

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, SEPTEMBER 29, 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, September 29, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:22 a.m. Council Member Fuentes 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 11:14 a.m. See separate minutes.

68. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (The AHFC agenda is temporarily located at <https://www.austintexas.gov/department/city-council/2022/20220929-ahfc.htm>).

Mayor Adler reconvened the Council Meeting at 11:15 a.m.

Mayor Adler recessed the Council Meeting at 11:24 a.m.

Mayor Adler reconvened the Council Meeting at 11:50 a.m.

**DISCUSSION ITEM**

Action was taken on Item 12 but was later reconsidered.

**CONSENT AGENDA**

1. Approve the minutes of the Austin City Council budget work session of August 9, 2022, budget work session of August 11, 2022, work session of August 30, 2022, and regular meeting of September 1, 2022.

**This item was withdrawn on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

2. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County for the City's provision of animal services, for a three-month term beginning October 1, 2022, in an amount not to exceed \$657,995 to be paid to the City. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with Travis County was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
3. Authorize negotiation and execution of contracts with terms of up to 15 years for capacity and energy with certain Austin Energy customers with on-site backup generation as part of a Resiliency-as-a-Service pilot program, for an aggregate contracted capacity of up to 25 megawatts and estimated annual contracted amount of \$3,375,000. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of contracts with terms of up to 15 years for capacity and energy with certain Austin Energy customers was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
4. Approve a resolution finding that the property located at 2201 Grove Boulevard, Austin, Texas, is not essential to the maintenance and continued operation of the electric utility, that it is advisable to sell such property, and that such sale will not prevent the City from complying with the conditions of any revenue bond covenants. District(s) Affected: District 3. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20220929-004 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
5. Authorize the negotiation and execution of a cost participation agreement with Blackburn Group, LLC for the City to reimburse the developer for an amount not to exceed \$668,000 for costs associated with the design and construction of an oversized water main and appurtenances related to Service Extension Request No. 3985R that will provide water service to a proposed mixed-use development located at 5601 Durango Pass. District(s) Affected: District 1. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of a cost participation agreement with Blackburn Group, LLC was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
6. Authorize the negotiation and execution of a cost participation agreement with Blackburn Group, LLC for the City to reimburse the developer for an amount not to exceed

\$2,412,000 for costs associated with the design and construction of an oversized gravity wastewater main and appurtenances related to Service Extension Request No. 3986R2 that will provide wastewater service to a proposed mixed-use development located at 5601 Durango Pass. District(s) Affected: District 1. Strategic Outcome(s): Government that Works for All.

**The motion authorizing the negotiation and execution of a cost participation agreement with Blackburn Group, LLC was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

7. Approve a resolution authorizing Austin Water to continue a pilot program and issue incentives during Fiscal Year 2022-2023 for alternative onsite water reuse systems for large new commercial and multi-family developments under Austin Water's regulatory framework in a total aggregate amount not to exceed \$1,000,000, and not to exceed \$500,000 for each individual project. Strategic Outcome(s): Health and Environment. September 20, 2022 – Not reviewed by the Resource Management Commission due to a lack of quorum.

**Resolution No. 20220929-007 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

8. Approve an ordinance amending the Fiscal Year 2022-2023 Combined Utility Revenue Bond Redemption Fund (Ordinance No. 20220817-004) to increase the transfer in from the Water and Wastewater Reserve Fund by \$18,000,000 and increase other bond debt service requirement expenditures by \$18,000,000 for the purpose of defeasing and redeeming certain outstanding bonds secured by the Reserve Fund. Strategic Outcome(s): Government that Works for All.

**Ordinance No. 20220929-008 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

9. Authorize negotiation and execution of an interlocal agreement with the Capital Area Council of Governments authorizing the City to maintain and update the Capital Area Emergency Communications District's 9-1-1 Geographic Information System database for Fiscal Year 2022-2023. Strategic Outcome(s): Safety.

**The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Area Council of Governments was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

10. Authorize negotiation and execution of a co-sponsorship agreement with Austin Community Foundation for reentry planning services through the Austin/Travis County Reentry Roundtable for an initial 12-month term beginning October 1, 2022, in an amount not to exceed \$50,000, with four 12-month renewal options not to exceed

\$50,000 per option, for a total contract amount not to exceed \$250,000. Strategic Outcome(s): Safety

**This item was withdrawn on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

11. Authorize negotiation and execution of an amendment to the interlocal agreement with Austin Economic Development Corporation to increase the agreement amount for administrative and program costs related to providing assistance in engaging and supporting development projects and leveraging the City's investments and assets to achieve inclusive economic and community development outcomes and priorities, in an amount not to exceed \$10,590,000 for a total agreement amount not to exceed \$25,590,000. Strategic Outcome(s): Economic Opportunity and Affordability, Culture and Lifelong Learning, Mobility.

**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with Austin Economic Development Corporation was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

13. Approve an ordinance amending the Fiscal Year 2022-2023 Mayor and Council Operating Budget (Ordinance No. 20220817-004) to increase appropriations in the amount of \$1,275,104 to carry forward unexpended funds from the prior year for municipal purposes. Strategic Outcome(s): Government that Works for All.

**Ordinance No. 20220929-013 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

14. Authorize an amendment to the construction contract with Intermountain Slurry Seal, Inc., for the Miscellaneous Streets Slurry Seal and Fog Seal IDIQ Rebid project for additional authorization in the amount of \$400,000, for a total contract amount not to exceed \$8,400,000. [Note: This contract was awarded in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 5.83% MBE and 0.00% WBE]. Strategic Outcome(s): Safety, Mobility.

