

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 21, 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 21, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:10 a.m. Council Member Pool absent.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council special called meeting of March 29, 2022, work session of April 5, 2022, and regular meeting of April 7, 2022.
The motion to approve the minutes of the Austin City Council discussion of March 29, 2022, work session of April 5, 2022, and regular meeting of April 7, 2022 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.
2. Approve an ordinance amending the Fiscal Year 2021-2022 Animal Services Office Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept and appropriate \$65,000 in grant funds from the Council of State and Territorial Epidemiologists for SARS-CoV-2 surveillance and capacity building where humans and animals interface in the environment. Strategic Outcome(s): Health and Environment
Ordinance No. 20220421-002 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.
3. Approve issuance of a capacity-based incentive to Riverbend Church for the installation of solar electric systems on their facility located at 4214 N. Capital of Texas Highway, Austin, TX 78746, in an amount not to exceed \$217,800. District(s) Affected: District 10. Strategic Outcome(s): Government that Works for All.
The motion to approving issuance of a capacity-based incentive to Riverbend Church was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.
4. Approve an ordinance amending the Fiscal Year 2021-2022 Austin Water Operating Fund Budget (Ordinance No. 20210811-001) to increase appropriations and operating expenditures by \$1,400,000, reduce the ending balance by the same amount, and increase the number of

authorized positions by 16 full-time equivalents to increase support for drinking water treatment plant operations. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20220421-004 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

Item 5 was pulled for discussion

6. Approve an ordinance to suspend a Gas Reliability Infrastructure Program interim customer surcharge proposed by CenterPoint Energy Resources Corporation. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20220421-006 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

7. Approve an ordinance to suspend a Gas Reliability Infrastructure Program interim customer surcharge proposed by Atmos Energy Corporation. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20220421-007 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

8. Authorize award of a contract with Turf Aggregates LLC d/b/a Turf Materials for golf green topdressing silica sand, for a term of five years in an amount not to exceed \$450,937. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment.

The motion authorizing the award of a contract with Turf Aggregates LLC doing business as Turf Materials was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

9. Authorize negotiation and execution of three cooperative contracts with Cellco Partnership, T-Mobile USA Inc., and AT&T Mobility National Accounts LLC for wireless communication services and equipment, each for a term of five years for total contract amounts not to exceed \$40,730,000 divided among the contractors. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the 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 three cooperative contracts with Cellco Partnership, T-Mobile USA Inc., and AT&T Mobility National Accounts LLC was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

10. Authorize negotiation and execution of five multi-term contracts for unarmed security guard services with IPSA Security Services, LLC, Vets Securing America, Securitas Security Services, Starside Security & Investigation, Inc. (MBE), and Universal Protection Service LP, each for up

to five years for total contract amounts not to exceed \$45,000,000 divided among the contractors. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety. **The motion authorizing the negotiation and execution of five multi-term contracts with with IPSA Security Services, LLC, Vets Securing America, Securitas Security Services, Starside Security & Investigation, Inc. (MBE), and Universal Protection Service LP was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.**

11. Authorize negotiation and execution of a cooperative contract with Atlantic Diving Supply, Inc. d/b/a ADS, Inc. for tactical carrier vests in the amount of \$71,846. (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 Atlantic Diving Supply, Inc. doing business as ADS, Inc. was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.**
12. Authorize negotiation and execution of a cooperative contract with GT Distributors Inc. d/b/a GT Distributors - Austin for rifle resistant hard body armor plates in the amount of \$532,800. (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 GT Distributors Inc. doing business as GT Distributors - Austin was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.**
13. Authorize negotiation and execution of a professional services agreement with the following four staff recommended firms (or other qualified respondents) for Request for Qualifications Solicitation No. CLMP330: RPS Infrastructure, Inc.; MWM Design Group, Inc. (WBE); HDR Engineering, Inc.; and Pape-Dawson Consulting Engineers, Inc. for field engineering services for the 2021 Field Engineering Services Rotation List in an amount not to exceed \$10,000,000. [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 15.80% MBE and 15.80% WBE participation.]. Strategic Outcome(s): Safety, Mobility. **Withdrawn and replaced by addendum item #57**
14. Authorize negotiation and execution of an amendment to the agreement with David B. Edelman, to lease approximately 8,000 square feet of warehouse and office space for Austin Energy's meter shop, located at 4122 Todd Lane, for a 24-month term with two additional 1-year extension options, in an amount not to exceed \$535,520. District(s) Affected: District 2. Strategic Outcome(s): Government that Works for All.

