. 1:20-cv-1057-RP was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.**

The approved settlement amount was: \$2,000,000.

58. Approve a settlement subject to court approval in Howell v. City of Austin, Cause No. 1:21-cv-0749-RP, in the United States District Court for the Western District of Texas and direct the City Manager to return to Council the necessary resolution and ordinance to finance the court approved settlement. Strategic Outcome(s): Government that Works for All. **The motion approving a settlement subject to court approval in Howell v. City of Austin, Cause No. 1:21-cv-0749-RP was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.**

The approved settlement amount was: \$8,000,000.

59. Approve a resolution confirming the City Manager's appointment of Robert Luckritz as Chief of the Emergency Medical Services Department in accord with Section 143.013 of the Texas Local Government Code. Strategic Outcome(s): Economic Opportunity and Affordability, Mobility, Safety, Health and Environment, Culture and Lifelong Learning, Government that Works for All. **Resolution No. 20220217-059 was approved on consent on Council Member Ellis' motion, Mayor Pro Tem Alter's second on an 11-0 vote.**

PUBLIC HEARINGS

40. Conduct a public hearing to consider an ordinance adopting Local Standards of Care for the Parks and Recreation Department's Youth Programs. Strategic Outcome(s): Health and Environment, Culture and Lifelong Learning. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220217-040 was approved on Council Member Pool's motion, Mayor Pro Tem Alter's second on an 11-0 vote.**

ITEMS REFERRED FROM COUNCIL COMMITTEES

61. Approve an ordinance amending Ordinance No. 20211209-067 to add Kelly Evans as a substitute judge for the Municipal Court of the City of Austin for the term beginning January 1, 2022, and ending December 31, 2025. Council Sponsors: Public Safety Committee.

Ordinance No. 20220217-061 was approved on consent on Council Member Pool's motion, Mayor Pro Tem Alter's second on an 11-0 vote.

PUBLIC COMMUNICATION

R.W. Rushing - Recycling Budget – **Not Present.**

Ashley Collins - I Ashley Collins want to talk about seating, speed limits, safety tips, home assistance programs, pedestrian access for any allowed persons throughout the city / town – **Not Present.**

Cassian Choucair - Patterns High School of Technology, a proposed public charter high school. – **Not Present.**

Rosie Darby - The Most Vulnerable in Our Community – **Present.**

Clinton Rarey – Crime – **Not Present.**

Bridget Hyde - Samsung leaking sulfuric acid into water system – **Present.**

CarolAnneRose Kennedy – Federal Shenanigans – **Not Present.**

Mayor Alder recessed the Council Meeting at 12:15 p.m.

Mayor Adler reconvened the Council Meeting at 1:13 p.m.

Action was taken on Item 60 but later reconsidered.

DISCUSSION ITEMS CONTINUED

16. Authorize negotiation and execution of a Fourth Amendment to Ground Lease with The American National Red Cross to extend the term for 30 years, with one option to renew for 30 years, for the use of a City-owned tract of land and redevelopment of the existing facility located at 2218 Pershing Drive for the purpose of an emergency-disaster relief operation center. District(s) Affected: District 1. Strategic Outcome(s): Safety.

The motion authorizing the negotiation and execution of a Fourth Amendment to Ground Lease with The American National Red Cross was approved with the following direction on Council Member Harper-Madison's motion, Council Member Tovo's second on an 11-0 vote.

Additional direction: "As staff negotiate the land, reserve in the lease the ability for the city to make non-conflicting use of land not used."

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

41. C14-2021-0186 - Howard Lane Residences - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 1208 East Howard Lane (Harris Branch Watershed). Applicant Request: To zone from interim-rural residence (I-RR) district zoning to multifamily residence-moderate-high density (MF-4) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant multifamily

residence-moderate-high density (MF-4) district zoning. Owner/Applicant: 1208 Howard Lane, LLC (Saeed Minhas). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220217-041 for multifamily residence-moderate-high density (MF-4) district zoning was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

42. NPA-2020-0021.02 - 1100 Manlove Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055, the East Riverside/Oltorf 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 1100 Manlove Street (Harpers Branch Watershed) from Single Family to Neighborhood Mixed Use land use. Staff Recommendation: To deny Neighborhood Mixed Use land use. Planning Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner/Applicant: Shuler Family Trust of 1998 (John Schuler). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 9.

