

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 7, 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, April 7, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Pro Tem Alter called the Council Meeting to order at 10:02 a.m. Council Member Harper-Madison was absent.

A Distinguished Service Award was presented to Director Meszaros.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council discussion of March 9, 2022, work session of March 22, 2022, and regular meeting of March 24, 2022.
The motion to approve the minutes of the Austin City Council discussion of March 9, 2022, work session of March 22, 2022, and regular meeting of March 24, 2022 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
2. Approve an ordinance amending City Code Chapter 3-2 (Restrictions on Animals) to add a new Section 3-2-8 relating to the training and control of animals; creating an offense; and establishing an affirmative defense. Strategic Outcome(s): Health and Environment.
Ordinance No. 20220407-002 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
3. Approve issuance of a capacity-based incentive to Longhorn Village for the installation of solar electric systems on their facility located at 501 N. Quinlan Park Road, Unit 1, Austin, TX 78732, in an amount not to exceed \$212,640. Strategic Outcome(s): Government that Works for All.
The motion approving the issuance of a capacity-based incentive to Longhorn Village was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

4. Approve issuance of a capacity-based incentive to Austin Presbyterian Theological Seminary for the installation of solar electric systems on their facility located at 106 E. 27th Street, Austin, TX 78712, in an amount not to exceed \$145,920. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.
The motion approving the issuance of a capacity-based incentive to Austin Presbyterian Theological Seminary was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
5. Approve issuance of a capacity-based incentive to Texas Facilities Commission for the installation of solar electric systems on their facility located at 6506 Bolm Road, Unit B, Austin, TX 78721, in an amount not to exceed \$75,360. District(s) Affected: District 3. Strategic Outcome(s): Government that Works for All.
The motion approving the issuance of a capacity-based incentive to Texas Facilities Commission was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
6. Approve issuance of a capacity-based incentive to Saint Stephens Episcopal School for the installation of solar electric systems on their facility located at 6500 St. Stephens Drive, Austin, TX 78746, in an amount not to exceed \$481,928. Strategic Outcome(s): Government that Works for All.
The motion approving the issuance of a capacity-based incentive to Saint Stephens Episcopal School was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
7. Approve an ordinance to suspend a Gas Reliability Infrastructure Program interim rate adjustment proposed by Texas Gas Service Company. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20220407-007 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
8. Approve an ordinance authorizing the issuance and sale by December 31, 2022 of City of Austin Airport System Revenue Bonds, Series 2022 (AMT), in a par amount not to exceed \$470,000,000 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20220407-008 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
9. Ratify a contract with Windstream Holding, Inc., for continued Voice over Internet Protocol trunk transition services, in the amount of \$6,713, and authorize a contract amendment for an additional two years, in an amount not to exceed \$175,000, for a revised total contract amount not to exceed \$363,000. (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). Strategic Outcome(s): Government that Works for All.

The motion to ratify a contract with Windstream Holding, Inc., was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

10. Ratify a contract with Trane U.S. Inc. to provide and install a replacement absorption chiller, in the amount of \$1,500,000. (Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

The motion to ratify a contract with Trane U.S. Inc., was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

11. Authorize negotiation and execution of a contract with Assurance Software Inc. d/b/a Castellan Solutions Inc. or Castellan Solutions for disaster planning and disruption prevention software and services, for a term of five years in an amount not to exceed \$8,670,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of a contract with Assurance Software Inc. doing business as Castellan Solutions Inc. or Castellan Solutions was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

12. Authorize negotiation and execution of a cooperative contract with Ecolab Inc. for pest control services, for a term of four years in an amount not to exceed \$600,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment.

The motion authorizing the negotiation and execution of a cooperative contract with Ecolab Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

13. Authorize negotiation and execution of a professional services agreement with the following five staff recommended firms (or other qualified respondents) for Request for Qualifications Solicitation No. CLMP327: Terracon Consultants, Inc.; Baer Engineering & Environmental Consulting, Inc. (WBE); TRC Environmental Corporation; Professional Service Industries, Inc.; and Wood Environment & Infrastructure Solutions, Inc.; for consulting services for the 2022 Asbestos, Lead, and Mold Consultant Services Rotation List in an amount not to exceed

\$6,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 3.23% MBE and 2.45% WBE participation.] Strategic Outcome(s): Safety, Government that Works for All, Health and Environment.

The motion authorizing the negotiation and execution of a professional services agreement with Terracon Consultants, Inc.; Baer Engineering & Environmental Consulting, Inc. (WBE); TRC Environmental Corporation; Professional Service Industries, Inc.; and Wood Environment & Infrastructure Solutions, Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

14. Authorize award and execution of a construction contract with DeNucci Constructors, LLC, for 2020 Bond Local Mobility Project Construction II Indefinite Delivery/Indefinite Quantity contract in the amount of \$1,000,000 for an initial one-year term, with four, one-year extension options of \$1,000,000 each, for a total contract amount not to exceed \$5,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.23% MBE and 1.62% WBE participation.] Strategic Outcome(s): Mobility, Safety.

The motion authorizing the award and execution of a construction contract with DeNucci Constructors, LLC, was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

15. Authorize award and execution of a construction contract with TRP Construction Group, LLC for Traffic Sign and Pavement Marking Services IDIQ - B Indefinite Delivery/Indefinite Quantity contract in the amount of \$3,299,500 for an initial one-year term, with four, one-year extension options of \$3,299,500 each, for a total contract amount not to exceed \$16,497,500. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with a combined MBE/WBE goal of 1.36% participation.] Strategic Outcome(s): Safety, Mobility.