The motion authorizing the negotiation and execution of an amendment to the agreement with David B. Edelman was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

15. Authorize award and execution of a construction contract with Muñiz Concrete & Contracting, Inc., for the Combined Transportation, Emergency, and Communication Center (CTECC) Security Gate and Fencing Improvements - Rebid project in the amount of \$1,671,643.00 plus a \$167,164.30 contingency, for a total contract amount not to exceed \$1,838,807.30. [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 13.82% MBE and 2.4% WBE participation.] District(s) Affected: District 1. Strategic Outcome(s): Safety, Government that Works for All.

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

Item 16 was pulled for Executive Session

17. Authorize negotiation and execution of a contract with Ethics Resource Center, Inc. to provide ethics program auditing and consultation services, in an amount not to exceed \$83,600. (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 Ethics Resource Center, Inc. was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

18. 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.

Withdrawn

19. 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 no later than May 19, 2022.

20. Authorize negotiation and execution of an amendment to the Fiscal Year 2021-2022 Service Agreement with the Austin Housing Finance Corporation to increase funding for the Austin Transit Partnership Grant Fund in the amount of \$41,000,000, for a total contract amount not to exceed \$171,989,134. Strategic Outcome(s): Economic Opportunity and Affordability.
The motion authorizing the negotiation and execution of an amendment to the Fiscal Year 2021-2022 Service Agreement with the Austin Housing Finance Corporation was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.
21. Approve a resolution authorizing the extension of line of duty illness leave of absence for Austin Police Department Officer Elijah Neely. Strategic Outcome(s): Safety.
Resolution No. 20220421-021 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.
22. Approve a resolution authorizing negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation for the Lakeline Boulevard expansion project for a total estimated contract amount of \$580,500 plus all cost overruns associated with the project. District(s) Affected: District 6. Strategic Outcome(s): Mobility, Safety
Resolution No. 20220421-022 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

ITEMS FROM COUNCIL

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

Nominations

Board/Nominee

Nominated by

African American Resource Advisory Commission

Dewi Smith

Council Member Harper-Madison

Balcones Canyonlands Conservation Plan Citizens Advisory Committee

Jennifer Bristol

Environmental Commission

Building and Fire Code Board of Appeals

Jim Rumbo

Mayor Pro Tem Alter

Downtown Austin Community Court Advisory Board

Sylvia Alvarado

Council Member Renteria

Joint Inclusion Committee (Alternate)

Joey Gidseg

Mayor's Committee for People with Disabilities

Joint Sustainability Committee

Frances Deviney

Austin Travis County Food Policy Board

Joint Sustainability Committee (Alternate)

Karen Magid

Austin Travis County Food Policy Board

Joint Sustainability Committee

Haris Qureshi

Environmental Commission

Joint Sustainability Committee (Alternate)

Richard Brimer

Environmental Commission

Joint Sustainability Committee (Alternate)

Alexis Taylor

Economic Prosperity Commission

South Central Waterfront Advisory Board

Ana Aguirre

Environmental Commission

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Jim Rumbo on the Building and Fire Code Board of Appeals.

24. Approve an ordinance waiving or reimbursing certain fees for the Jesse Segovia Memorial to be held on May 1, 2022, at Festival Beach, Fiesta Gardens Building, 2101 Jesse E. Segovia Street. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Vanessa Fuentes, Council Member Ann Kitchen, Mayor Steve Adler.

Ordinance No. 20220421-024 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

ITEMS TO SET PUBLIC HEARINGS

25. Set a public hearing to consider an ordinance amending the Austin Strategic Mobility Plan (ASMP) element of the Imagine Austin Comprehensive Plan. (Suggested date: May 19, 2022, Austin City Hall, Council Chambers, 301 W. Second Street, Austin, Texas) Strategic Outcome(s): Mobility.