**The motion authorizing an amendment to the construction contract with Intermountain Slurry Seal, Inc. was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

15. Ratify Change Order #7 to the construction contract with Sefbo Pipeline Bridge, Inc., for the 2016 Bond Intersection Safety Improvements Construction - II project in the amount of \$73,500 for a total contract amount not to exceed \$1,129,162. [Note: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). Current Participation to date

is 89.78% MBE and 3.65% WBE]. District(s) Affected: District 1, District 4, District 9. Strategic Outcome(s): Safety, Mobility.

**The motion to ratify Change Order #7 to the construction contract with Sefbo Pipeline Bridge, Inc. was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

16. Authorize award of a contract with RE2D, Inc. to provide inspection, repair, and testing of stationary cranes, for a term of five years in an amount not to exceed \$396,000. (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): Safety.

**The motion authorizing the award of a contract with RE2D, Inc. was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

17. Authorize negotiation and execution of a cooperative contract with Presidio Networked Solutions Inc. d/b/a Presidio Networked Solutions Group LLC to provide web application firewall products and support services, for a term of three years for a total contract amount not to exceed \$400,000. (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): Mobility, Safety.

**The motion authorizing the negotiation and execution of a cooperative contract with Presidio Networked Solutions Inc. doing business as Presidio Networked Solutions Group LLC was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

18. Authorize the negotiation and execution of a third amendment to the lease agreement with Greater Austin Black Chamber of Commerce, exercising the first of four 10-year options for approximately 1,396 square feet of office space in the building known as the African American Cultural and Heritage Facility located at 912 East 11th Street, effective September 30, 2022, with an annual rental rate of \$1. District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability, Culture and Lifelong Learning.

**The motion authorizing the negotiation and execution of a third amendment to the lease agreement with Greater Austin Black Chamber of Commerce was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

19. Authorize the negotiation and execution of a lease agreement with Six Square for approximately 2,638 square feet of rentable space out of the property known as the African American Cultural and Heritage Facility located at 912 East 11th Street, Austin for an initial term of sixty (60) months, with one 5-year extension option, with an annual rental rate of \$100. District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability, Culture and Lifelong Learning.  
**The motion authorizing the negotiation and execution of a lease agreement with Six Square was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 7-0 vote. Council Member Kelly abstained. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
  
20. Authorize negotiation and execution of a lease agreement with ASC Medical 8 Holdings, LLC, a Delaware limited liability company, for approximately 1,841 square feet of office and clinic space for Austin Public Health's Women, Infants and Children Program located at 14008 Shadowglen Blvd., Suite 207, Manor, Texas 78653, for an initial term of 60 months, with two 5-year extension options, in an amount not to exceed \$1,537,088. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of a lease agreement with ASC Medical 8 Holdings, LLC, a Delaware limited liability company was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
  
21. Authorize negotiation and execution of an exclusive negotiating agreement with TC Austin Acquisitions, LLC for the acquisition and improvements of approximately 18 acres located at 14910 Cameron Road, Austin, Texas and with earnest money in an amount not to exceed \$500,000. Strategic Outcome(s): Government That Works for All.  
**The motion authorizing the negotiation and execution of an exclusive negotiating agreement with TC Austin Acquisitions, LLC was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
  
22. Authorize negotiation and execution of a multi-term contract with Altec Inc. to provide customized utility vehicles for up to 10 years for a total contract amount not to exceed \$65,520,903. (Note: This contract is exempt from the City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of a multi-term contract with Altec Inc. was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

23. Authorize award of a contract with Hi-Tech Industrial Services, LLC to provide commercial surface preparation and protective coatings, for a term of five years in an amount not to exceed \$2,400,000. (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 available MBEs or WBEs; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

**The motion authorizing the award of a contract with Hi-Tech Industrial Services, LLC was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

24. Authorize negotiation and execution of a multi-term contract with SMS LLC d/b/a Security Management to provide inspection, maintenance, small project installations and hosting of the Austin Energy Security systems, for up to five years for a total contract amount not to exceed \$20,000,000. (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 contract with SMS LLC doing business as Security Management was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

25. Ratify a contract amendment with Parker Hannifin Corporation to provide air filters, for an increase in the amount of \$84,000, for a revised total contract amount not to exceed \$412,156. (Note: This contract was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this contract, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government that Works for All.

**The motion to ratify a contract amendment with Parker Hannifin Corporation was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

26. Authorize negotiation and execution of a contract with iDefender, LLC for license agreement, maintenance, and other services to support North American Electric Reliability Corporation Critical Infrastructure Protection compliance reporting, for a term of five years in an amount not to exceed \$1,277,000. (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, Safety.

**The motion authorizing the negotiation and execution of a contract with iDefender, LLC was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

27. Authorize negotiation and execution of various cooperative contracts during Fiscal Year 2022-2023 for the purchase of computer, network and other technology hardware, software and related maintenance and technology services, in an amount not to exceed \$56,100,000. (Note: These procurements will be reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9 Minority Owned and Women Owned Business Enterprise Procurement Program. Department of Information contracts also have historically underutilized business (HUB) requirements for subcontracting). Strategic Outcome(s): Government that Works for All.

**The motion authorizing the negotiation and execution of various cooperative contracts during Fiscal Year 2022-2023 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

28. Authorize award of a contract with Agilent Technologies Inc. d/b/a Agilent Technologies for two gas chromatograph mass spectrometers, in an amount not to exceed \$113,452. (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): Safety.

**The motion authorizing the award of a contract with Agilent Technologies Inc. doing business as Agilent Technologies was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

29. Authorize negotiation and execution of a contract with Young Women's Christian Association of Greater Austin to provide healing modality services, in an amount not to exceed \$200,000. (Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Safety.