This item was postponed to March 24, 2022 at the request of the Applicant on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

43. C14-2020-0081 - 1100 Manlove Street - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1100 Manlove Street (Harper's Branch Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use- neighborhood plan (NO-MU-NP) combining district zoning. Staff Recommendation: To deny neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Planning Commission Recommendation: To be forwarded to Council without a recommendation due to lack of an affirmative vote. Owner: Schuler Family Trust of 1998 (John Schuler). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Kate Clark, 512-974-1237. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 9.

This item was postponed to March 24, 2022 at the request of the Applicant on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

44. NPA-2021-0016.03 - 3535 East 7th Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3511, 3525 and 3535 East 7th Street (Boggy Creek Watershed) from Commercial to Mixed Use land use. Staff and Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: The Elena Herrera Family Bypass Trust. Agent: Drenner Group, PC (Amanda Swor). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 3.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

45. C14-2021-0124 - 3535 East 7th Street - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3501, 3509, 3511, 3525,

3535 East 7th Street and 621 Gunter Street (Boggy Creek Watershed). Applicant Request: To rezone from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, and general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant: Elena Herrera Family Bypass Trust, Ernesto B & Elena V. Herrera Living Trust, El Otro Lado, Inc. Agent: Drenner Group, PC (Amanda Swor). City Staff: Heather Chaffin, Housing and Planning Department (512) 974-2122. District(s) Affected: District 3.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

46. C14-2021-0171 - Harris Branch & Howard Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12704 and 12706 Harris Branch Parkway (Gilleland Creek and Harris Branch Watersheds). Applicant Request: To rezone from development reserve (DR) district zoning to general commercial services-mixed use (CS-MU) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use (CS-MU) combining district zoning. Owner/Applicant: Homer H. and Sue Rich Revocable Living Trust (David Michael Rich) Agent: Armbrust & Brown PLLC (Michael J. Whellan). City Staff: Heather Chaffin, Housing and Planning Department (512) 974-2122. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220217-046 for general commercial services-mixed use (CS-MU) district zoning was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

47. C14-2021-0145 - Roger ADU - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5210 Rogers Lane (Walnut Creek Watershed). Applicant Request: To rezone from single family residence standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: Capital River Group, LLC - Series 24 (Stuart Carr). City Staff: Heather Chaffin, Housing and Planning Department (512) 974-2122. District(s) Affected: District 1.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220217-047 for family residence (SF-3) district zoning was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

48. C14-2021-0150 - Menchaca South - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1902 Keilbar Lane, 7515 and 7603 Menchaca Road (Williamson Creek Watershed). Applicant's Request: To rezone from family residence (SF-3) district zoning to multifamily residence-low density (MF-2) district zoning. Staff Recommendation: To grant multifamily residence-low density (MF-2) district

zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Owner/Applicant: Menchaca South, LLC (Laura Burkhart). Agent: RubyAnne Designs (Michael Winningham). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to March 24, 2022 at the request of the Applicant on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

49. C14-2021-0166 - South Congress Avenue Residences - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6424 South Congress Avenue (Williamson Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on February 8, 2022. Owner/Applicant: Calixto Jesus Cobos. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

This item was postponed to March 3, 2022 at Council Member Fuentes' request on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

Item 50 was pulled for discussion.

51. 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. District(s) Affected: District 1.

***Change read into the record: C14-2020-~~0143~~ 0150 – 6705 and 6501 Regiene Road...**

Ordinance No. 20220217-051 for limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

52. 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. District(s) Affected: District 1.

Ordinance No. 20220217-052 for Major Planned Development land use was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

60. Approve a resolution regarding the procurement of an external audit to review Austin Water's five most recent water quality and water supply episodes. Council Sponsors: Mayor Pro Tem Alison Alter, Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Leslie Pool, Council Member Paige Ellis, Council Member Mackenzie Kelly.

