

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, OCTOBER 27, 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, October 27, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:18 a.m.

**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 10:43 a.m. See separate minutes.

43. 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 10:54 a.m.

**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, regular meeting of September 1, 2022, work session of September 13, 2022, regular meeting of September 15, 2022, work session of September 27, 2022, and regular meeting of September 29, 2022.  
**This item was withdrawn on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
2. Approve issuance of a five-year production-based incentive to Paloma Ridge Owner, LLC for the installation of solar electric systems on their facility located at 13620 North FM 620 Road, Austin, Texas 78717, in an amount not to exceed \$2,041,981. District(s) Affected: District 6. Strategic Outcome(s): Government that Works for All. October 18, 2022- Recommended by the Resource Management Commission on a 6-vote with

Commissioners Angoori, Harmon, Brenneman absent, and one vacancy. October 17, 2022- Recommended by the Electric Utility Commission on an 8-0 vote with Commissioner Hadden absent and two vacancies.

**The motion approving issuance of a five-year production-based incentive to Paloma Ridge Owner, LLC was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-1 vote. Council Member Kelly voted nay.**

3. Authorize negotiation and execution of an interlocal agreement with the City of West Lake Hills to obtain address and annexation related data for regional 911 support. Strategic Outcome(s): Safety, Government that Works for All.

**The motion authorizing the negotiation and execution of an interlocal agreement with the City of West Lake Hills was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

4. Authorize negotiation and execution of an interlocal agreement with the City of Sunset Valley to obtain address and annexation related data for regional 911 support. Strategic Outcome(s): Safety, Government that Works for All.

**The motion authorizing the negotiation and execution of an interlocal agreement with the City of Sunset Valley was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

5. Authorize negotiation and execution of an interlocal agreement with the City of Rollingwood to obtain address and annexation related data for regional 911 support. Strategic Outcome(s): Safety, Government that Works for All.

**The motion authorizing the negotiation and execution of an interlocal agreement with the City of Rollingwood was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

6. Authorize negotiation and execution of an interlocal agreement with the City of Pflugerville to obtain address and annexation related data for regional 911 support. Strategic Outcome(s): Safety, Government that Works for All.

**The motion authorizing the negotiation and execution of an interlocal agreement with the City of Pflugerville was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

7. Authorize negotiation and execution of an interlocal agreement with the City of Lakeway to obtain address and annexation related data for regional 911 support. Strategic Outcome(s): Safety, Government that Works for All.

**The motion authorizing the negotiation and execution of an interlocal agreement with the City of Lakeway was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

8. Authorize execution of an encroachment agreement with River & Rainey Venture, LLC, a Delaware limited liability company, for the permanent aerial encroachment of public right-of-way for an aerial pool deck consisting of approximately 319 square feet,

encompassing a volume of 5,102 cubic feet, extending along Rainey Street, between approximately 61 Rainey Street and 69 Rainey Street. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.

**This item was withdrawn and replaced by Item 64 on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

9. Approve a resolution to authorize the Circuit Events Local Organizing Committee to act on behalf of the City for the Texas Major Events Reimbursement Program for the purpose of conducting economic studies, submitting applications, and submitting any required funding to the Texas Office of the Governor for National Association for Stock Car Auto Racing, LLC events to be held at the Circuit of the Americas facility. District(s) Affected: District 2. Strategic Outcome(s): Economic Opportunity and Affordability.  
**Resolution No. 20221027-009 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
10. Approve a resolution finding the use of the Construction Manager at Risk method of contracting, as authorized by Subchapter F, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the Barbara Jordan Terminal Optimization - Phase 2 project. [Note: MBE/WBE or DBE goals will be established prior to issuance of this solicitation]. District(s) Affected: District 2. Strategic Outcome(s): Safety, Health and Environment, Mobility.  
**Resolution No. 20221027-010 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
11. Authorize award and execution of a construction contract with M. A. Smith Contracting Co., Inc., for the Zilker Water and Wastewater Pipeline Renewal Rebid project in the amount of \$9,105,251 plus a \$910,525 contingency, for a total contract amount not to exceed \$10,015,776. [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 7.90% MBE and 0.68% WBE participation]. District(s) Affected: District 5. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the award and execution of a construction contract with M. A. Smith Contracting Co., Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
12. Authorize award and execution of a construction contract with LD Tebben Company Inc., for the Public Health Capital Rehabilitation - Roofs project in the amount of \$489,230 plus a \$48,923 contingency, for a total contract amount not to exceed \$538,153. [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 combined M/WBE goals with 4.43% participation.] District(s) Affected: District 3, District 4. Strategic Outcome(s): Safety, Government that Works for All, Health and Environment

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

13. Authorize award and execution of a construction contract with MAC, Inc., for the Austin to Manor Phase 2 - Trail project in the amount of \$7,916,572 plus a \$791,658 contingency, for a total contract amount not to exceed \$8,708,230. [Note: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and City Code Chapter 2-9A by meeting the goals with Good Faith Efforts and 6.27% DBE participation.] District(s) Affected: District 1. Strategic Outcome(s): Mobility

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

14. Authorize negotiation and execution of an amendment to the design-build contract with JE Dunn Construction Inc., for construction services for the new Austin Fire Department and Emergency Medical Services stations in the amount of \$17,750,000 for a total contract amount not to exceed \$71,550,000. [Note: This amendment will be awarded in compliance with City Code 2-9A and 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation for the Design Phase is 1.55% MBE and 1.13% WBE. Current participation to date for the Construction Phase is 5.28% MBE and 7.12% WBE.] Strategic Outcome(s): Safety, Government that Works for All

**The motion authorizing the negotiation and execution of an amendment to the design-build contract with JE Dunn Construction Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

15. Authorize award and execution of a construction contract with MWH Constructors, Inc., for the South Austin Regional Wastewater Treatment Plant Trains A & B Improvements project in the amount of \$116,000,852, plus a \$11,600,086 contingency, for a total contract amount not to exceed \$127,600,938. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.67% MBE and 1.39% WBE participation]. Related to item #17. District(s) Affected: District 2. Strategic Outcome(s): Health and Environment.