**The motion authorizing the negotiation and execution of a contract with Young Women's Christian Association of Greater Austin was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

30. Authorize award of a multi-term contract with Overseas Parts Distributing Inc. d/b/a Alamo BMW to provide police motorcycles, for up to three years in an amount not to exceed \$1,700,000. (Note: This solicitation was reviewed for subcontracting

opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established. Strategic Outcome(s): Mobility, Safety.

**The motion authorizing the award of a multi-term contract with Overseas Parts Distributing Inc. doing business as Alamo BMW was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

31. Authorize negotiation and execution of a cooperative contract with Government Scientific Source, Inc. for an ELISA liquid handling system, in an amount not to exceed \$148,244. (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 Government Scientific Source, Inc. was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

32. Authorize negotiation and execution of a contract with Delta Designs Ltd., or the other qualified offeror to Request for Proposals (RFP) 8600 WJT3000, for artifact storage equipment and installation for the George Washington Carver Museum, in an amount not to exceed \$78,832. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Culture and Lifelong Learning.

**The motion authorizing the negotiation and execution of a contract with Delta Designs Ltd., or the other qualified offeror to Request for Proposals (RFP) 8600 WJT3000 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

33. Authorize negotiation and execution of a cooperative contract with SHI Government Solutions Inc., to provide Red Gate SQL monitoring solution, licensing, storage, and professional services, for a term of three years in an amount not to exceed \$330,000. (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): Safety, Government that Works for All.

**The motion authorizing the negotiation and execution of a cooperative contract with SHI Government Solutions Inc. was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members**

**Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

34. Authorize an amendment to a cooperative contract with Petrosys Solutions Inc. d/b/a psitechnology Inc. or psitechnology to expand network connectivity and switches for Megaport services, to increase the amount by \$190,000 for a revised total contract amount not to exceed \$330,000. (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 goods and 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 authorizing an amendment to a cooperative contract with Petrosys Solutions Inc. doing business as psitechnology Inc. or psitechnology was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
35. Authorize negotiation and execution of a cooperative contract with A V Pro Inc. to provide commercial audio/visual equipment and related services for the Millennium Youth Entertainment Complex, in an amount not to exceed \$280,630. (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 and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Health and Environment, Government that Works for All, Culture and Lifelong Learning.  
**The motion authorizing negotiation and execution of a cooperative contract with A V Pro Inc. was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
36. Authorize negotiation and execution of a contract with Court Appointed Special Advocates of Travis County d/b/a CASA of Travis County to provide emergency financial assistance for victims/survivors of violence, in an amount not to exceed \$200,000. (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, Safety.  
**The motion authorizing negotiation and execution of a contract with Court Appointed Special Advocates of Travis County doing business as CASA of Travis County was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
37. Authorize a fee in lieu of on-site affordable housing for a proposed commercial development subject to the Plaza Saltillo Transit Orient Development Regulating Plan and located at or near 1100, 1108, and 1110 E. 5th Street, Austin, Texas 78702.

District(s) Affected: District 3. Strategic Outcome(s): Economic Opportunity and Affordability.

**The motion authorizing a fee in lieu of on-site affordable housing for a proposed commercial development subject to the Plaza Saltillo Transit Orient Development Regulating Plan was approved on consent on Council Member Pool's motion, Council Member Vela's second on a 7-1 vote. Council Member Tovo voted nay. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

38. Approve an ordinance setting the Council meeting schedule for calendar year 2023 and setting the budget and tax rate hearings for Fiscal Year 2023-2024. Strategic Outcome(s): Government that Works for All.

**Ordinance No. 20220929-038 was approved on consent as amended below on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

**The amendment was to revise the council meeting dates in Exhibit A.**

39. Approve an ordinance amending City Code Chapter 4-14 related to notices of proposed eviction. Strategic Outcome(s): Government that Works for All.

**This item was postponed to October 27, 2022 on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

40. Approve an ordinance amending City Code Chapter 4-14 related to tenant organizing and creating an offense and penalty. Strategic Outcome(s): Government that Works for All.

**This item was postponed to October 13, 2022 on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

41. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled APD Victim Crisis Intervention Project. Strategic Outcome(s): Safety.

**Resolution No. 20220929-041 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

42. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department Crime Lab Enhancement Project. Strategic Outcome(s): Safety.

**Resolution No. 20220929-042 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

43. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police

Department project entitled APD Violence Against Women Investigative Project. Strategic Outcome(s): Safety.

**Resolution No. 20220929-043 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

44. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled First Responder Mental Health Program. Strategic Outcome(s): Safety.  
**This item was withdrawn on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
45. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department Sexual Assault Evidence Testing Project. Strategic Outcome(s): Safety.  
**Resolution No. 20220929-045 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
46. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department Rifle-Resistant Body Armor Project. Strategic Outcome(s): Safety.  
**Resolution No. 20220929-046 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
47. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department Regional EOD (Explosive Ordnance Disposal) Services Project. Strategic Outcome(s): Safety.  
**Resolution No. 20220929-047 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
48. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department Project Safe Neighborhoods program. Strategic Outcome(s): Safety  
**This item was withdrawn on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
49. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled Austin Juvenile Justice and Truancy Prevention Project. Strategic Outcome(s): Safety.