The motion authorizing the award and execution of a construction contract with TRP Construction Group, LLC, was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

16. Authorize award and execution of a construction contract with DeNucci Constructors, LLC, for the Burnet Road - Koenig Lane to White Horse Trail project in the amount of \$2,607,757 plus a \$391,163.55 contingency, for a total contract amount not to exceed \$2,998,920.55. [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 29.85% MBE and 0.49% WBE participation.] District(s) Affected: District 7. Strategic Outcome(s): Mobility.

The motion authorizing the award and execution of a construction contract with DeNucci Constructors, LLC, was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

17. Authorize award and execution of a construction contract with DeNucci Constructors, LLC for the Airport Boulevard - North Lamar Boulevard to 55th Street project in the amount of \$12,189,457 plus a \$1,828,419 contingency, for a total contract amount not to exceed \$14,017,876. [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 25.91% MBE and 1.46% WBE participation.] District(s) Affected: District 4, District 7. Strategic Outcome(s): Mobility.

The motion authorizing the award and execution of a construction contract with DeNucci Constructors, LLC, was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

18. Authorize award and execution of a construction contract with Muniz Concrete & Contracting, Inc. for the Corridor Mobility Program Bicycle and Pedestrian Improvements IDIQ Phase 2 Indefinite Delivery/Indefinite Quantity contract in the amount of \$5,000,000 for an initial two-year term, with three, one-year extension options of \$5,000,000, for a total contract amount not to exceed \$20,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 5.85% MBE and 1.51% WBE participation.] Strategic Outcome(s): Mobility.

The motion authorizing the award and execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

19. Authorize an amendment to a contract with Brace Integrated Services Inc. for continued insulation and heat trace services, to increase the amount by \$2,751,000 for a revised total contract amount not to exceed \$8,253,000. (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 an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

The motion authorizing an amendment to a contract with Brace Integrated Services Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

20. Authorize negotiation and execution of four contracts for inspection and non-destructive testing services with Intertek USA, Inc. d/b/a Intertek AIM, Raba Kistner, Inc., Structural Integrity Associates Inc., and Braun Intertec Corporation, each for a term of five years for total contract amounts not to exceed \$2,400,000 divided by 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 insufficient subcontracting opportunities therefore, no subcontracting goals were established. However, one of the recommended contractors identified subcontracting opportunities). Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of four contracts with Intertek USA, Inc. doing business as Intertek AIM, Raba Kistner, Inc., Structural Integrity Associates Inc., and Braun Intertec Corporation was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

21. Authorize negotiation and execution of a Job Order Assignment with Warden Construction Corporation, one of the City's Facilities Improvement Job Order Contractors, for upgrades to the Jollyville Substation Unit Addition for a total contract amount not to exceed \$625,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). MBE/WBE goals will be established prior to the work commencing on this assignment.] District(s) Affected: District 6. Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of a Job Order Assignment with Warden Construction Corporation was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

Item 22 was pulled for discussion.

23. Authorize negotiation and execution of a cooperative contract with ICOR Technology Inc. for two unmanned robotic vehicles in the amount of \$97,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety.

The motion authorizing the negotiation and execution of a cooperative contract with ICOR Technology Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

24. Authorize an amendment to a cooperative contract with HERC Rentals Inc. for continued rental of vehicles and heavy-duty, commercial, industrial, and construction equipment, to increase the amount by \$900,000, for a revised total contract amount not to exceed \$2,750,000. (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): Mobility.

The motion authorizing the amendment to a cooperative contract with HERC Rentals Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

25. Authorize negotiation and execution of a multi-term contract with Movability, Inc. to provide management of the City's Transportation Demand Management efforts, for a term of five years for a total contract amount not to exceed \$2,000,000. (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): Mobility, Health and Environment.

The motion authorizing the negotiation and execution of a multi-term contract with Movability, Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

26. Authorize negotiation and execution of a contract with McGinnis Lochridge LLP d/b/a McGinnis Lochridge to provide hearing examiner services, in an amount not to exceed \$325,000. (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 McGinnis Lochridge LLP doing business as McGinnis Lochridge was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

27. Authorize negotiation and execution of a contract with John Bruce Coffman d/b/a John B Coffman, LLC to provide independent consumer advocate services, in an amount not to exceed \$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. However, the recommended contractor identified subcontracting opportunities). Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of a contract with John Bruce Coffman doing business as John B Coffman, LLC was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

28. Authorize award of a contract with David-Tehoungue LTD Co to provide steel reinforcing bar, for a term of five years in an amount not to exceed \$2,250,000. (Note: This solicitation was reviewed for no subcontracting opportunities in accordance with City Code Chapter 2-9D

Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.). Strategic Outcome(s): Government that Works for All.

The motion authorizing the award of a contract with David-Tehoungue LTD Co., was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

29. Authorize negotiation and execution of a multi-term cooperative contract with TEQSYS, Inc. to provide Veritas-Netbackup products and services including maintenance, training, and support services, for up to five years for a total contract amount not to exceed \$6,000,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of a multi-term cooperative contract with TEQSYS, Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

30. 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 \$313,608 contingency, for a total contract amount not to exceed \$1,568,040. [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

The motion authorizing the award and execution of a construction contract with Austin Underground, Inc. (MBE), was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

31. Authorize negotiation and execution of an amended and restated lease agreement for an initial term of 10 years with two 5-year renewal options with The Escape Game Austin, LLC, for approximately 7,110 square feet of retail space located at 405 and 407 Red River St., on the ground floor of the Austin Convention Center parking garage. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.