The public hearing was set for Thursday, May 19, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

26. Set a public hearing to consider a request for a waiver from the 300-foot minimum separation distance between a business selling alcoholic beverages and a public school from Foxtrot Market, a proposed food sales use at 4818 Burnet Road, situated on property that is within 300 feet of Rosedale School, a public school located at 2117 W. 49th Street (Suggested date: May 19, 2022, at Austin City Hall, 301 W. Second Street, Austin, TX). District(s) Affected: District 7. Strategic Outcome(s): Safety, Government that Works for All.

The public hearing was set for Thursday, May 19, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

55. Approve an ordinance amending Ordinance No. 20220127-088, which amended Ordinance No. 20220118-002 ordering the May 7, 2022 special municipal election, to repeal and replace Exhibit A regarding the main early voting locations, and to add Exhibits B, C, D, E, F, G, and H that adopt English and Spanish versions of the ordinances calling the election and establishing ballot language, adopt election day and early voting polling places, attach executed contracts for election services and executed joint election agreements, and list election day judges, central counting station staff, and early voting ballot board members; and declaring an emergency. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20220421-055 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

56. Authorize negotiation and execution of an amendment to the construction contract with Balfour Beatty Construction Group, Inc. for the Town Lake Metro Park - Seaholm Intake Facility Phase 1 Rehabilitation Project in an amount not to exceed \$139,250 for a total contract amount not to exceed \$3,401,250. [Note: This change order was awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 16.39% MBE and 3.17% WBE.]. District(s) Affected: District 9. Strategic Outcome(s): Culture and Lifelong Learning, Health and Environment, Mobility.

The motion authorizing the negotiation and execution of an amendment to the construction contract with Balfour Beatty Construction Group, Inc. was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

57. 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. CLMP330: RPS Infrastructure, Inc.; WM Design Group, Inc. (WBE); HDR Engineering, Inc; Pape-Dawson Consulting Engineers, Inc.; and Civiltude, LLC (MA) for field engineering services for the 2021 Field Engineering Services Rotation List in an amount not to exceed \$12,000,000. [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 15.80% MBE and 15.80% WBE participation.]. Strategic Outcome(s): Safety, Mobility.

The motion authorizing the negotiation and execution of a professional services agreement with RPS Infrastructure, Inc., WM Design Group, Inc. (WBE), HDR Engineering, Inc, Pape-Dawson Consulting Engineers, Inc. and Civiltude, LLC (MA) was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

ITEMS FROM COUNCIL

58. Approve an ordinance amending City Code Chapter 25-1 related to tenant notification and relocation assistance requirements; waiving City Code Sections 25-1-501 and 25-1-502; declaring an emergency; and creating an offense. Council Sponsors: Council Member José 'Chito' Vela,

Council Member Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Ann Kitchen, Council Member Fuentes.

Ordinance No. 20220421-058 was approved on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

59. Approve a resolution directing the City Manager to work with non-profit organizations and the Capital Metropolitan Transportation Authority to support food access throughout the City, initiate amendments to the Austin Strategic Mobility Plan, and provide a study assessing how to better connect low-access communities to grocery stores. Council Sponsors: Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Council Member Kathie Tovo, Council Member José 'Chito' Vela, Council Member Ann Kitchen, Mayor Steve Adler.

Resolution No. 20220421-059 was approved as amended on consent on Council Member Fuentes motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

A motion to amend line 50 of the Resolution was made by Council Member Kelly and accepted without objection.

"...to include a map of all Austin area schools that provide free and reduced meal programs, and locations of food pantries and farmers markets with Double-Up Food Bucks to the CapMetro app.

PUBLIC HEARINGS

33. 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 June 9, 2022 with discussion only items on May 3, 2022 work session, May 17, 2022 work session and possible May 19, 2022 council meeting or special called meeting on Council Member Kitchen's motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Pool was absent.

Direction was given to Housing and Planning Department to create materials and/or social media graphics or blurbs for each council district to send in their newsletter regarding VMU's and what the designation entails.