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

16. Authorize additional contingency for the construction contract with M.A. Smith Contracting Co., Inc., for the Stassney Lane from Teri Road to Burleson Road project in the amount of \$1,022,995 for a total amount not to exceed \$9,074,959. [Note: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program). Current Participation to



date is MBE - 0% and WBE 0%.] District(s) Affected: District 2. Strategic Outcome(s): Mobility.

**The motion authorizing additional contingency for the construction contract with M.A. Smith Contracting Co., Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

17. Authorize negotiation and execution of an amendment to the professional services agreement with CP&Y, Inc., for professional engineering services for the South Austin Regional Wastewater Treatment Plant Trains A & B Improvements project in the amount of \$12,628,995 for a total contract amount not to exceed \$20,578,995. [Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 14.10 % MBE and 32.93% WBE.] Related to item #15. District(s) Affected: District 2. Strategic Outcome(s): Health and Environment.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with CP&Y, Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

18. Authorize negotiation and execution of a multi-term cooperative contract with SHI-Government Solutions Inc. to provide Novell SUSE software maintenance and support, for up to three years for a total contract amount not to exceed \$495,000. [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. October 17, 2022- Recommended by the Electric Utility Commission on an 8-0 vote with Commissioner Hadden absent and two vacancies. October 17, 2022- Recommended by the Electric Utility Commission on an 8-0 vote with Commissioner Hadden absent and two vacancies.

**The motion authorizing the negotiation and execution of a multi-term cooperative contract with SHI-Government Solutions Inc. was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

19. Authorize negotiation and execution of multiple cooperative contracts with various contractors for parks, playgrounds, and pool equipment and repair, each for a term of 44 months in an amount not to exceed \$70,300,000, divided among the contractors. (Note: These procurements were 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 these procurements, 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 multiple cooperative contracts with various contractors was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

20. Authorize negotiation and execution of an amendment to the agreement with El Buen Samaritano for services to households that are vulnerable to eviction to add additional funding in an amount not to exceed \$400,000, for a total agreement amount not to exceed \$1,530,000. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion authorizing the negotiation and execution of an amendment to the agreement with El Buen Samaritano was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
21. Authorize negotiation and execution of an amendment to a legal services agreement with Jackson Walker, LLP for legal services related to City of Austin vs. 6315 Spicewood, L.P., Condemnation Proceeding in County Court at Law No. 2, in the amount of \$250,000 for a total contract amount not to exceed \$355,000. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of an amendment to a legal services agreement with Jackson Walker, LLP was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
22. Approve a settlement in Jose Herrera v. City of Austin et al, Cause No. 1:20-cv-01134-RP in the United States District Court for the Western District of Texas. Strategic Outcome(s): Government that Works for All.  
**The motion approving a settlement in Jose Herrera v. City of Austin et al, Cause No. 1:20-cv-01134-RP was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**The settlement amount was for: \$1,750,000.00**

**Item 23 was pulled for discussion.**

24. Approve a resolution appointing the nominee recommended by the Nominating Committee for the position of Community Expert Director representing Community Planning or Sustainability to the Austin Transit Partnership Board of Directors to serve through January 2025. Strategic Outcome(s): Mobility.  
**This item was postponed to November 3, 2022 at the request of Staff on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**Item 25 was pulled for discussion.**

26. Authorize negotiation and execution of an amendment to an agreement with Central Texas Community Health Centers d/b/a CommUnityCare for community health workers to engage in COVID-19 response and chronic disease prevention activities, to add funding in an amount not to exceed \$80,000 to each of the two renewal options, for a revised total agreement amount not to exceed \$400,000. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of an amendment to an agreement with Central Texas Community Health Centers doing business as**

**CommUnityCare was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

27. Authorize negotiation and execution of agreements with three social service agencies to provide benefits access services for an initial 12-month term beginning October 1, 2022 in a combined amount not to exceed \$500,000, with one 12-month extension option in a combined amount not to exceed \$500,000, for a total agreement amount not to exceed \$1,000,000 divided among the agencies. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of agreements with three social service agencies was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
28. Authorize negotiation and execution of four agreements with social service agencies to provide workforce development services for an initial 12-month term beginning October 1, 2022 in a combined amount not to exceed \$1,336,355, with one 12-month extension option in a combined amount not to exceed \$1,336,355, for a total agreement amount not to exceed \$2,672,710 divided among the agencies. Strategic Outcome(s): Economic Opportunity and Affordability.  
**The motion authorizing the negotiation and execution of four agreements with social service agencies was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
29. Approve an ordinance amending the Fiscal Year 2022-2023 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20220817-004) to accept and appropriate \$17,650,000 in grant funds from the Centers for Disease Control and Prevention to add 13.0 full-time equivalent grant-funded positions, for the Strengthening U.S. Public Health Infrastructure, Workforce, and Data Systems Grant. Strategic Outcome(s): Health and Environment.  
**This item was postponed to December 8, 2022 at the request of Staff on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
30. Authorize negotiation and execution of agreements with five social service agencies to provide behavioral health services to individuals who have or are experiencing homelessness for an initial 12-month term beginning October 1, 2022 in a combined amount not to exceed \$1,225,000, with one 12-month extension option in a combined amount not to exceed \$1,225,000, for a total agreement amount not to exceed \$2,450,000 divided among the agencies. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of agreements with five social service agencies was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**The following direction was included by Council Member Kitchen without objection:**