This item was postponed to April 21, 2022 on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

32. Authorize negotiation and execution of a lease with Liborio and Silvia Reyes d/b/a Four Points Boat and RV Storage on the City's real property consisting of approximately 5.09 acres of land, located at 10900 RR 2222, Austin, Texas 78753, for a term of thirty months to operate a retail pottery store and boat and RV storage facility. District(s) Affected: District 6. Strategic Outcome(s): Government that Works for All.
The motion authorizing the negotiation and execution of a lease with Liborio and Silvia Reyes doing business as Four Points Boat and RV Storage was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
33. Authorize negotiation and execution of an amendment to the legal services agreement with Joanna Lippman Salinas with Fletcher Farley Shipman and Salinas for legal services related to Beltran et al v. City of Austin et al, Cause No. 1:22-cv-1258-RP in the United States District Court for the Western District of Texas in an amount of \$97,000, for a total contract amount not to exceed \$144,000. Strategic Outcome(s): Government That Works for All.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Joanna Lippman Salinas with Fletcher Farley Shipman and Salinas was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
34. Authorize negotiation and execution of a legal services agreement with Steptoe & Johnson for legal services related to negotiation of a master development agreement and associated real estate documents for the property located at 6909 Ryan Drive in an amount not to exceed \$150,000. Strategic Outcome(s): Government That Works for All.
The motion authorizing the negotiation and execution of a legal services agreement with Steptoe & Johnson was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
35. Authorize negotiation and execution of a legal services agreement with Steptoe & Johnson for legal services related to negotiation of a master development agreement and associated real estate documents for the property located at 7211 and 7309 N IH 35, Austin, Texas, and known locally as the St. John property, in an amount not to exceed \$150,000. Strategic Outcome(s): Government That Work for All.
The motion authorizing the negotiation and execution of a legal services agreement with Steptoe & Johnson was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.
36. Authorize negotiation and execution of an amendment to a legal services agreement with Lloyd Gosselink Rochelle & Townshend for services related to Austin Energy rate proceedings in the amount of \$659,000, for a total amount not to exceed \$725,000. Strategic Outcome(s): Government That Works for All.
The motion authorizing the negotiation and execution of a legal services agreement with Lloyd Gosselink Rochelle & Townshend was approved on consent on Council Member

Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

37. Approve an ordinance amending the Fiscal Year 2021-2022 Austin Public Library Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept and appropriate \$80,000 in grant funds from the Federal Communications Commission Emergency Connectivity Fund through the American Rescue Plan Act for costs associated with Austin Public Library's Bridge to Connectivity program to obtain equipment needed for equitable digital access to services. Strategic Outcome(s): Culture and Lifelong Learning, Government that Works for All.

Ordinance No. 20220407-037 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

38. Authorize negotiation and execution of agreements with 17 social service agencies listed in the Recommendation for Action for community-based social services and capacity building to area youth in an amount not to exceed \$6,727,158 for a 15-month term beginning July 1, 2022, with four 12-month extension options each in an amount not to exceed \$5,577,331, for a total agreement amount not to exceed \$29,036,482 divided among the agencies. Strategic Outcome(s): Health and Environment.

The motion authorizing the negotiation and of agreements with 17 social service agencies listed in the Recommendation for Action was approved on consent with the following direction on Council Member Pool's motion, Council Member Ellis' second on a 9-1 vote. Mayor Adler voted nay. Council Member Harper-Madison was absent.

Additional Direction: "The City Manager is directed to return to Council by May 5th with recommendations for potential funding sources, excluding Austin Public Health's existing budget, and an associated funding action to restore \$282,821 in annual funding for the Prime Time afterschool program serving children in Title 1 schools".

39. Approve a resolution authorizing the submittal of the Southeast Austin Connector project as a candidate for the Rebuilding American Infrastructure with Sustainability and Equity discretionary grant program, administered by the United States Department of Transportation. Strategic Outcome(s): Mobility.

Resolution No. 20220407-039 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

40. 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 appointments and certain related waivers to citizen boards and commissions was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

41. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 (Temporary Closure for Special Events and Block Parties) for HONK!TX that will be held on April 3, 2022. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Kathie Tovo, Council Member José 'Chito' Vela, Council Member Natasha Harper-Madison.

The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 (Temporary Closure for Special Events and Block Parties) for HONK!TX was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

Items 42 and 43 were pulled for discussion.

44. Set a public hearing to consider an ordinance relating to the full-purpose annexation of approximately 24.2 acres located in Travis County near 13217 Old San Antonio Road, and ratify an agreement with the owner of the land for the provision of services. Case number: C7a-2022-0003. The property is currently in limited purpose jurisdiction in Austin Council District 5. (Suggested date: April 21, 2022, at Austin City Hall, 301 W. Second Street, Austin, Texas).