DISCUSSION ITEMS

5. Approve a resolution amending Resolution No. 20210729-170 regarding the Service and Assessment Plan and Budget of the Austin Downtown Public Improvement District to include maintenance of three downtown public toilets and security services at Brush Square. Strategic Outcome(s): Economic Opportunity and Affordability, Health & Environment; Safety.

Resolution No. 20220421-005 was approved on consent on Council Member Tovo's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Pool was absent.

Direction was given to staff to provide what source of funding is being used the brush square security and for the public restroom maintenance.

ITEMS REFERRED FROM COUNCIL COMMITTEES

27. Approve an ordinance amending City Code Section 2-1-206 relating to the Joint Sustainability Committee to increase membership and include consideration of the Austin Climate Equity Plan. Council Sponsors: Audit and Finance Committee.

Ordinance No. 20220421-027 was approved on consent on Mayor Pro Tem Alter's motion, Council Member Fuentes' second on a 10-0 vote. Council Member Pool was absent.

EMINENT DOMAIN

28. 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 8,466 square feet of land, and a temporary construction easement containing approximately 26,835 square feet of land, being a part of Lot A, Lordstone, a subdivision recorded in a plat in Volume 85, Page 57D, in Travis County, Texas in the amount of \$307,277. The owner of the property is CSW 10601 North Lamar, LP. The property is located at 10601 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. 20220421-028 was approved on Council Member Tovo's motion, Council Member Vela's second on a 10-0 vote. Council Member Pool was absent.

PUBLIC HEARINGS

32. Conduct a public hearing and 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 Council District 5. Strategic Outcome(s): Government that Woks for All

The public hearing was conducted and a motion to close the public hearing and approve Ordinance 20220421-032 was approved on Council Member Kitchen's motion, Council Member Vela's second on a 10-0 vote. Council Member Pool was absent.

AUSTIN HOUSING AND FINANCE CORPORATION MEETING

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 12:03 p.m. See separate minutes.

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

Mayor Adler reconvened the Council Meeting at 12:11 p.m.

AUSTIN HOUSING PUBLIC FACILITY CORPORATION MEETING

30. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Public Facility Corporation. Following adjournment of the AHPFC Board meeting the City Council will reconvene.

The Austin Housing Public Facility Corporation Meeting was Cancelled.

Item 31 is related to Items 53 and 54

PUBLIC COMMUNICATION

Corey Satterwhite - No resolution for wrongful termination from APD academy **Conducted**

Gavino Fernandez, Jr. - Stop the Pollution of our Barrios. No Jet Fuel Tank Farm at Bergstrom Airport. **Not present**

Benjamin Alford - The St Edward's University Civics Lab and Civics 4 Y'all programs are moving forward on our work to connect transit resources to solve food accessibility issues. We would like to speak to the council on the way out program is advancing and how we feel they can help move our intuitive forward to help connect the community to food. **Conducted**

Roy Woody - The Airport Tank Farm **Not present**

Francisca Acuna - Flood Mitigation **Conducted**

LIVE MUSIC

Caleb De Casper

Mayor Adler recessed the meeting to go into Executive Session at 12:40 p.m. without objection.

EXECUTIVE SESSION

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

34. Discuss real estate and legal matters related to the purchase, exchange, lease or value of an interest in real property and improvements for the former rail line that begins at Vinson Drive, south of Ben White Boulevard, and ends just west of Highway 183 and is known locally as the Bergstrom Spur (Real property -Section 551.072 of the Government Code and Private consultation with legal counsel -Section 551.071 of the Government Code).