- “1. The City Manager is directed to assist the Homeless Strategy Division to lead an effort to evaluate and develop a broader strategy for connecting people living unsheltered to needed services that considers best practices related to the provision of street outreach services (mobile outreach, Hotline and day center) and behavioral health services, which will include recommendations for addressing related impacts on surrounding neighborhoods. The City Manager will provide assistance to complete this effort by the time of contract renewals.**
- 2. The City Manager is directed to collaborate with Sunrise Community Church regarding their implementation of longer-term options for providing street outreach services and behavioral health that can accommodate expanded services at a different location. Collaboration shall include considering resources and community partnerships that may assist with longer term options.**
- 3. The City Manager is directed to provide quarterly reports of quantitative and qualitative data on Sunrise Community Church’s operations and performance that enable Council the opportunity to provide guidance regarding Sunrise Community Church’s impact on surrounding neighborhoods and the school.**
- 4. The City Manager is directed to ensure that Sunrise Community Church is provided the guidance, mentorship, and other support necessary for them to be successful in performing the City’s contracts for street outreach services and behavioral health services, which includes support for an initial assessment of short-term options to improve provision of services and reduce impacts on the surrounding neighborhood and school. The intent is for the initial assessment to be completed within six months and supports to include collaboration on options to complete any recommendations.**
- 5. The City Manager is directed to require the Sunrise Community Church implement a community grievance policy that enables the submission and resolution of grievances from individuals negatively impacted by Sunrise Community Church’s provision of services under the City’s contracts for street outreach services and behavioral health services.**
- 6. The City Manager is directed to collaborate with the community workgroup referenced in the contracts in completing these activities.”**
31. Authorize the execution of an agreement with Sunrise Community Church to provide street outreach services in an amount not to exceed \$390,000 for the initial 12-month term beginning October 1, 2022, with one 12-month extension option not to exceed \$390,000, for a total amount not to exceed \$780,000. Strategic Outcome(s): Health and Environment.

The motion authorizing the execution of an agreement with Sunrise Community Church was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.

The following direction was included by Council Member Kitchen without objection:

- “1. The City Manager is directed to assist the Homeless Strategy Division to lead an effort to evaluate and develop a broader strategy for connecting people living unsheltered to needed services that considers best practices related to the provision of street outreach services (mobile outreach, Hotline and day center) and behavioral health services, which will include recommendations for addressing related impacts on surrounding neighborhoods. The City Manager will provide assistance to complete this effort by the time of contract renewals.
2. The City Manager is directed to collaborate with Sunrise Community Church regarding their implementation of longer-term options for providing street outreach services and behavioral health that can accommodate expanded services at a different location. Collaboration shall include considering resources and community partnerships that may assist with longer term options.
3. The City Manager is directed to provide quarterly reports of quantitative and qualitative data on Sunrise Community Church's operations and performance that enable Council the opportunity to provide guidance regarding Sunrise Community Church's impact on surrounding neighborhoods and the school.
4. The City Manager is directed to ensure that Sunrise Community Church is provided the guidance, mentorship, and other support necessary for them to be successful in performing the City's contracts for street outreach services and behavioral health services, which includes support for an initial assessment of short-term options to improve provision of services and reduce impacts on the surrounding neighborhood and school. The intent is for the initial assessment to be completed within six months and supports to include collaboration on options to complete any recommendations.
5. The City Manager is directed to require the Sunrise Community Church implement a community grievance policy that enables the submission and resolution of grievances from individuals negatively impacted by Sunrise Community Church's provision of services under the City's contracts for street outreach services and behavioral health services.



6. **The City Manager is directed to collaborate with the community workgroup referenced in the contracts in completing these activities.”**
32. Authorize 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 the execution of an agreement with Sunrise Community Church was approved on consent on Council Member Pool’s motion, Council Member Ellis’ second on an 11-0 vote.**

**The following direction was included by Council Member Kitchen without objection:**

- “1. The City Manager is directed to assist the Homeless Strategy Division to lead an effort to evaluate and develop a broader strategy for connecting people living unsheltered to needed services that considers best practices related to the provision of street outreach services (mobile outreach, Hotline and day center) and behavioral health services, which will include recommendations for addressing related impacts on surrounding neighborhoods. The City Manager will provide assistance to complete this effort by the time of contract renewals.**
- 2. The City Manager is directed to collaborate with Sunrise Community Church regarding their implementation of longer-term options for providing street outreach services and behavioral health that can accommodate expanded services at a different location. Collaboration shall include considering resources and community partnerships that may assist with longer term options.**
- 3. The City Manager is directed to provide quarterly reports of quantitative and qualitative data on Sunrise Community Church’s operations and performance that enable Council the opportunity to provide guidance regarding Sunrise Community Church’s impact on surrounding neighborhoods and the school.**
- 4. The City Manager is directed to ensure that Sunrise Community Church is provided the guidance, mentorship, and other support necessary for them to be successful in performing the City’s contracts for street outreach services and behavioral health services, which includes support for an initial assessment of short-term options to improve provision of services and reduce impacts on the surrounding neighborhood and school. The intent is for the initial assessment to be completed within six months and supports to include collaboration on options to complete any recommendations.**

5. **The City Manager is directed to require the Sunrise Community Church implement a community grievance policy that enables the submission and resolution of grievances from individuals negatively impacted by Sunrise Community Church's provision of services under the City's contracts for street outreach services and behavioral health services.**
  6. **The City Manager is directed to collaborate with the community workgroup referenced in the contracts in completing these activities."**
33. Authorize negotiation and execution of an amendment to the Advance Funding Agreement with the Texas Department of Transportation for the relocation and adjustments of existing water lines and appurtenances in conflict with the Boyce Lane Roadway Improvements project at Harris Branch Creek for an additional amount of \$79,599.88, for a total amount not to exceed \$174,110.68. Strategic Outcome(s): Mobility.  
**The motion authorizing the negotiation and execution of an amendment to the Advance Funding Agreement with the Texas Department of Transportation was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
34. Approve a resolution adopting the 2022 disparity study completed by Colette Holt & Associates regarding the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program. Strategic Outcome(s): Economic Opportunity and Affordability; Government that Works for All.  
**Resolution No. 20221027-034 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**The following direction was included by Mayor Pro Tem Alter without objection:**