Resolution No. 20220217-060 was approved on Mayor Pro Tem Alter's motion, Council Member Ellis' second on a 10-0 vote. Council Member Renteria was off the dais.

A motion to reconsider this item was accepted without objection on Council Member Renteria's motion.

Resolution No. 20220217-060 was approved on Mayor Pro Tem Alter's motion, Council Member Ellis' second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

Items 12, 13, and 18 were acted on in one combined motion.

12. Approve an ordinance amending the Fiscal Year 2021-2022 Building Services Department Capital Budget (Ordinance No. 20210811-001) to increase appropriations by \$27,000,000 for the Municipal Building renovations. Related to Items #13, and #18. Strategic Outcome(s): Government that Works for All.

This item was postponed to March 24, 2022 with the following direction on Council Member Tovo's motion, Council Member Kelly's second on an 11-0 vote.

Additional direction: "Prior to the return to Council, the City Manager shall provide Council with a side-by-side comparison of the Municipal Building and the Austin Water Administrative Building (Waller Creek) that compares square footage, number of employees, and advantages/disadvantages for the DACC's location within these respective buildings and in relationship to other city departments and services. The City Manager shall also assess these buildings for the potential relocation of the Homelessness Outreach Street Team (HOST), should HOST require relocation at some point in the future.

The City Manager shall engage Travis County regarding the possible co-location of some of the Downtown Austin Community Court functions within Travis County's courthouse location."

13. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of Certificates of Obligations to be issued for expenditures in the total amount of \$27,000,000. Related to Items #12, and #18. Strategic Outcome(s): Government that Works for All.

This item was postponed to March 24, 2022 with the following direction on Council Member Tovo's motion, Council Member Kelly's second on an 11-0 vote.

Additional direction: “Prior to the return to Council, the City Manager shall provide Council with a side-by-side comparison of the Municipal Building and the Austin Water Administrative Building (Waller Creek) that compares square footage, number of employees, and advantages/disadvantages for the DACC’s location within these respective buildings and in relationship to other city departments and services. The City Manager shall also assess these buildings for the potential relocation of the Homelessness Outreach Street Team (HOST), should HOST require relocation at some point in the future.

The City Manager shall engage Travis County regarding the possible co-location of some of the Downtown Austin Community Court functions within Travis County’s courthouse location.”

18. Approve a resolution finding the use of the Design-Build method of contracting, as authorized by Subchapter G, Chapter 2269 of the Texas Government Code, as the project delivery method that provides the best value to the City for the Community Court 8th Street Municipal Building Renovation. Related to Items #12 and #13. (Note: MBE/WBE goals will be established prior to issuance of this solicitation.) Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability.

This item was postponed to March 24, 2022 with the following direction on Council Member Tovo’s motion, Council Member Kelly’s second on an 11-0 vote.

Additional direction: “Prior to the return to Council, the City Manager shall provide Council with a side-by-side comparison of the Municipal Building and the Austin Water Administrative Building (Waller Creek) that compares square footage, number of employees, and advantages/disadvantages for the DACC’s location within these respective buildings and in relationship to other city departments and services. The City Manager shall also assess these buildings for the potential relocation of the Homelessness Outreach Street Team (HOST), should HOST require relocation at some point in the future.

The City Manager shall engage Travis County regarding the possible co-location of some of the Downtown Austin Community Court functions within Travis County’s courthouse location.”

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

50. C14H-2021-0181 - Nalley-Shear-Bremond Warehouse - Approve second and third readings of 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. First Reading approved central business district - historic landmark (CBD-H) combining district zoning on February 3, 2022. Vote: 8-2-1, (Council Members Ellis and Renteria voted nay, Council Member Casar was off the dais). 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.

No action was taken.

Mayor Adler adjourned the meeting at 3:41 p.m. without objection.

The minutes were approved on this the 3rd day of March 2022 on Council Member Fuentes motion, Council Member Ellis second on a 10-0 vote. Mayor Adler was absent.