Conducted

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

Conducted

36. Discuss legal issues related to City of Austin 2022 labor negotiations (Private consultation with legal counsel - Section 551.071 of the Government Code).
Withdrawn
37. Evaluate the performance of, and consider compensation and benefits for, the City Clerk (Personnel matters - Section 551.074 of the Government Code).
Withdrawn
38. Evaluate the performance of, and consider compensation and benefits for, the City Auditor (Personnel matters - Section 551.074 of the Government Code).
Withdrawn
39. Evaluate the performance of, and consider compensation and benefits for, the Municipal Court Clerk (Personnel matters - Section 551.074 of the Government Code).
Withdrawn

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

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

40. NPA-2020-0005.01 - Montopolis Acres - 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 1013 and 1017 Montopolis Drive (Country Club East/Carson Creek Watershed) from Single Family to Multifamily land use. Staff and Planning Commission Recommendation: To grant Multifamily land use. Owner/Applicant: Montopolis Acres, LP. Agent: Thrower Design (Ron Thrower and Victoria Haase). 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 Council Member Renteria on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.
41. C14-2020-0029 - Montopolis Acres Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1013 and 1017 Montopolis Drive (Carson Creek Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence highest density-neighborhood plan (MF-6-NP) combining district zoning, as amended. Staff recommendation: To grant multifamily residence medium density-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence moderate-high density-neighborhood plan (MF-4-NP) combining district zoning. Owner/Applicant: Montopolis Acres LP. Agent: Thrower Design (A. Ron Thrower & Victoria Haase). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 3.
This item was postponed to May 5, 2022 at the request of Council Member Renteria on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.

42. C14-99-0069.01 - 200 S Congress Avenue - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 200, 208, 210, and 220 ½ South Congress Avenue (Lady Bird Lake Watershed). Applicant Request: To rezone from limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change conditions of zoning. The ordinance may include modifications of City regulations. Staff Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change conditions of zoning. Planning Commission Recommendation: To grant limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning, to change conditions of zoning, with conditions. Owner: Rivian Lone Star Holdings, LLC (Isaac Howell). Applicant: Drenner Group, PC (Leah M Bojo). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 9.

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

43. C14-2022-0010 - 3402 Kerbey Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3402 Kerbey Lane (Shoal Creek Watershed). Applicant's Request: To rezone from neighborhood office-neighborhood plan (NO-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-neighborhood plan (LO-NP) combining district zoning. Owner/Applicant: Kerbey Lane Commercial LLC (Stephen Straus). Agent: Smith Robertson, LLP (David Hartman). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 10.

Ordinance No. 20220421-043 for limited office-neighborhood plan (LO-NP) combining district zoning was approved on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.

44. C14-2021-0161 - West William Cannon Housing - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3101 West William Cannon Drive (Williamson Creek Watershed-Barton Springs Zone). Applicant's Request: To rezone from limited office-conditional overlay (LO-CO) combining district zoning to multifamily residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density (MF-4) district zoning. Zoning and Platting Commission Recommendation: Forward to Council without a recommendation due to lack of an affirmative vote. Owner / Applicant: Jubilee Christian Center (Jimmy R. Seal). City Staff: Wendy Rhoades, 512-974-7719. This action concerns land located in the Barton Springs Zone. District(s) Affected: District 5.

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

45. 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 May 5, 2022 at the request of the applicant and the neighborhood on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.

46. 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: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 9.

This item was postponed to May 5, 2022 at the request of the applicant and the neighborhood on Council Member Harper-Madison's motion, Council Member Renteria's second on a 9-0 vote. Council Member Tovo recused. Council Member Pool was absent.

47. C14-2021-0189 - 4833 Spicewood Springs - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4833 Spicewood Springs Road (Bull Creek Watershed). Applicant Request: To rezone from limited office (LO) district zoning and family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning, as amended. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny the rezoning. Owner/Applicant: Spicewood Canyon, LP (Juan Creixell). Agent: Keepers Land Planning (Ricca Keepers). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.

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

48. C14H-2021-0164 - Chrysler Air Temp House - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2502 Park View Drive. Applicant's Request: To rezone from single family residence standard lot (SF-2) district zoning to single family residence standard lot - historic landmark (SF-2-H) combining district zoning. Historic Landmark Commission Recommendation and Staff Recommendation: To grant single family residence standard lot - historic landmark (SF-2-H) combining district zoning. Zoning and Platting Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Applicant: Historic Landmark Commission.