**"To further Council's ongoing commitment to support the City's Minority and Women Owned Business Enterprise Procurement Program, the City Manager is directed to explore the development of additional, complementary, procurement programs that will promote further contracting opportunities for small businesses, including but not limited to minority and women owned businesses. Such programs should consider a local preference feature and be presented to council for action before August 31, 2023, so that Council can align their adoption with the implementation of future updates to the disparity study goals for MWBE.**

**As part of the envisioned stakeholder process for developing updated MWBE goals and the above complementary procurement programs, the City Manager is directed to work with the local chambers of commerce to review the 2022 Disparity Study and to identify ways that the City can further support small, local businesses in accordance with race and gender-neutral guidelines offered by past legal assessments."**

35. Approve an ordinance amending City Code Chapters 2-9A, 2-9B, 2-9C, and 2-9D extending the sunset date of the Minority-Owned and Women-Owned Business Enterprise Procurement Program. Strategic Outcome(s): Economic Opportunity and Affordability.  
**Ordinance No. 20221027-035 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
36. Approve an ordinance amending Exhibit A to the Fiscal Year 2022-2023 City of Austin Fee and Fine Ordinance (Ordinance No. 20220817-005) to remove the film permit application fee. Strategic Outcome(s): Economic Opportunity and Affordability.  
**Ordinance No. 20221027-036 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**
37. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies, and to public facility corporations; removal and replacement of members; and amendments to board and commission bylaws.  
**The following appointments and waivers were approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

#### Nominations

##### Board/Nominee

##### Nominated by

##### Joint Sustainability Committee

Kirsha Haverlah

Economic Prosperity Commission

##### South Central Waterfront Advisory Board

James Stephenson

The Trail Conservancy

#### Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Diana Anzaldua on the Mayor's Committee for People with Disabilities. The waiver includes absences through today's date.

38. Approve a resolution initiating site-specific variances and amendments to City Code Title 25, including Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as minimally required to address proposed mobility and safety improvements while maximizing environmental protection in the public right-of-way on Slaughter Lane from Loop 1 (MoPac) to 650 feet east of Brodie Lane, located within the Barton Springs Zone. Council Sponsors: Council Member Paige Ellis, Council Member Ann Kitchen, Council Member Vanessa Fuentes, Council Member Leslie Pool.  
**Resolution No. 20221027-038 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**Item 39 was pulled for discussion.**

40. Approve a resolution directing the City Manager to draft an ordinance that authorizes the property located at 2400 South Congress Avenue to obtain a Type 2 Non-Peak Hour Permit for Concrete Installation. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member José 'Chito' Vela, Council Member Natasha Harper-Madison, Mayor Steve Adler.

**This item was withdrawn and replaced by Item 66 on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**Item 41 was pulled for discussion.**

42. Approve a resolution relating to balancing development requirements that reduce development capacity or affordability with options that offset those requirements; and initiating amendments to Titles 25 and 30 of the City Code. Council Sponsors: Mayor Steve Adler, Council Member Natasha Harper-Madison, Council Member Paige Ellis, Council Member Vanessa Fuentes, Council Member Leslie Pool.

**Resolution No. 20221027-042 was approved as amended below on consent on Council Member Pool's motion, Council Member Ellis' second on an 8-0 vote. Mayor Pro Tem Alter and Council Members Kelly and Tovo abstained.**

**Version 5 of the Resolution was included without objection.**

**CONSENT ADDENDUM ITEMS**

63. Approve an ordinance amending Ordinance No. 20220817-011 ordering the November 8, 2022 general and special municipal elections to add Exhibits B, C, D, E, F, G, and H that adopt English and Spanish versions of the ordinance calling the elections 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; waiving section 1-2-4(a) of the Procedures for Austin City Council Meetings, Public Hearings and Appeals to allow Council to take action on a work session item that is also on the Thursday Council agenda; and declaring an emergency. Strategic Outcome(s): Government that Works for All

**This item was withdrawn on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

64. Authorize negotiation and execution of an encroachment agreement with River & Rainey Venture, LLC, a Delaware limited liability company, for the permanent aerial encroachment of public right-of-way for an aerial pool deck consisting of approximately 319 square feet, encompassing a volume of 5,102 cubic feet, extending along Rainey Street, between approximately 61 Rainey Street and 69 Rainey Street. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.

**The motion authorizing the negotiation and execution of an encroachment agreement with River & Rainey Venture, LLC, was approved on consent on Council**

**Member Pool's motion, Council Member Ellis' second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Kitchen, Renteria, and Vela. Those voting nay were: Mayor Pro Tem Alter, Council Members Kelly, Pool, and Tovo.**

65. Approve a resolution regarding text messages to 911 communications and directing the City Manager to initiate a procurement process concerning translation technology for 911 call takers and dispatchers. Council Sponsors: Council Member Mackenzie Kelly, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria, Council Member José 'Chito' Vela, Council Member Natasha Harper-Madison.

**Resolution No. 20221027-065 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

66. Approve an ordinance authorizing a Type 2 Non-Peak Hour Permit for Concrete Installation for the property located at 2400 South Congress Avenue and establishing permit conditions. Council Sponsors: Council Member Sabino 'Pio' Renteria, Mayor Steve Adler, Council Member José 'Chito' Vela, Council Member Vanessa Fuentes.

**Ordinance No. 20221027-066 was approved on consent on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Tovo abstained.**

67. Set a public hearing to consider an ordinance amending City Code Title 25 to allow residential uses on commercially zoned property under certain conditions. (Suggested date: December 1, 2022 at Austin City Hall, 301 West Second Street, Austin, Texas). Strategic Outcome(s): Government that Works for All.