The public hearing was set for Thursday, April 21, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

70. Approve an ordinance proclaiming April 9, 2022 as the Joan Means Khabele Ceremony Day For a Moment of Silence and Splash at Barton Springs Pool honoring Joan Means Khabele, a scholar and activist whose work and actions led to the desegregation of Barton Springs Pool, and waiving certain fees. Council Sponsors: Council Member Paige Ellis, Council Member Ann Kitchen, Council Member José 'Chito' Vela, Council Member Natasha Harper-Madison.

Ordinance No. 20220407-070 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

EMINENT DOMAIN

45. Approve a resolution authorizing the filing of eminent domain proceedings for the Circuit 811 Transmission Electric Line Upgrade Project from Justin Lane Substation to McNeil Lane Substation for the public use of providing reliable, safe electricity service, which requires acquisition of real property rights consisting of a temporary construction easement containing approximately 1,606 square feet of land, being a part of Lot A-3, a Resubdivision of Lot A-1 of the Resubdivision of Lot A, Tempo North, a subdivision, according to the plat recorded in Volume 18, Page 83, in Travis County, Texas in the amount of \$10,036. The owner of the property is Optimal Real Estate LLC. The property is located at 7543 N. Lamar Blvd., Austin, Texas 78753. The general route of the project is along the east side of North Lamar from HWY

183 to the McNeil Substation. District(s) Affected: District 4. Strategic Outcome(s): Government That Works for All.

Resolution No. 20220407-045 was approved on Council Member Kelly's motion, Council Member Renteria's second on a 10-0 vote. Council Member Harper-Madison was absent.

46. Approve a resolution authorizing the filing of eminent domain proceedings for the Circuit 811 Transmission Electric Line Upgrade Project from Justin Lane Substation to McNeil Lane Substation for the public use of providing reliable, safe electricity service, which requires acquisition of real property rights consisting of a temporary construction easement containing approximately 4,016 square feet of land, being a part of Lot A-2, a Resubdivision of Lot A-1 of the Resubdivision of Lot A, Tempo North, a subdivision, according to the plat recorded in Volume 17, Page 15, in Travis County, Texas in the amount of \$22,806. The owner of the property is Optimal Real Estate LLC. The property is located at 7545 N. Lamar Blvd., Austin, Texas 78753. The general route of the project is along the east side of North Lamar from HWY 183 to the McNeil Substation. District(s) Affected: District 4. Strategic Outcome(s): Government That Works for All.

Resolution No. 20220407-046 was approved on Council Member Kelly's motion, Council Member Renteria's second on a 10-0 vote. Council Member Harper-Madison was absent.

47. Approve a resolution authorizing the filing of eminent domain proceedings for the Circuit 811 Transmission Electric Line Upgrade Project from Justin Lane Substation to McNeil Lane Substation for the public use of providing reliable, safe electricity service, which requires acquisition of real property rights consisting of a permanent electric transmission and distribution easement containing approximately 1,360 square feet of land, being a part of Lot 1, Santerre Industrial Park, according to the plat recorded in Volume 78, Page 322, in Travis County, Texas in the amount of \$176,200. The owner of the property is Don Huynh. The property is located at 8225 N. Lamar Blvd., Austin, Texas 78753. The general route of the project is along the east side of North Lamar from HWY183 to the McNeil Substation. District(s) Affected: District 4. Strategic Outcome(s): Government That Works for All.

Resolution No. 20220407-047 was approved on Council Member Kelly's motion, Council Member Renteria's second on a 10-0 vote. Council Member Harper-Madison was absent.

48. Approve a resolution authorizing the filing of eminent domain proceedings for the Circuit 811 Transmission Electric Line Upgrade Project from Justin Lane Substation to McNeil Lane Substation for the public use of providing reliable, safe electricity service, which requires acquisition of real property rights consisting of a temporary construction easement containing approximately 1,760 square feet of land, being a part of Lots 4 and 5, Block A, Mockingbird Hill, Section 1, a subdivision, according to the plat recorded in Volume 5, Page 159, in Travis County, Texas in the amount of \$19,420. The owner of the property is The Shurtleff Estate Trust. The property is located at 10805 N. Lamar Blvd., Austin, Texas 78753. The general route of the project is along the east side of North Lamar from HWY 183 to the McNeil Substation. District(s) Affected: District 4. Strategic Outcome(s): Government That Works for All.

Resolution No. 20220407-048 was approved on Council Member Kelly's motion, Council Member Renteria's second on a 10-0 vote. Council Member Harper-Madison was absent.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

51. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter E, Section 4.3 relating to Vertical Mixed Use buildings. Strategic Outcome(s): Economic Opportunity and Affordability.
This item was postponed to April 21, 2022 on Council Member Kitchen's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.
49. Conduct a public hearing related to an application by Airport Crossing Ltd., or an affiliated entity, for housing tax credits for a multi-family development to be financed through the private activity bond program and to be known as Airport Crossing, located at or near the southeast corner of Foley Drive and Ross Road, Austin, TX 78617, within the City, and consider a resolution related to the proposed development, the application, and the allocation of housing tax credits and private activity bonds. District(s) Affected: District 2. Strategic Outcome(s): Economic Opportunity and Affordability.
The public hearing was conducted and a motion to close the public hearing and approve Resolution 20220407-049 was approved on Council Member Kelly's motion, Council Member Vela's second on a 10-0 vote. Council Member Harper-Madison was absent.
50. Conduct a public hearing related to an application by Northwind Apartments, LP, or an affiliated entity, for housing tax credits for a multi-family development to be financed through the private activity bond program and to be known as Northwind Apartments, located at or near 11122, 11204, 11208, and 11216 Cameron Road, Austin, Texas 78754, within the City, and consider a resolution related to the proposed development, the application, and the allocation of housing tax credits and private activity bonds. District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability.
The public hearing was conducted and a motion to close the public hearing and approve Resolution 20220407-050 was approved on Council Member Kelly's motion, Council Member Tovo's second on a 10-0 vote. Council Member Harper-Madison was absent.