Owner: Hugh Corrigan. Owner's agent: Coats|Rose (Racy L. Haddad). 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 7. **This item was postponed to May 19, 2022 at the request of Council Member Pool on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.**

49. C14-2022-0013 - 5410-5504 Viewpoint Drive - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5410, 5412, 5500, 5502, and 5504 Viewpoint Drive (Williamson Creek Watershed). Applicant's Request: To rezone from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Owners/Applicants: Jason Martin and Marshall Fleniken. Agent: Drenner Group, PC (Leah Bojo). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

The ordinance was approved on fire reading only on Council Member Fuentes' motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.

50. NPA-2018-0005.02.SH-Mary Vice Estates PUD Lot 27 Amendment #1- Approve second and third readings of 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. First Reading approved Mixed Use land use, on April 7, 2022. Vote: 10-0. Council Member Harper-Madison off the dais. 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.

Ordinance No. 20220421-050 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.

51. C814-97-0002.01- Mary Vice Estates PUD Lot 27 Amendment #1- District 3 - Approve second and third readings of 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 a waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions, on April 7, 2022. Vote: 10-0. Council Member Harper-Madison off the dais. 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.

Ordinance No. 20220421-051 to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning was approved on second and

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

52. 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 Burkhardt). Agent: Drenner Group, PC (Leah Bojo). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 5. **This item was postponed to May 19, 2022 at the request of the applicant on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.**

Mayor Adler recessed the meeting to go into Executive Session at 4:15 p.m. without objection.

EXECUTIVE SESSION

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

16. Authorize negotiation and execution of a contract with FII-National d/b/a UpTogether to administer a guaranteed income pilot program, for a term of one year in an amount not to exceed \$1,180,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities therefore, no subcontracting goals were established). Strategic Outcome(s): Economic Opportunity and Affordability, Government that Works for All.
Conducted

23. 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.
Conducted

Mayor Adler reconvened the meeting at 5:31 p.m. without objection.

DISCUSSION

16. Authorize negotiation and execution of a contract with FII-National d/b/a UpTogether to administer a guaranteed income pilot program, for a term of one year in an amount not to exceed \$1,180,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business

Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities therefore, no subcontracting goals were established). Strategic Outcome(s): Economic Opportunity and Affordability, Government that Works for All.

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

A motion to amend to postpone the item to May 19, 2022 was made by Council Member Kelly, seconded by Mayor Pro Tem Alter. The motion failed on a 3-7 vote. Those voting aye: Mayor Pro Tem Alter, Council Members Kelly, and Kitchen. Those voting nay: Mayor Adler, Council Members Harper-Madison, Ellis Fuentes, Renteria, Tovo, and Vela. Council Member Pool was absent.

23. 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 to approve the nomination to the Planning Commission by Council Member Vela's motion, Council Member Harper-Madison's second on a 6-4 vote. Those Voting aye: Mayor Adler, Council Members Vela, Harper-Madison, Ellis, Fuentes, and Renteria. Those voting nay: Mayor Pro Tem Alter, Council Members Kelly, Kitchen, and Tovo. Council Member Pool was absent.**

Nominations

Board/Nominee

Nominated by

Planning Commission

Greg Anderson

Council Member Vela

Mayor Adler recessed the meeting at 5:31 p.m. without objection.

PROCLAMATIONS

Proclamation - National Crime Victims' Rights Week – To be presented by Mayor Pro Tem Alter and to be accepted by Stephanie Burgess, Victim Services Supervisor of the Austin Police Department

Proclamation - Week of the Young Child – To be presented by Mayor Pro Tem and to be accepted by Donna Sundstrom from Austin Public Health

Certificates of Recognition – UT Healthy Students Organization – To be presented by CM Tovo and to be accepted by honorees

Proclamation – Food Insecurity Awareness Day – To be presented by Council Member Renteria and to be accepted by St. Edwards University Civics Lab

Mayor Adler reconvened the meeting at 6:51 p.m. without objection.

DISCUSSION

31. Conduct a public hearing and approve an ordinance adopting the twelfth modification to the Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area to align with proposed amendments to the East 11th and 12th Street Neighborhood Conservation Combining Districts. Related to Items #53 and 54. District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability.

The ordinance was approved as amended below on first reading only on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.

The Plan should match the applicable provisions of both NCCDs.