**Resolution No. 20220929-049 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

50. Approve an ordinance amending the Fiscal Year 2021-2022 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept and appropriate \$164,802 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division, Rifle-Resistant Body Armor Grant Program for the Rifle Resistant Body Armor Project. Strategic Outcome(s): Safety  
**Ordinance No. 20220929-050 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
51. Approve an ordinance amending the Fiscal Year 2021-2022 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20210811-001) to accept and appropriate \$704,355 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division Evidence Testing Program for the Sexual Assault Evidence Testing Project. Strategic Outcome(s): Safety  
**Ordinance No. 20220929-051 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
52. Approve an ordinance accepting \$187,412 in grant funds from the State of Texas, Office of the Governor, Criminal Justice Division, Truancy Prevention Grant Program; and amending the FY 2021-2022 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20210811-001 to appropriate \$187,412 for the Austin Juvenile Justice and Truancy Prevention Project for the 1-year grant period (September 1, 2022 - August 31, 2023). Strategic Outcome(s): Safety  
**Ordinance No. 20220929-052 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

**Items 53 and 54 were pulled for discussion.**

55. Authorize negotiation and execution of an agreement with the Council on At-Risk Youth to provide juvenile delinquency prevention services for an initial 12-month term through August 31, 2023 with three 12-month renewal options, each in an amount not to exceed \$80,000, for a total agreement amount not to exceed \$320,000. Strategic Outcome(s): Health and Environment, Economic Opportunity and Affordability  
**The motion authorizing negotiation and execution of an agreement with the Council on At-Risk Youth was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
56. Approve an ordinance amending the Fiscal Year 2021-2022 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance no. 20210811-001) to accept and appropriate \$1,432,565 in grant funds from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, for the Year 2 grant period

of August 31, 2022 to August 30, 2023 for the Chronic Disease Community Health Worker Train, Deploy, Engage Grant. Strategic Outcome(s): Health and Environment.

**Ordinance No. 20220929-056 was approved on consent on Council Member Pool's motion, Council Member Vela's second on a 7-1 vote. Council Member Kelly voted nay. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

57. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County for the City's provision of public health services, for a three-month term beginning October 1, 2022, in an amount not to exceed \$1,371,193 to be paid to the City. Strategic Outcome(s): Health and Environment.
- The motion authorizing negotiation and execution of an amendment to the interlocal agreement with Travis County was approved on consent on Council Member Pool's motion, Council Member Vela's second on a 6-0 vote. Mayor Pro Tem Alter and Council Member Pool abstained. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

Action was taken on Item 58 but was later reconsidered.

Item 59 was pulled for discussion.

60. Authorize negotiation and execution of a Joint Funding Agreement with the United States Department of the Interior, United States Geological Survey for water resource investigation projects and stream gauge maintenance and support for Fiscal Year 2022-2023 in the amount of \$887,311, with five 12-month extensions, each allowing for an annual increase of up to 20% for potential increases in cost of service and adding to the scope of work, for a total contract amount not to exceed \$8,810,927. Strategic Outcome(s): Health and Environment; Safety.
- The motion authorizing negotiation and execution of a Joint Funding Agreement with the United States Department of the Interior, United States Geological Survey was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 7-0 vote. Council Member Ellis recused herself. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
61. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies, and to public facility corporations; removal and replacement of members; and amendments to board and commission bylaws.
- The following appointments and waivers were approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

#### Nominations

Board/Nominee

Nominated by

Joint Inclusion Committee

Richard Bondi

Commission on Seniors

**Joint Inclusion Committee (Alternate)**

Ryn Gonzales

LGBTQ Quality of Life Advisory Commission

**Small Area Planning Joint Committee**

Cesar Acosta

Zoning and Platting Commission

**Waivers**

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Jason Denny on the Commission on Veterans Affairs. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Alex Navarro on the Water and Wastewater Commission. The waiver includes absences through today's date.

Approve a waiver under Section 2-1-27(E) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for the following persons appointed to a City board if the person completes the training required by Section 2-1-23 on or before October 31, 2022:

|             |                     |
|-------------|---------------------|
| David Gomez | Downtown Commission |
|-------------|---------------------|

- 62. Approve an ordinance waiving or reimbursing certain fees for the 2022 Austin Veteran Arts Festival, AVA Fest 2022, to be held between October 12 through November 13, 2022. Council Sponsors: Council Member Leslie Pool, Mayor Steve Adler, Council Member Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Vanessa Fuentes, Council Member Mackenzie Kelly, Council Member Ann Kitchen, Mayor Pro Tem Alter.

**Ordinance No. 20220929-062 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

- 63. Approve the waiver or reimbursement of certain fees for the Missions 5K Run Walk for Alzheimer's that occurred on April 2, 2022. Council Sponsors: Council Member Natasha Harper-Madison, Mayor Pro Tem Alison Alter, Council Member Kathie Tovo, Council Member Sabino 'Pio' Renteria, Council Member Ann Kitchen.

**The motion approving the waiver or reimbursement of certain fees for the Missions 5K Run Walk for Alzheimer's was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

- 64. Approve an ordinance waiving or reimbursing certain fees for Kenny Dorham's Backyard/Diverse Arts Culture Works. Council Sponsors: Council Member Natasha Harper-Madison, Council Member Ann Kitchen, Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Council Member José 'Chito' Vela.