DISCUSSION ITEMS CONTINUED

71. Approve an ordinance amending Ordinance No. 20211209-06 to appoint substitute judges for the City of Austin Municipal Court for the term beginning January 1, 2022 and ending December 31, 2025. Council Sponsors: Public Safety Committee.
Ordinance No. 20220407-071 was approved on consent on Council Member Kelly's motion, Council Member Ellis' second on a 10-0 vote. Council Member Harper-Madison was absent.

PUBLIC COMMUNICATION: GENERAL

Timothy Higgins - My community of about 400 houses have had constant issues with recycling company, located at 7400 FM 969, Break It Down Recycling has been causing bad odor from rotting compost and loud noises during quiet hours. – **Present.**

Deborah Morgan- Problems with flooding near an east side neighborhood where there is also a compost facility. – **Present.**

Vonee Reneau- The industrial composting facility (Break it Down) contiguous to our neighborhood (Agave). The present & future use of that site and surrounding area given its particular location. – **Present.**

Jenna Wedgewood- 7400 FM 969 - Zoning / Break It Down - commercial composting nuisance next to residential communities preventing tax paying homeowners from basic use of their properties. – **Present.**

Al D'Andrea- 1. Serious existing staffing issues at the City of Austin Permit Center are causing significant delays in issuance of trade contractor construction permits. The Permit Center is experiencing serious worker shortages, and it can take upwards of a year to train new staff members. Legally, trade contractors are not allowed by the City of Austin to perform work requiring a permit without one. Many local air conditioning contractors perform the bulk of their work in the warmer months, so there is concern that the current delays will become even worse during the months ahead. The Austin chapter of the Air Conditioning Contractors of America wrote a letter to the mayor and council members on March 17th, 2022 asking for help with this matter. What is the City's plan to address this important issue that affects local businesses and property owners? 2. The dangerous situation created by the City of Austin Building Official's general failure to enforce closure of trade construction permits. There are over 12,000 residential trade change out permits that have been left to expire by trade contractors to which the City of Austin Building Official has turned a blind eye. IN FY '21 alone, more than 1,300 residential electrical, mechanical, and plumbing trade change out permits expired. The City of Austin inspection department will jump up and down over a single permit yet there is complete silence when the issue of 12,000 expired permits is raised, which has been done repeatedly over the past several years. Proper inspection of trade contractor work when major appliances are replaced -- which generally involve potentially dangerous natural gas, combustion byproducts, and high-voltage electric -- protects the safety of adults, children, and pets and should be a priority for city management. Why are trade contractors who chronically allow their permits to expire - without an inspection - allowed to continue to obtain more trade permits and otherwise held to account? – **Not Present.**

Rick Krivoniak- Request the City Council waive the Board of Adjustment fees for either the Windsor Park Neighborhood Plan Contact Team OR the Windsor Park Neighborhood Association for the appeal of an approval of a VMU site plan in Windsor Park. – **Not Present.**

Laura N- Regarding the industrial composting facility (Break It Down) that is next to our neighborhood (Agave). The present and future use of that site and the surrounding area given its location. – **Not Present.**

Ethan Smith - What makes Austin, Austin? – **Present.**

Alisa Hernandez- Citizen safety/Emergency safety – **Present.**

Reneishia Dogan- Vehicle damage claims against the city, its contractors, and any other covered entity. My vehicle was damaged and the city is refusing to pay for it though it was caused as a direct result of a city of Austin contractor's negligence – **Present.**

Mayor Pro Tem Alter recessed the meeting for Live Music and to go into Executive Session at 12:49 p.m. without objection.

LIVE MUSIC

Nané

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.

42. Approve a resolution initiating code amendments to Chapter 25-1 (General Requirements and Procedure) to require parkland dedication for office, industrial and commercial developments. Council Sponsors: Mayor Pro Tem Alison Alter, Mayor Steve Adler, Council Member Vanessa Fuentes, Council Member Paige Ellis, Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Leslie Pool.

Conducted.

43. Approve a resolution directing the City Manager to identify alternative locations for the construction of the new Jet-A fuel facility at the Austin-Bergstrom International Airport; prepare a draft Environmental Assessment for the alternative locations, including a detailed Environmental Justice analysis, for the purpose of receiving public input; and present to Council for approval the draft Environmental Assessment prior to publishing for notice and comment. Council Sponsors: Council Member Vanessa Fuentes, Council Member Kathie Tovo, Council Member José 'Chito' Vela, Council Member Sabino 'Pio' Renteria.

Conducted.

52. Evaluate the performance of, and consider compensation and benefits for, the City Clerk (Personnel matters - Section 551.074 of the Government Code).

Withdrawn

53. Evaluate the performance of, and consider compensation and benefits for, the City Auditor (Personnel matters - Section 551.074 of the Government Code).