**The public hearing was set for Thursday, December 1, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

68. Set a public hearing to consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways. (Suggested date: December 1, 2022 Austin City Hall, 301 W. Second Street, Austin, Texas). Strategic Outcome(s): Government that Works for All.

**The public hearing was set for Thursday, December 1, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

### **PUBLIC COMMUNICATION**

Shawn Katz - Adaptive traffic signal technology - **Present.**

Kevin Fiercey - Monkey Pox Vaccine Equity - **Present.**

Mark Overstreet - Unauthorized habitat damage to a section of the Southern Walnut Creek Trail. Potential for traffic accidents on adjacent roads. - **Present.**



Mayor Adler recessed the Council meeting at 12:13 p.m.

**LIVE MUSIC**

Gabby Got It

Mayor Adler reconvened the Council meeting at 1:42 p.m.

**PUBLIC HEARINGS AND POSSIBLE ACTION**

44. Conduct a public hearing and consider an ordinance amending the Regulating Plan for the North Burnet Gateway Zoning District to increase the maximum building height with development bonus and to modify the maximum floor-to-area ratio with development bonus in the Commercial Mixed Use-Gateway Zone Subdistrict. District(s) Affected: District 7. Strategic Outcome(s): Government that Works for All.  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-044 was approved on Council Member Pool's motion, Council Member Ellis' second on a 10-0 vote. Council Member Tovo was off the dais.**

**The following items were acted on in one combined motion.**

69. Conduct a public hearing and consider an ordinance relating to the full-purpose annexation of approximately 3,067 acres of City-owned property located in Hays County and Travis County southwest of State Highway 45 and near the intersection of Spanish Oak Trail and Live Oak Drive and approving a written plan for the provision of municipal services. Case number: C7a-2022-0010. The area is in Austin limited purpose jurisdiction as well as extraterritorial jurisdiction adjacent to Council District 8. Strategic Outcome(s): Government that Works for All.  
**This item was postponed to November 3, 2022 at the request of Staff on Council Member Ellis' motion, Council Member Pool's second on a 10-0 vote. Council Member Tovo was off the dais.**
70. Conduct a public hearing to consider an ordinance relating to the full-purpose annexation of approximately 498 acres of City-owned property located in Travis County northwest of the intersection of Yaupon Drive and Spicewood Springs Road and approving a written plan for the provision of municipal services. Case number: C7a-2022-0007. The area is in Austin limited purpose jurisdiction as well as extraterritorial jurisdiction adjacent to Council Districts 6 and 10. Strategic Outcome(s): Government that Works for All.  
**This item was postponed to November 3, 2022 at the request of Staff on Council Member Ellis' motion, Council Member Pool's second on a 10-0 vote. Council Member Tovo was off the dais.**

71. Conduct a public hearing to consider an ordinance relating to the full-purpose annexation of approximately 877 acres of City-owned property located in Travis County west of the intersection of Ranch to Market Road 2222 and City Park Road and approving a written plan for the provision of municipal services. Case number: C7a-2022-0008. The area is in Austin limited purpose jurisdiction as well as extraterritorial jurisdiction adjacent to Council District 10. Strategic Outcome(s): Government that Works for All.  
**This item was postponed to November 3, 2022 at the request of Staff on Council Member Ellis' motion, Council Member Pool's second on a 10-0 vote. Council Member Tovo was off the dais.**
72. Conduct a public hearing to consider an ordinance relating to the full-purpose annexation of approximately 658 acres of City-owned property located in Travis County south of Slaughter Lane, west of Escarpment Boulevard, and north of La Crosse Avenue and approving a written plan for the provision of municipal services. Case number: C7a-2022-0009. The area is in Austin extraterritorial jurisdiction adjacent to Council District 8. Strategic Outcome(s): Government that Works for All.  
**This item was postponed to November 3, 2022 at the request of Staff on Council Member Ellis' motion, Council Member Pool's second on a 10-0 vote. Council Member Tovo was off the dais.**

### **DISCUSSION ITEMS**

23. Approve an ordinance amending City Code Chapter 4-14 related to notices of proposed eviction. Strategic Outcome(s): Government that Works for All.  
**A motion to approve the ordinance was made by Mayor Adler and seconded by Council Member Fuentes.**

**The following amendment was made by Council Member Fuentes, and seconded by Council Member Vela.**

- **“Add a new part to the ordinance that reads: The City Council directs the City Manager to maintain a webpage with resources for renters that is regularly updated with current program and funding information; and application dates.**
- **Amend Section 4-14-103 (*Administrative Rule*) to authorize the city manager to adopt a form “Notice of Tenants’ Rights”.**

#### **§ 4-14-103 ADMINISTRATIVE RULE.**

**The city manager is authorized to adopt a form notice of proposed eviction and notice of tenants’ rights by rule and in accordance with Chapter 1-2 (*Adoption of Rules*).**

- Amend Section 4-14-104 (*Requirements*) to require that the notice of proposed eviction include a “Notice of Tenants’ Rights”. An example of the notice is attached as Exhibit A.