**Ordinance No. 20220929-064 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

#### **ITEMS TO SET PUBLIC HEARINGS**

65. Set a public hearing to consider an ordinance that grants a request to provide a historic preservation community benefit in accordance with the Downtown Density Bonus Program (City Code Section 25-2-586) related to the project at 307 and 319 E. Second Street, Austin, Texas 78701. (Suggested date: Thursday, October 13, 2022, Austin City Hall, 301 W. Second Street, Austin, Texas 78701). District(s) Affected: District 9.  
**The public hearing was set for Thursday, October 13, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701 on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
66. Set a public hearing related to an application by Live Make Housing Partners 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 Live Make Apartments, located at or near 1127 Tillery Street, Austin, Texas 78702, within the City. (Suggested date: October 13, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701). District(s) Affected: District 3.  
**The public hearing was set for Thursday, October 13, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701 on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

#### **AGENDA ADDENDUM CONSENT ITEMS**

86. Approve a resolution ratifying an interim collective bargaining agreement between the City and the Austin Firefighters Association concerning wages, hours, and terms and conditions of employment for Austin firefighters. Strategic Outcome(s): Safety, Government that Works for All.  
**Resolution No. 20220929-086 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

**Action was taken on Item 87 but was later reconsidered.**

88. Approve an ordinance waiving and modifying certain City Code requirements for the South by Southwest Conferences and Festival to be held March 6-19, 2023. Council Sponsors: Mayor Steve Adler, Council Member Vanessa Fuentes, Council Member Kathie Tovo, Council Member Natasha Harper-Madison.  
**Ordinance No. 20220929-088 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

89. Approve an ordinance waiving or reimbursing certain fees for Barton Springs Pool passes for Huston-Tillotson University students. Council Sponsors: Council Member Ann Kitchen, Council Member Paige Ellis, Council Member Natasha Harper-Madison, Council Member Kathie Tovo.  
**Ordinance No. 20220929-089 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
90. Approve the waiver or reimbursement of certain fees for the 2022 Spring Pecan Street Festival that was held on May 7-8, 2022. Council Sponsors: Council Member Ann Kitchen, Council Member Paige Ellis, Council Member José 'Chito' Vela, Mayor Steve Adler.  
**The motion approving the waiver or reimbursement of certain fees for the 2022 Spring Pecan Street Festival was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
91. Approve a resolution initiating an amendment to the Compromise Settlement Agreement associated with Josie Ellen Champion, et al v. City of Austin, Cause No. 94-07160 in the 353rd Judicial District Court of Travis County and supporting the rezoning of 6025 N. Capital of Texas Highway, Austin, Texas, 78731 (also known as "Champion Tract 4"). Council Sponsors: Mayor Pro Tem Alison Alter, Council Member Mackenzie Kelly, Council Member Paige Ellis, Council Member Kathie Tovo.  
**Resolution No. 20220929-091 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
92. Approve a resolution relating to Council policies and directives to the City Manager for City-owned real estate, including requirements for construction projects, living wage, minority and women-owned business requirements and other Council priorities related to City-owned real estate and City-owned parking facilities; and recommendations for future use of same. Council Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, Council Member Ann Kitchen.  
**This item was postponed to October 13, 2022 at the request of Council Member Tovo on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
93. Approve an ordinance amending Exhibit A to Ordinance No. 20220817-005 (Setting Fees and Fines for Fiscal Year 2022-2023) to set all vendor license fees for the Renaissance Artists Market, also known as 23rd Street Artists Renaissance Market, for Fiscal Year 2023 to zero dollars. Council Sponsors: Council Member Kathie Tovo, Council Member José 'Chito' Vela, Council Member Ann Kitchen, Council Member Leslie Pool.  
**Ordinance No. 20220929-093 was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

William Lee - September is Sobriety Month. As a Board Member of Austin Recovery, I would like to provide Council Members with a Community Update for Austin's oldest continually operating Non-profit provider of services for people suffering from Substance Abuse Disorder. - **Present.**

Susan Spataro - Public Safety – **Present.**

Ethan Smith - The greatest value of HealthSouth is to UT. CoA should leverage this for the preservation of the UT Biology Field Lab. CoA could require UT to build housing at HealthSouth site as part of an agreement. – **Present**

Nina Diehl - Safety concerns for crossing Woodward and Willow Springs – **Not Present.**

Jesus Mendoza - Mission - Requesting an ordinance to criminalize bullying, specifically for school incidents. Has documentation to provide on how this is impacting our children. Will have friend email paperwork. – **Present.**

Chadrique Couture – Housing – **Not Present.**

CAROLANNEROSE KENNEDY- FEDERAL SHENANIGANS – **Present.**

**Mayor Alder recessed the Council meeting at 12:59 p.m.**

**Mayor Adler reconvened the Council meeting at 2:11 p.m.**

### **LIVE MUSIC**

Cancelled

### **DISCUSSION ITEMS CONTINUED**

58. Authorize negotiation and execution of an agreement with Sunrise Community Church to provide street outreach services for an initial 12-month term beginning October 1, 2022 with four 12-month extension options, each in an amount not to exceed \$150,000, for a total agreement amount not to exceed \$750,000. Strategic Outcome(s): Health and Environment.

**The motion authorizing negotiation and execution of an agreement with Sunrise Community Church was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 8-0 vote. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

**A motion to reconsider this item was accepted without objection on Mayor Adler's motion and Council Member Pool's second.**

**The motion authorizing negotiation of an agreement with Sunrise Community Church was approved on Mayor Adler's motion, Council Member Pool's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

87. Authorize negotiation and execution of agreements with four social service agencies to provide street outreach services for an initial 12-month term beginning October 1, 2022, in a combined amount not to exceed \$2,007,832, with one 12-month extension option in a

combined amount not to exceed \$2,007,832, for a total agreement amount not to exceed \$4,015,664 divided among the agencies. Strategic Outcome(s): Health and Environment. **The motion authorizing negotiation and execution of agreements with four social service agencies was approved on consent on Council Member Pool's motion, Council Member Vela's second on an 7-1 vote. Council Member Kelly voted nay. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

**A motion to reconsider this item was accepted without objection on Mayor Adler's motion and Council Member Pool's second.**

**The motion authorizing negotiation of agreements with four social service agencies was approved on Mayor Adler's motion, Council Member Pool's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

#### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS (PUBLIC HEARINGS AND POSSIBLE ACTION)**