Withdrawn

54. Evaluate the performance of, and consider compensation and benefits for, the Municipal Court Clerk (Personnel matters - Section 551.074 of the Government Code).

Withdrawn

55. Discuss the performance of, and consider compensation and benefits for, the City Manager (Personnel matters - Section 551.074 of the Government Code).

Withdrawn

56. Discuss legal issues related to Acuna et al v. City of Austin et al, Cause No. D-1-GN-19-008617 in the 201st Judicial District of Travis County, Texas; City of Austin et al v. Acuna et al, No.14-20-00356-CV in the Fourteenth Court of Appeals, Harris County, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).

Withdrawn

Mayor Adler reconvened the Council Meeting at 3:15 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

57. C14-2022-0004 - 1501 Damon Rd - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1501 Damon Road (Williamson Creek Watershed). Applicant's Request: To rezone from development reserve (DR) 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 16 (Stuart Cody Carr). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 5.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220407-057 to family residence-conditional overlay (SF-3-CO) combining district zoning, as amended was approved on Council Member Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

The amendment was as follows: Duplex residential use is a prohibited use on the Property.

58. C14-2021-0193 - 7400 South Congress Avenue - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7400 South Congress Avenue (South Boggy Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot (SF-2) district zoning and community commercial (GR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on March 29, 2022. Owner/Applicant: SL South Congress, LP (John Kiltz). Agent: Land Use Solutions (Michele Haussmann). City Staff: Wendy Rhoades, 512-974-7719..De Lead Department Housing and Planning. District(s) Affected: District 2.

This item was postponed to May 19, 2022 at the request of staff on Council Member Renteria's motion, Council member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

59. C14-2021-0159 - Vaught Ranch Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 6529 Vaught Ranch Road (West Bull Creek Watershed). Applicant's Request: To zone from interim rural residence (I-RR) district zoning to general office-mixed use (GO-MU) combining district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Owner/Applicant: Michael Hart. Agent: Dunaway Associates (Meg Greenfield). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 10.

This item was postponed to May 5, 2022 at the request of staff on Council Member Renteria's motion, Council member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

60. NPA-2021-0016.01.SH - Libertad- 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 900 Gardner Road (Boggy Creek Watershed) from Civic to Mixed Use land use. Staff and Planning Commission recommendation: To grant Mixed Use land use. Owner/Applicant: Austin Housing and Finance Corp. (Rosie Truelove) Agent: Civiltude, LLC (Conor Kenny). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 3.

This item was postponed to May 5, 2022 at the request of staff on Council Member Renteria's motion, Council member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

61. C14-2021-0020.SH - Libertad - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 900 Gardner Road (Boggy Creek Watershed). Applicant's Request: To rezone from public-neighborhood plan (P-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Owner/Applicant: Austin Housing Finance Corporation (Rosie Truelove). Agent: Civiltude LLC (Conor Kenny). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

This item was postponed to May 5, 2022 at the request of staff on Council Member Renteria's motion, Council member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

62. NPA-2018-0005.02.SH-Mary Vice Estates PUD Lot 27 Amendment #1- Conduct a public hearing and approve an ordinance amending Ordinance No. 010927-05 the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land

use designation on the future land use map (FLUM) on property locally known as 6301 Circulo de Amistad (Country Club East/Carson Creek Watershed) from Commercial to Mixed Use land use. Staff and Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Habitat for Humanity, Inc. (Andy Alarcon). Agent: Husch Blackwell, LLP (Nikelle Meade). 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 approve the ordinance on first reading only to change the land use designation on the future land use map (FLUM) to grant Mixed Use land use was approved on Council Member Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

63. C814-97-0002.01- Mary Vice Estates PUD Lot 27 Amendment #1- District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6301 Circulo de Amistad (Carson Creek and Country Club East Watersheds). Applicant Request: To rezone from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions. Owner/Applicant: Austin Habitat for Humanity, Inc. (Andy Alarcon). Agent: Husch Blackwell LLP (Stacey L. Milazzo). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 3.

The public hearing was conducted and a motion to approve Ordinance No. 20220407-063 on first reading only to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning was approved on Council Member Renteria's motion, Council Member Pool's second on a 10-0 vote. Council Member Harper-Madison was absent.

64. C14-02-0183(RCA) - 1118 Tillery Street - Conduct a public hearing and approve a restrictive covenant amendment on a property locally known as 1118 Tillery Street (Boggy Creek Watershed). Applicant Request: To amend the public restrictive covenant associated with zoning case C14-02-0183. Staff Recommendation: To amend the public restrictive covenant. Planning Commission Recommendation: To deny amending the public restrictive covenant associated with zoning case C14-02-0183. Owners/Applicants: Theodore and Mary E. Lopez. Agent: Drenner Group PC (Leah Bojo). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

The public hearing was conducted and a motion to close the public hearing and approve staff's recommendation of the restrictive covenant amendment was approved on Council Member Renteria's motion, Council Member Pool's second on an 8-1 vote. Council Member Kitchen voted nay. Council Member Tovo abstained. Council Member Harper-Madison was absent.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

65. NPA-2021-0002.01- 1400 E. 4th Street - Approved second and third readings of ordinance amending Ordinance No. 990513-70 East Cesar Chavez Neighborhood Plan and Ordinance No. 20081211-083 Plaza Saltillo (TOD) Station Area Plan, an element of the Imagine Austin Comprehensive Plan, to amend the base maximum building height from a maximum of 40 feet to 85 feet on property locally known as 1400 East 4th Street (Lady Bird Lake Watershed). First reading approved on March 3, 2022. Vote: 10-0, Mayor Adler absent. Owner/Applicant: Robert C. Beall and Beth A. Beall. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 3.