**§ 4-14-104 REQUIREMENTS.**

**(B) A notice of proposed eviction must be in writing and include:**

- (1) a statement that complies with Subsection (D);**
- (2) the lease violations that may result in an eviction;**
- (3) a right for the tenant to cure any violations, including delinquent payments or other lease violations;**
- (4) the time period to cure the lease violations described in (B)(2); and**
- (5) if required, the time period to respond to the landlord; and**
- (6) a notice of tenants’ rights that complies with Subsection (F).**

**(F) A notice of tenants’ rights must be written in English and Spanish, include a link to the City’s tenant assistance program webpage, and provide information about:**

- (1) a tenant’s right to remain at the property while the eviction process moves forward; and**
- (2) eviction-related legal resources that are available to the tenant”**

**The amendment was included without objection.**

**The following direction was made by Council Member Vela and included without objection.**

**“Make the notice of tenants’ rights as language-accessible as possible in more than just two languages”**

**Ordinance No. 20221027-023 was approved as amended above on an 11-0 vote.**

39. Approve a resolution relating to mobile homes and tenant notification and relocation requirements; and initiating amendments to Title 25 of the City Code. Council Sponsors: Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Council Member José 'Chito' Vela, Council Member Ann Kitchen, Council Member Kathie Tovo. **A motion to approve the resolution was made by Council Member Fuentes and seconded by Council Member Vela.**

**The following amendment was made by Council Member Fuentes and seconded by Council Member Tovo:**

**Insert at line 13:**

**“WHEREAS, Resolution 20180628-063 directed the City Manager to research best practices, conduct stakeholder meetings, and provide recommendations for ordinance changes or alternative actions to create a “lookback” period to address this situation; and**

**WHEREAS, staff’s memo on May 9, 2019, provided specific, detailed recommendations for provisions to be included in ordinance changes and indicated that ordinance changes would only be effective if the City identifies funding to support relocation assistance; and”**

**Add language at line 31:**

**“Be it Further Resolved: The City Council initiates amendments to Tenant Notification and Relocation Ordinance that address the issues raised in this Resolution and Resolution 20180628-063 and as best as possible, incorporate recommendations described in the staff memo from May 9, 2019, to achieve the following goals:”**

**The amendment was included without objection.**

**Resolution No. 20221027-039 was approved as amended on an 10-1 vote. Council Member Kelly voted nay.**

### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

**Item 46 was pulled for discussion.**

47. 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: To 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 November 15, 2022 at the request of the Applicant on Council Member Harper-Madison’s motion, Council Member Pool’s second on an 11-0 vote.**

**Item 48 was pulled for discussion.**

49. C814-06-0175.03 - East Avenue PUD, Parcel A Amendment - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1012, 1012 1/2, 1016, 1018, 1018 1/2 Concordia Avenue; 3500, 3500 1/2, 3502, 3506, 3508 1/2 North IH 35 Service Road Southbound (Boggy Creek 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. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. Applicant: Westheimer Retail Center Ltd (David Foor). Agent: Drenner Group, PC (Leah Bojo). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-049 as amended below to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

**The staff amendment was to add a new Part 11 as follows and renumber the remaining sections:**

**"PART 11. Development of the Property shall comply with the following regulations:**

- A. No exterior of a buildings shall include Mirrored Glass as defined in Section 25-1-21(67) (*Definitions*).**
- B. Landowner shall comply with Leadership in Energy and Environmental Design (LEED) Bird Collision Deterrence standards on all buildings and structures.**
- C. Landowner shall restrict glass reflectivity to 13.5 percent in the LEED-identified "critical compliance zone" from ground level to 36 feet above grade on all buildings and structures.**
- D. Landowner shall restrict glass to an average 13.5 percent reflectivity on all buildings and structures.**
- E. Landowner shall design buildings and structure with additional bird-friendly design elements:**
  - a. a podium overhang to shield the critical compliance zone;**
  - b. fully shielded lighting;**
  - c. full cut off landscape lighting;**
  - d. no exterior building-up lighting; and**
  - e. building articulation that reduce the size of the building's reflective plane.**



**F. Landowner shall construct a vegetative wall along the west side of the first two stories of all buildings and structures.**

**G. Vehicular access is prohibited to Concordia Avenue if required by the City of Austin at the time of site plan approval.”**

50. C14-2021-0091- The Rhett - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1000 East Yager Lane (Walnut Creek Watershed). Applicant Request: To rezone from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny the rezoning request. Owner/Applicant: Zydeco Development Corporation. Agent: Thrower Design, LLC (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 1.

**This item was postponed indefinitely at the request of the Applicant on Council Member Harper-Madison’s motion, Council Member Pool’s second on an 11-0 vote.**

51. C814-96-0003.18 - Pioneer Crossing PUD Amendment #18 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3124 East Parmer Lane (Harris Branch Watershed). Applicant Request: To rezone from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Owner/Applicant: RH Pioneer North, LLC (Annie Atkinson). Agent: LJA Engineering, Inc. (T. Walter Hoysa). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 1.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-051 to planned unit development (PUD) district zoning, to change a condition of zoning was approved on Council Member Harper-Madison’s motion, Council Member Pool’s second on an 11-0 vote.**

52. C14-2022-0097 - 1507 & 1511 Bastrop Hwy SvrD Rezone - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 1507 and 1511 Bastrop Highway Service Road (Carson Creek Watershed). Applicant’s Request: To zone from interim-single family residence-standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general commercial services (CS) district zoning. Owner/Applicant: Sanjiv Kumar. Agent: Keepers Land Planning (Ricca Keepers). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-052 as amended below to general commercial**

services (CS) district zoning was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.

The staff amendment was to amend the Caption to add the conditional overlay language to the zoning string, add new Parts 2 and 3 to the ordinance as follows and renumber the remaining sections:

**"PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:**

**The following uses are prohibited uses on the Property:**

Automotive repair services  
Automotive sales  
Automotive washing (of any type)  
Building maintenance services  
Campground  
Construction sales and services  
Convenience storage  
Drop-off recycling collection facility  
Exterminating services  
Service station  
Vehicle storage

**PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for general commercial services (CS) district."**

53. 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: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To be reviewed November 15, 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 December 1, 2022 at the request of Staff on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**
54. 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: To grant general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To be reviewed November 15, 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 December 1, 2022 at the request of Staff on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

55. 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 indefinitely at the request of the Applicant on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

56. 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. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 2.