72. C14-2022-0204 - Gemini School of Visual Arts - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12325 Hymeadow Drive, STE 3-100 (Lake Creek Watershed). Applicant Request: To rezone from interim-single-family residence-standard lot (I-SF-2) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office (GO) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Owner: Joan Wang HWA Revocable Trust. Applicant/Agent: Gemini School of Visual Arts and Communication (Colette Barcilon). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 6.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220929-072 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

73. C14-2022-0070 - Springdale Commercial (Tract 2) Amended - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1005 Springdale Road (Boggy Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be heard September 27, 2022. Owner/Applicant: 809 Vargas LC. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**This item was postponed to October 27, 2022 at the request of the Applicant on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

74. C14-2022-0015 - Springdale Commercial Tract 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1113 Airport Boulevard (Boggy Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and Rural Residence-Neighborhood Plan (RR-NP) to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be heard September 27, 2022. Owner/Applicant: 809 Vargas LC. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**This item was postponed to October 27, 2022 at the request of the Applicant on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

75. C14-2022-0052 - East 12th - Fuentes - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3337 East 12th Street (Tannehill Branch Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to urban family residence-neighborhood plan (SF-5-NP) combining district zoning. Staff and Planning Commission Recommendation: To grant urban family residence-neighborhood plan (SF-5-NP) combining district zoning. Owner/Applicant: Ethos Modular LLC (Andres Esquivel and Ricardo Betancourt). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20220929-075 for urban family residence-neighborhood plan (SF-5-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

76. C14-2022-0044 - The Zimmerman - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11400 Zimmerman Lane (Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to multifamily residence-medium density (MF-3) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Udaya and Uma Kumar. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.

**This item was postponed to October 13, 2022 at the request of Mayor Pro Tem Alter on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

77. NPA-2022-0023.01.SH - 5107-5115 Lancaster Court - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55 the University Hills/Windsor Park 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 5107, 5109, 5111, 5113 and 5115 Lancaster Court (Tannehill Branch Watershed) from Multifamily Residential and Mixed Use/Office to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To grant Mixed Use land use. Owners/Applicants: Plancaster, LLC; SEMIZI, LLC; Lancaster Office Three, LLC; and Fayez Kazi. Agent: Capital A Housing (Conor Kenny). City Staff: Maureen Meredith, Housing and Planning Department (512) 974-2695. District(s) Affected: District 4.

**This item was postponed to October 13, 2022 at the request of the Neighborhood on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

78. C14-2022-0018.SH - 5111-5115 Lancaster - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5107, 5109, 5111, 5113 and 5115 Lancaster Court (Tannehill Branch Watershed). Applicant's Request: To rezone from multifamily residence-medium density-neighborhood plan (MF-3-NP) combining district zoning and neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, as amended. Staff Recommendation and Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, as amended. Owners/Applicants: Plancaster, LLC; SEMIZI, LLC; Lancaster Office Three, LLC; and Fayez Kazi. Agent: Capital A Housing (Conor Kenny). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 4.

**This item was postponed to October 13, 2022 at the request of the Neighborhood on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

79. C14-2022-0053 - Swansons Ranch Single Family - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9608, 9700, and 9702 Swansons Ranch Road (Slaughter Creek Watershed). Applicant's Request: To rezone from single family residence-large lot (SF-1) district zoning and single family residence-standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: ITALEX Builders Inc. (John Luke Sanchez). Agent: Thrower Design (Victoria Haase). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 5.

**This item was postponed to October 27, 2022 at the request of the Neighborhood on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

80. C14-2022-0001 - 2409 Town Lake Circle - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 2409 and 2413 Town Lake Circle (Lady Bird Lake and Country Club West Watersheds).

Applicant's Request: To rezone from East Riverside Corridor (ERC) district zoning to East Riverside Corridor (ERC) district zoning, to change the subdistrict from neighborhood mixed use (NMU) to corridor mixed use (CMU). First Reading approved on July 28, 2022. Vote: 10-0, Council Member Fuentes - off the dais. Owner/Applicant: 2409 Town Lake LLC (Scott Sepic). Agent: Drenner Group (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**This item was postponed to October 13, 2022 at the request of Staff on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

81. C14-2022-0067 - Villas at South Austin - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 7311 and 7313 Bluff Springs Road (South Boggy Creek Watershed). Applicant's Request: To rezone from single family-small lot-conditional overlay (SF-4A-CO) combining district zoning to townhouse and condominium residence (SF-6) district zoning. First Reading approved on September 1, 2022. Vote: 11-0. Owner/Applicant: Srinivas Prudhvi Minnekanti & Vamshi Krishna Sunchu. Agent: Srinivas Prudhvi Minnekanti. City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2. A valid petition has been filed in opposition to this rezoning request.

**This item was postponed to October 27, 2022 at the request of Council Member Fuentes on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

**Items 82 and 83 were pulled for discussion.**

84. C14-2022-0056 - Albert Road Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7415 Albert Road (Williamson Creek Watershed; South Boggy Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: Zoning and Platting Commission Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Owner/Applicant: Ironstone Partners LLC (Juan Pablo Mondragon). 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 October 13, 2022 at the request of the Neighborhood on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

85. C14-2022-0050 - Allandale Village CS-1 - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 5800 Burnet Road (Tenant Space: 5806 Burnet Road) (Shoal Creek Watershed). Applicant's Request: To rezone from general commercial services-vertical mixed-use building (CS-V) combining district zoning to commercial-liquor sales-vertical mixed-use building (CS-1-V) combining district zoning. First reading approved on September 15, 2022. Vote: 10-0; Mayor Pro Tem Alter - off the dais. Owner/Applicant: Allandale Village

LTD (Meredith Knight). Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 7.