Ordinance No. 20220407-065 to amend the base maximum building height from a maximum of 40 feet to 85 feet was approved on Council Member Renteria's motion, Council Member Ellis' second on a 9-1 vote. Council Member Tovo voted nay. Council Member Harper-Madison was absent.

A motion to amend and not act on item 65 and approve item 66 on second reading only was made by Council Member Tovo, seconded on Council Member Pool's second. The motion failed on a 4-6 vote. Those voting aye: Mayor Pro Tem Alter, Council Members Kitchen, Pool and Tovo. Those voting nay: Mayor Adler, Council Members Ellis, Fuentes, Kelly, Renteria, and Vela. Council Member Harper-Madison was absent.

66. C14-2021-0138 - 1400 East 4th Street - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1400 East 4th Street (Lady Bird Lake Watershed). Applicant Request: To rezone from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change the base maximum building height from 40 feet to 85 feet. First reading approved transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change the base maximum building height from 40 feet to 85 feet on March 3, 2022. Vote: 10-0, Mayor Adler absent. Owner/Applicant: Robert C. Beall and Beth A. Beall. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

Ordinance No. 20220407-066 to transit oriented development-neighborhood plan (TOD-NP) combining district zoning was approved on Council Member Renterias's motion, Council Member Ellis' second on a 9-1 vote. Council Member Tovo voted nay. Council Member Harper-Madison was absent.

A motion to amend and not act on item 65 and approve item 66 on second reading only was made by Council Member Tovo, seconded on Council Member Pool's second. The motion failed on a 4-6 vote. Those voting aye: Mayor Pro Tem Alter, Council Members Kitchen, Pool and Tovo. Those voting nay: Mayor Adler, Council Members Ellis, Fuentes, Kelly, Renteria, Vela. Council Member Harper-Madison was absent.

DISCUSSION ITEMS CONTINUED

42. Approve a resolution initiating code amendments to Chapter 25-1 (General Requirements and Procedure) to require parkland dedication for office, industrial and commercial developments. Council Sponsors: Mayor Pro Tem Alison Alter, Mayor Steve Adler, Council Member Vanessa Fuentes, Council Member Paige Ellis, Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Leslie Pool.

Resolution No. 20220407-042 was approved with the following direction on Mayor Pro Tem Alter's motion, Mayor Adler's second on a 10-0 vote. Council Member Harper-Madison was absent.

The direction was:

To provide additional direction regarding the initiation of code amendments to Chapter 25-1 (General Requirements and Procedure) to require parkland dedication for office, industrial and commercial developments:

The City Manager is directed to establish the legally required nexus, or to come back to City Council, if necessary, to get the required resources to be able to establish the legally required nexus between office, industrial and commercial developments and increased demand for parkland.

The City Manager is further directed, as a part of the code amendment and stakeholder process, to gather input from (without limitation) parks advocates and entities anticipated to pay to the city the proposed exactions or fees on issues such as:

- **Potential formula for fees or exactions for office, industrial and commercial developments; - How and at what amount any such initial fees or exactions might be set;**
- **The timing of when fee and exactment schedules are to be updated or reviewed, development projects are assessed, and when those fees or exactions are due; and**
- **Whether, and in what ways and levels, any fee or exaction on office, industrial and commercial developments would allow the City to maintain existing levels of park service;**
- **How any proposals interact with our existing residential parkland ordinance requirements, including within mixed use scenarios**

DISCUSSION ITEMS CONTINUED

22. Authorize negotiation and execution of a contract with Sherry Matthews, Inc. to provide marketing and public relations for COVID-19 response, for a term of five years in an amount not to exceed \$15,000,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no

subcontracting opportunities therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment, Government that Works for All.

This item was postponed to April 21, 2022 with direction to staff on Council Member Ellis' motion, without objection.

Direction is as follows:

Provide information on what FEMA will or will not reimburse. To provide information to the extent that the COVID Vaccine Equity Plan that was created, and the community was a part of and helped draft, will be integrated with this contract. To get clarification about no subcontracting opportunities being required.

Mayor Adler recessed the meeting at 5:43 p.m.

PROCLAMATIONS

Proclamation – Public Safety Telecommunicators Week – To be presented by Mayor Adler and to be accepted by Mayra Toro, Michael Payne, and Mark McCollum from APD Communications

Proclamation – Saúl González II Day – To be presented by Council Member Renteria and to be accepted by Perla Cavazos.

Proclamation – National Public Health Week – To be presented by Council Member Tovo and to be accepted by Adrienne Sturup, Desmar Walkes, MD, Cassandra Deleon, Marcel Elizondo, Laura LaFuente, Kym Maddox, Janet Pichette, Donna Sundstrom from Austin Public Health

Distinguished Service Award – David Murray – To be presented by Council Member Pool and to be accepted by David Murray

Mayor Adler reconvened the meeting at 6:34 p.m.