**Ordinance No. 20221027-056 for townhouse and condominium residence (SF-6) district zoning was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

57. C14-2021-0190 - 3020 E. Cesar Chavez - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3020 East Cesar Chavez Street (Colorado River Watershed). Applicant's Request: To rezone from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant:

Eastside Partners LLC. Agent: Drenner Group PC (Leah Bojo). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-057 to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

58. C814-2009-0139.03 - Bull Creek PUD Amendment #3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 5305, 5400, 5404, 5408, 5505 Paradox Cove; 4909, 4915-1/2, 4929 FM 2222 Road (Bull Creek Watershed; Lake Austin Watershed). Applicant's Request: To rezone from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change conditions of zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, to change conditions of zoning. Applicant: David G. Booth, Trustee for the David Booth Revocable Trust. Agent: Armbrust & Brown, PLLC (David Armbrust). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 10.

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

59. C14-2022-0039 - Peaceful Hill Residential - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7901 Peaceful Hill Lane (South Boggy Creek Watershed; Onion Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Owner/Applicant: Jeffrey Fluitt. Agent: Thrower Design (Victoria Haase). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-059 to townhouse and condominium residence (SF-6) district zoning was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

60. C14-2022-0049 - 500 VFW - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 500 VFW Road (Walnut Creek Watershed). Applicant's Request: To rezone from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use (GO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on October 18, 2022. Owner/Applicant: Capital City VFW Post #8787.

Agent: Drenner Group, PC (Amanda Swor). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 1.

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

61. 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 November 3, 2022 at the request of Mayor Pro Tem Alter on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

62. C14-2022-0001 - 2409 Town Lake Circle - Conduct a public hearing and approve 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) and to increase maximum building height through participation in a density bonus program. Staff Recommendation and Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, to change the subdistrict to corridor mixed use (CMU) and to increase maximum building height through participation in a density bonus program. 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.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-062 to East Riverside Corridor (ERC) district zoning, to change the subdistrict to corridor mixed use (CMU) and to increase maximum building height through participation in a density bonus program was approved on Council Member Harper-Madison's motion, Council Member Pool's second on an 11-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

48. C814-92-0006.02 - Seton Medical Center Planned Unit Development Amendment No. 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1201 West 38th Street (Shoal Creek 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. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. Applicant: Seton Medical Center, % Altus Group US Inc. (Scott Herndon). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 10.

**A motion to approve the ordinance was made by Mayor Pro Tem Alter and seconded by Council Member Pool.**

**The following staff amendment was included without objection.**

**“Amend Part 6.**

**E. Water quality facilities shall meet city code requirements for new development on the Property as determined by the City of Austin at the time of site plan application.**

**Amend Part 7. G of the ordinance to read as follows:**

**G. The Landowner shall provide onsite water reuse systems for new buildings constructed on the Property south of the public utility easement shown in Exhibit “B” (30’ Water Main Easement to City of Austin) accomplishing the following:**

- a. collect rainwater from roofs and store in a cistern having a 30,000 gallon minimum capacity to provide water for irrigation; and**
- b. collect condensate generated to offset potable cooling tower makeup water demand.**
- c. the owner will provide Austin Water with the final cost data to design and construct the rainwater and condensate reuse systems”**

**The following amendments were made by Mayor Pro Tem Alter and seconded by Council Member Pool.**

**“A. The city council directs the city manager to endeavor to include and prioritize as part of the upcoming West 31st Street/Shoal Creek Boulevard (Lamar Boulevard to 34th Street) Evaluation Project (“West 31st Steet Project”) the following improvements:**

- 1. Install signage directing westbound traffic to the West 35th Street leg of the intersection located at 34th Street and 35th Street near the rain garden.**
- 2. Install a flashing crossing beacon at the intersection of West 34th Street and Shoal Creek Boulevard.**
- 3. Install yellow flashing school zone indicator lights and beacons for streets surrounding Bryker Woods Elementary and St. Andrews School.**

**B. The city council further directs the city manager to endeavor to establish an address for the Women's Pavilion on West 38th Street.**

**C. I move to add a new Section I. to Part 7 of the ordinance as follows:**

**In addition to any other impact or transportation fees that will be collected, the Landowner as an element of superiority at the time street impact fees are collected, shall contribute the sum of \$30,000.00 to the City of Austin for the West 31st Street Project or other transportation project identifying the improvements below, subject to the prioritization and approval of each improvement as determined by the City of Austin:**

- 1. Install signage directing westbound traffic to the West 35th Street leg of the intersection located at 34th Street and 35th Street near the rain garden.**
- 2. Install a flashing crossing beacon at the intersection of West 34th Street and Shoal Creek Boulevard.**
- 3. Install yellow flashing school zone indicator lights and beacons for streets surrounding Bryker Woods Elementary and St. Andrews School.**

**Additional Direction:**

**While the City is in no way an enforcing party to this agreement, staff are directed to include the attached letter between Ascension Seton and the Shoal Creek Conservancy as part of the formal record for this case."**

**The amendments were approved on an 11-0 vote.**

**The following amendment was made my Mayor Pro Tem Alter and seconded by Council Member Pool.**

**"To the extent permissible under state law, street impact fees associated with the redevelopment of the site shall be prioritized for street and intersection improvements along W. 34th Street, W. 31st Street, Medical Arts Parkway, and other streets immediately adjacent to the site."**

**The amendment was approved on a 9-2 vote. Those voting aye were: Mayor Pro Tem Alter, Council Members Ellis, Fuentes, Harper-Madison, Kelly, Kitchen, Pool, Tovo and Vela. Those voting nay were: Mayor Adler and Council Member Renteria.**

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-048 as amended above to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning was made was approved on an 11-0 vote.**