**Ordinance No. 20220929-085 for commercial-liquor sales-vertical mixed- use building conditional overlay (CS-1-V-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Ellis's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

### **EMINENT DOMAIN**

67. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the Kellam Road Water Pipeline Renewal Project, for the public use of ensuring the continued use of safe and reliable service of water lines and fire hydrants, the acquisition of a water line easement consisting of approximately 2,810 square feet (0.064 acre) and two separate temporary working space easements totaling approximately 11,237 square feet (0.258 acre), being out of and a portion of the Thomas B. Westbrook Survey Section No. 5, Abstract No. 797 in the City of Austin, Travis County, Texas, and being out of a 117.208 acre tract conveyed to the Circuit of the Americas, LLC in a special warranty deed dated July 3, 2012 and recorded in Document No. 2012109754 of the Official Public Records, Travis County, Texas, in the City of Austin, Travis County, Texas currently appraised at \$6,584 subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Circuit of the Americas, LLC. The property is located at 0 Elroy Road, Austin, Texas 78617. The general route of the project is along Kellam Road, immediately north of Elroy Road. District(s) Affected: District 2. Strategic Outcome(s): Government that Works for All.

**Resolution No. 20220929-067 was approved on Council Member Kelly's motion, Council Member Vela's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

### **AUSTIN HOUSING AND FINANCE CORPORATION MEETING**

**Mayor Adler recessed the Council Meeting and reconvened the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:17 p.m. See separate minutes.**

68. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (The AHFC agenda is temporarily located at <https://www.austintexas.gov/department/city-council/2022/20220929-ahfc.htm>).

### **AUSTIN HOUSING PUBLIC FACILITY CORPORATION MEETING**

**Mayor Adler called the Board of Directors' Meeting of the Austin Public Facility Corporation to order at 3:20 p.m. See separate minutes.**

69. 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 AHPFC agenda is temporarily

located at <https://www.austintexas.gov/department/city-council/2022/20220929-ahpfc.htm>).

**Mayor Adler reconvened the Council Meeting at 3:25 p.m.**

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

70. Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to environmental, drainage, landscape, and site plan requirements.  
**This item was postponed to October 13, 2022 at the request of Staff on Mayor Pro Tem Alter's motion, Council Member Vela's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**
71. Conduct a public hearing and consider an ordinance amending Ordinance No. 20220817-005 to set the Fiscal Year 2022-23 Power Supply Adjustments, Community Benefit Charges, and Regulatory Charges for Austin Energy, and make corresponding amendments to the Austin Energy Fiscal Year 2022-23 operating budget in Ordinance No. 20220817-004. Strategic Outcome(s): Government that Works for All.  
**This item was postponed to October 13, 2022 on Council Member Pool's motion, Council Member Kelly's second on a 9-0 vote. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

#### **ITEM REFERRED FROM COUNCIL COMMITTEE**

94. Approve an ordinance amending the bylaws for the Commission on Seniors. Council Sponsors: Audit and Finance Committee.  
**Resolution No. 20220929-094 was approved on Council Member Kitchen's motion, Council Member Tovo's second on an 8-0 vote. Council Member Kelly abstained. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

#### **DISCUSSION ITEMS CONTINUED**

53. Authorize negotiation and execution of an interlocal agreement with the University of Texas at Austin for the Austin Police Department to provide assistance in the planning and execution of street closures and related activities for parades, protests, sporting, and other special events, in an amount not to exceed \$900,000. Strategic Outcome(s): Safety.  
**The motion authorizing negotiation and execution of an interlocal agreement with the University of Texas at Austin was approved on Council Member Vela's motion, Council Member Renteria's second on a 7-0 vote. Council Member Tovo abstained. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**
54. Authorize negotiation and execution of an interlocal agreement with the Texas Department of Transportation for security services. Strategic Outcome(s): Safety.  
**The motion authorizing negotiation and execution of an interlocal agreement with the Texas Department of Transportation was approved on Council Member Vela's motion, Council Member Renteria's second on a 7-0 vote. Council Member Tovo**

**abstained. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

59. Approve a resolution authorizing the submittal of the Our Future 35: Connecting Equitably Study as a candidate for the Reconnecting Communities Pilot program, administered by the United States Department of Transportation, for funding and planning needs associated with the I-35 Cap and Stitch initiative. District(s) Affected: District 1, District 2, District 3, District 4, District 9. Strategic Outcome(s): Mobility, Economic Opportunity and Affordability, Health and Environment, Culture and Lifelong Learning.

**A motion to approve the resolution with the following amendment was made by Council Member Vela and seconded by Council Member Renteria.**

**The amendment was to add a new Be It Further Resolved Clause to read:**

**“BE IT FURTHER RESOLVED: The City Council further directs the City Manager to include the entire Capital Express Central Project between US 290 East and SH 71/Ben White Boulevard in the scope of the Future 35: Connecting Equitably Study.”**

**Resolution No. 20220929-059 was approved as amended above on Council Member Vela’s motion, Council Member Renteria’s second on an 8-0 vote. Council Member Kelly abstained. Council Member Harper-Madison was off the dais. Council Member Fuentes was absent.**

#### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS (PUBLIC HEARINGS AND POSSIBLE ACTION) CONTINUED**

82. NPA-2019-0022.02- 305 S. Congress PUD - Approve second reading of 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. First Reading approved Mixed Use land use on April 7, 2022. Vote: 10-0, Council Member Harper-Madison was off the dais. Owner/Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, Housing and Planning Department, 512-974-3207. District(s) Affected: District 9.