43. Approve a resolution directing the City Manager to identify alternative locations for the construction of the new Jet-A fuel facility at the Austin-Bergstrom International Airport; prepare a draft Environmental Assessment for the alternative locations, including a detailed Environmental Justice analysis, for the purpose of receiving public input; and present to Council for approval the draft Environmental Assessment prior to publishing for notice and comment. Council Sponsors: Council Member Vanessa Fuentes, Council Member Kathie Tovo, Council Member José 'Chito' Vela, Council Member Sabino 'Pio' Renteria.

A motion to approve version three of the draft resolution was made on Council Member Fuentes' motion, seconded by Council Member Vela.

The amendment to the Be It Resolved Clause read as follows:

- (1) Limit all expansion of Jet-A Fuel Storage to the current foot print only, denoted as the existing fuel storage facility at the Northwest location of the Airport, Until further authorized by Council;**
- (2) Identify at least three possible alternative locations, including land not owned by the City, to ...**
- (3) Prepare a preliminary draft Environmental Assessment considering these possible alternative fuel facility locations with feedback from local environmental justice experts for purposes of receiving public input;**
- (4) Include in the EA a robust environmental justice analysis with the contributions from the City's Equity Office and local environmental justice experts;**
- (5) Provide for robust City-led public participation, including meaningful engagement with the affected communities, including Seeling Drive and McCall Lane residents, on the preliminary draft EA; and**
- (7) Expand the Current Jet_A fuel site with one to two additional fuel tanks and explore avenues for expedited permitting through local, state, and federal processes.**
- (8) Explore interim Jet-A fuel capacity shortages, including , but not limited to, examining increasing the fuel delivery routes and partnering with the Austin Executive Airport for major planned events.**

Council Member Fuentes rescinded amendment adding number (9).

A motion to amend and add the following to the Be It Resolved Clause was made by Council Member Kelly, seconded by Council Member Vela and approved without objection. The amendment reads as follows;

- (9) Return to council by August 30, 2022 with a progress update regarding considerations, challenges and possible recommendations.**

Resolution 20220407-043 failed on Council Member Fuentes motion, Council Member Vela's second on a 5-5 vote. Those voting aye: Council Members Fuentes, Vela, Renteria, Kitchen and Tovo. Those voting nay: Mayor Adler, Mayor Pro Tem Alter, Council Members pool, Kelly, and Ellis. Council Member Harper-Madison was absent.

Direction was given to staff to staff to provide a memo regarding key elements discussed related to item 43.

67. NPA-2019-0022.02 - 305 S. Congress PUD - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001 the Greater South River City 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 305 South Congress Avenue (Lady Bird Lake Watershed) from Industry to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To grant Mixed Use land use. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Maureen Meredith, Housing and Planning Department (512) 974-2695. District(s) Affected: District 9.

The public hearing was conducted and a motion to approve the ordinance on first reading only to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Tovo's motion, Mayor Pro Tem Alter's second on a 10-0 vote. Council Member Harper-Madison was absent.

69. C814-89-0003.02 - 305 S. Congress - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 305 South Congress Avenue (Lady Bird Lake Watershed). Applicant's Request: To rezone from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning, with conditions. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning, with additional conditions. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207. District(s) Affected: District 9.

The public hearing was conducted and a motion to approve the ordinance on first reading only with the following amendments to the Planning Commission recommendations to the planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning was approved on Council Member Tovo's motion, Mayor Pro Tem Alter's second on a 10-0 vote. Council Member Harper-Madison was absent.

The additions/amendments are as follows;

- **Design of the public park shall take place through a public process led by PARD.**
- **Decisions related to trail placement and setback from shoreline shall be made in conjunction with the Watershed Protection Department and shall seek to achieve a minimum of 25' setback from the edge of the shoreline wherever possible, adjusting as necessary to save protected trees.**

- The project shall provide ADA access to the hike and bike trail from the South Congress Right of Way.
 - Building glass reflectivity shall be limited to 15% reflectivity (staff's original recommendation).
 - The project shall meet the goals and requirements of Water Forward, including dual plumbing within the buildings.
 - The project shall use reclaimed water as a primary water source for all landscape irrigation within the 305 S. Congress PUD, except where prohibited.
 - It is the Council's priority that the developer participate in the Better Builder program.
 - PUD shall achieve an Austin Energy Green Building rating of 3 stars.
 - The City Manager is directed to provide all documents, financial models, ECONorthwest and other consultant work requested by Council Members during the work session related to this area's Tax Increment Refinancing Zone as soon as possible.
 - The project shall provide the following amount of on-site affordable housing:
 - o If rental, 10% rental housing at 60% MFI for 40 years
 - o If ownership units, 5% ownership units at 80% in perpetuity with a plan for managing homeowner association fees in a manner that doesn't burden residents in the affordable units.
 - Affordable units shall include a variety of bedroom mixes with an emphasis on multi-bedrooms to accommodate the needs of multi-generational households.
68. C14-78-189(RCT) - 305 S. Congress RC - Conduct a public hearing and approve a restrictive covenant termination on a portion of the property locally known as 305 South Congress Avenue (Lady Bird Lake 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: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207. District(s) Affected: District 9.
- This item was postponed indefinitely on Council Member Tovo's motion, Mayor Pro Tem Alter's second on a 10-0 vote. Council Member Harper-Madison was absent.**

Mayor Adler adjourned the meeting at 8:39 p.m. without objection.

The minutes were approved on this the 21st day of April 2022 on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.