53. C14-2021-0033 - East 11th Street NCCD Amendment - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as the East 11th Street NCCD, within the boundaries of IH-35 Northbound frontage road between East 12th Street and the northern alley of East 7th Street; East 11th Street from IH-35 to Navasota Street; Juniper Street between Branch Street and Navasota Street; Rosewood Avenue between Navasota Street and the eastern property line of 1314 Rosewood Avenue; and a segment of San Bernard Street) (Lady Bird Lake Watershed and Waller Creek Watershed). Applicant's request: To rezone property within the boundaries of the East 11th Street NCCD to amend allowable building heights, floor-to-area ratios (FAR), impervious cover maximums, permitted uses, uses permitted with additional conditions, and conditional uses. The proposed changes will not change any base zoning districts within the NCCD. Staff Recommendation and Planning Commission Recommendation: To amend allowable building heights, floor-to-area ratios (FAR), impervious cover maximums, permitted uses, uses permitted with additional conditions, and conditional uses. Agent: City of Austin, Housing and Planning Department. This is a City of Austin initiated zoning change. City Staff: Mark Walters, 512-974-7695. Related to items #31 and 54. District(s) Affected: District 1.

The ordinance to amend allowable building heights, floor-to-area ratios (FAR), impervious cover maximums, permitted uses, uses permitted with additional conditions, and conditional uses was approved as amended below on first reading only on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.

The amendment to East 11th Street NCCD is as follows:

1. In Subdistrict 1 –

a. make the following uses permitted uses:

- i. commercial and general day cares services;**
- ii. business support services;**
- iii. commercial off-street parking;**
- iv. communications services;**
- v. consumer convenience services;**

- vi. financial services;
- vii. food sales;
- viii. general and convenience retail sales;
- ix. indoor sports and recreation;
- x. pet services;
- xi. limited and general restaurants; and
- xii. theater

b. make the following uses conditional uses:

- i. business or trade school;
- ii. cocktail lounges; and
- iii. transportation terminals.

2. In Subdistrict 2 - Make Group residential and day care services (general) permitted uses.

3. Make cocktail lounges a permitted use on the 900 and 1100 blocks of 11th Street (a/k/a Blocks 16 and 18)

54. C14-2021-0037 - East 12th Street NCCD Amendment - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as the East 12th Street NCCD, within the boundaries of the north side of East 12th Street between the IH-35 North frontage road and Poquito Street and the south side of East 12th Street between Branch Street and Poquito Street. (Lady Bird Lake Watershed and Waller Creek Watershed). Applicant's Request: To rezone property within the boundaries of the East 12th Street NCCD to amend allowable building heights, floor-to-area ratios (FAR), impervious cover maximums, permitted uses, uses permitted with additional conditions, and conditional uses. The proposed changes will not change any base zoning districts within the NCCD. Staff Recommendation and Planning Commission Recommendation: To amend allowable building heights, floor-to-area ratios (FAR), impervious cover maximums, permitted uses, uses permitted with additional conditions, and conditional uses. Agent: City of Austin, Housing and Planning Department. This is a City of Austin initiated zoning change. City Staff: Mark Walters, 512-974-7695. Related Item #31 and 53. District(s) Affected: District 1.

The ordinance to amend allowable building heights, floor-to-area ratios (FAR), impervious cover maximums, permitted uses, uses permitted with additional conditions, and conditional uses was approved as amended below on Council Member Harper-Madison's motion, Council Member Renteria's second on a 10-1 vote. Council Member Tovo voted no. Council Member Pool was absent.

The amendment to East 12th Street NCCD is as follows:

- 1. Except for telecommunications tower use, if a use is permitted, permitted with conditions, or conditional today, the use should be the same in the NCCD.**
- 2. Make cocktail lounges that are 3,500 square feet or less a conditional use on 12th Street.**

Direction was given to staff to come back to council with measures or a memo regarding the enforcement of the noise ordinance, specific to this item.

Mayor Adler adjourned the meeting at 7:17 p.m. without objection.

The minutes were approved on this the 5th day of May 2022 on Council Member Fuentes' motion, Council Member Renteria's second on a 10-0 vote. Council Member Pool was absent.