**This item was postponed to October 13, 2022 on Council Member Pool’s motion, Council Member Renteria’s second on a 10-0 vote. Council Member Fuentes was absent.**

83. C814-89-0003.02 - 305 S. Congress - Approve second reading of 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. First Reading approved with additional conditions on April 7, 2022. Vote: 10-0, Council Member Harper-Madison was off the dais. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207.

**This item was postponed to October 13, 2022 on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Fuentes was absent.**

### **DISCUSSION ITEMS CONTINUED**

12. Authorize negotiation and execution of a master development agreement with Aspen Heights Partners, or its affiliates, for terms governing the development, construction, and lease of a mixed-use residential development and associated infrastructure on City-owned sites located at 1215 Red River Street and 606 East 12th Street under terms outlined in a term sheet. District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity and Affordability; Government that Works for All.

**A motion to authorize negotiation of a master development agreement with Aspen Heights Partners, or its affiliates and return to council prior to execution was made by Council Member Tovo and seconded by Council Member Harper-Madison.**

**The following direction was made by Mayor Adler:**

**“As a part of the negotiations of the Master Development Agreement, if City Staff or the developer determine that opportunities exist to increase community benefits, the City Manager is directed to prioritize affordable housing, specifically negotiating to achieve:**

- **Deeper affordability for proposed affordable units**
- **Greater affordability for proposed market rate units**
- **Supportive services for proposed affordable units**

**The City Staff is further directed to explore all available financial tools, including, but not limited to, negotiation of City fees, EB-5 financing, 9% Low-Income Housing Tax Credits through either the Austin Housing Finance Corporation (AHFC) or Austin Housing Public Facility Corporation (AHPFC), and partnership agreements that may offer ad valorem tax relief in exchange for community benefits.”**

**A motion to amend the direction above by adding the following fourth bullet was made by Council Member Tovo and accepted without objection:**

- **Permanent supportive housing”**

**The following amendments were made by Council Member Tovo and included without objection:**

**“As a part of the negotiations for the Master Development Agreement, in addition to affordable housing, the City Manager is directed to prioritize fair wages and affordable child care. The City Manager is directed to continue negotiating with the intent to require:**

- **An affirmative marketing plan to ensure the proposed affordable multi-bedroom units are marketed toward multi-generational households.”**
- **“A more affordable annual gross rental rate for the child care facility so as to ensure participation from a local, affordable, high-quality child care facility operator, especially an operator who accepts child care subsidies. The City Manager is directed to work with local child care experts, such as United Way, to identify what constitutes an affordable, high-quality child care provider and what tuition rates are considered to be affordable.”**

**The following amendment was made by Council Member Tovo:**

**“As a part of the negotiations for the Master Development Agreement, in addition to affordable housing, the City Manager is directed to prioritize fair wages and affordable child care. The City Manager is directed to continue negotiating with the intent to require:**

- **The City’s living wage standard for the property’s leased commercial spaces.”**

**The following amendment to the amendment was made by Mayor Adler:**

**“As a part of the negotiations for the Master Development Agreement, in addition to affordable housing, the City Manager is directed if additional resources or revenue can come to bear to prioritize fair wages and affordable child care. The City Manager is directed to continue negotiating with the intent to require:”**

**The amendment failed on a 5-2 vote. Those voting aye were: Mayor Adler, Council Members Ellis, Harper-Madison, Renteria, and Vela. Those voting nay were: Council Members Kelly and Tovo. Mayor Pro Tem Alter and Council Member Pool abstained. Council Member Kitchen was off the dais. Council Member Fuentes was absent.**

**The following direction was made by Council Member Tovo:**

**“Continue discussion with Aspen Heights around living wage.”**

**The following amendment was made by Council Member Tovo and included without objection:**

**“The City Council affirms its expectation that Aspen Heights and any other investors shall pay full taxes on the portion of the property and any improvements allocated for commercial and market-rate residential uses.”**

**The motion to authorize negotiation of a master development agreement with Aspen Heights Partners, or its affiliates and return to council prior to execution was approved as amended above on Council Member Tovo's motion, Council Member Harper Madison's second on a 7-1 vote. Council Member Kelly voted nay. Council Members Harper-Madison and Kitchen were off the dais. Council Member Fuentes was absent.**

**A motion to reconsider the item was accepted without objection.**

**The motion to authorize negotiation only of a master development agreement with Aspen Heights Partners, or its affiliates and return to council prior to execution was approved as amended above on Mayor Adler's motion, Council Member Harper Madison's second on a 9-1 vote. Council Member Kelly voted nay. Council Member Fuentes was absent.**

**Mayor Adler adjourned the meeting at 6:18 p.m. without objection.**

### **PROCLAMATIONS**

Proclamation – Cybersecurity Awareness Month – To be presented by Mayor Adler and to be accepted by Shirley Erp, Chief Information Security Officer

Proclamation – National Co-op Month – To be presented by Mayor Adler and to be accepted by Sylnovia Holt-Rabb, Director of the Economic Development Department

Distinguished Service Award – Lourdes Zuniga – To be presented by Mayor Adler and to be accepted by Lourdes Zuniga

Proclamation – Domestic Violence Awareness Month – To be presented by Council Member Pool and to be accepted by Michelle Myles from the Office of Violence Prevention

Proclamation – Hill Country Night Sky Month – To be presented by Council Member Ellis

Proclamation – International Day of Non-Violence – To be presented by Council Member Renteria and to be accepted by John Crosby of Non-Violent Austin

Proclamation – Suicide Prevention Month – To be presented by Council Member Kelly and to be accepted by Integral Care

**The minutes were approved on this the 13<sup>th</sup> day of October 2022 on Council Member Fuentes' motion, Council Member Vela's second on a 11-0 vote.**