46. C141H-2022-0099 - Delisle House - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2002 Scenic Drive (Lady Bird Lake Watershed). Applicant's request: To rezone from family residence - neighborhood plan (SF-3-NP) combining district zoning to family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning. Staff and Historic Landmark Commission Recommendations: To grant family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation due to lack of an affirmative vote. Applicant: Historic Landmark Commission (owner-opposed rezoning request). City Staff: Kimberly Collins, Housing & Planning Department, 512-974-1801. A valid petition has been filed in opposition to this rezoning. District(s) Affected: District 10.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221027-046 to family residence - historic landmark - neighborhood plan (SF-3-H-NP) combining district zoning failed on Mayor Pro Tem Alter's motion, Council Member Tovo's second on a 3-7 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Alter, and Council Member Tovo. Those voting nay were: Council Members Ellis, Fuentes, Harper-Madison, Kelly, Kitchen, Pool, and Vela. Council Member Renteria abstained.**

25. 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. **Ordinance No. 20221027-025 Version 4 was approved on Council Member Vela's motion, Council Member Harper-Madison's second on a 9-1 vote. Council Member Kelly voted nay. Council Member Tovo was off the dais.**

**Mayor Adler recessed the Council Meeting and called the Special Called Austin City Council to order at 3:35 p.m. See separate minutes.**

**Mayor Adler reconvened the Council Meeting at 4:58 p.m.**

**Item 45 was tabled.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED**

41. 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 November 3, 2022 on Council Member Tovo's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Renteria was off the dais.**

**DISCUSSION ITEMS CONTINUED**

45. Conduct a public hearing and consider an ordinance amending City Code Title 25 relating to environmental, drainage, landscape, and site plan requirements. Strategic Outcome(s): Health and Environment, Safety, Economic Opportunity and Affordability. **A motion to approve Version 2 of the ordinance was made by Mayor Pro Tem Alter and seconded by Council Member Pool.**

**The following direction was made by Mayor Adler, seconded by Council Member Pool, and included without objection.**

**“The City Manager is directed to develop recommendations in Phase 2 that would seek to offset the impact on development capacity and affordability of the following:**

- **Functional Green**
  - **Phase 2 shall also include the direction/recommendations in Planning Commission Recommendation 1.**
- **Critical Water Quality Zone expansion east of the Longhorn Dam**
  - **Phase 2 shall also include consideration of the potential loss of economic viability.**

**Due to the extensive nature of new regulations, the City Council directs the City Manager to develop changes to the Environmental Criteria Manual (ECM) utilizing a process similar to the development of the Transportation Criteria Manual for Street Impact Fees for amendments related to Functional Green. This process should provide opportunity for education, transparent feedback, and stakeholder input, with the goal of limiting the possibility of an appeal to the City Manager. The process shall include, but is not limited to, the following:**

- **seeking feedback from the public on a first draft document prior to submitting the ECM for the formal Rules Posting Process,**
- **virtual public information session (webinar) to illustrate the ECM Update process and present major themes that emerge from the public comment period,**
- **meaningful engagement with stakeholders,**
- **review for conflicts and approval by all related departments, and**
- **report to Council on changes to the rules process.**

**New requirements related to Functional Green shall not take effect until the final adoption of the new ECM rules.”**

**The following direction was made by Council Member Pool, seconded by Council Member Ellis, and included without objection.**

**“As part of Phase 2, relocate the Landscape code from 25-2 (Zoning) of the Land Development Code to 25-8 (Environment).”**

**The following amendment was made by Council Member Vela, seconded by Council member Kelly and included without objection:**

**Section 25-8-42(D)(2)**

**(2) for a variance from Subsection 25-8-213(C), that the proposed water quality control is:**

- (a) necessitated by unique site conditions; or**
- (b) necessary to avoid a loss in residential units or building square footage.**

**The following amendment was made by Council Member Vela and seconded by Mayor Adler:**

**“This amendment will take effect November 1, 2023”**

**Additional staff direction:**

**Consider the following, or substantially similar, amendments in Phase 2:**

**“25-2-1062 - HEIGHT LIMITATIONS AND SETBACKS FOR SMALL SITES.  
Section B is amended to read as follows**

**(B) In this section, the term "structure" excludes a water quality control that is designed in accordance with the Environmental Criteria Manual as a green stormwater control. If a site has a street frontage of 50 feet or less, a person may not construct a structure 15 feet or less from property:**

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or**
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.**

**25-2-1063 - HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES.  
Section B is amended to read as follows:**

**(B) In this section, the term "structure" excludes a water quality control that is designed in accordance with the Environmental Criteria Manual as a green stormwater control. A person may not construct a structure 25 feet or less from property:**

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or**
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.”**

**Additional staff direction:**

**“Staff is encouraged to look into the drainage criteria manual to identify and eliminate setbacks and other limitations to green stormwater infrastructure that may be appropriate for traditional sedimentation/filtration ponds, but are unnecessary for rain gardens, biofiltration ponds, and other types of green stormwater infrastructure.”**

**Consider the following, or substantially similar, amendments in Phase 2:**

**25-8-213 Section D is amended to add the following:**

**“(4) sites smaller than .5 acres”**

**Additional staff direction:**

**“Staff is directed to work with stakeholders to do testing and evaluate the additional construction and maintenance costs for green stormwater infrastructure vs conventional stormwater infrastructure for sites under .5 acres. Staff is encouraged to evaluate costs for different scales of housing types that may be under .5 acre, such as single family homes, fourplexes, townhouses, or small multifamily complexes. At the conclusion of the process, staff may come back to council with an amendment striking this exception if the cost per acre for smaller sites is not substantially larger than for larger sites. Staff may also propose a substitute exemption if appropriate.**

**While exploring incentives in phase 2 for green stormwater infrastructure, using greenfield conditions as a baseline, and steep slope protection, staff is encouraged to explore options and offer appropriate code amendments to provide incentives for development to go above base water quality control requirements. These incentives could include but are not limited to financial incentives or extra development entitlements.**

**Where programs that do this already exist, staff is encouraged to explore expanding those programs.”**

**Consider the following, or substantially similar, amendments in Phase 2:**

**§ 25-8-63 - IMPERVIOUS COVER CALCULATIONS, Section (B) is amended to add the following:**

**“(9) for porous pavement designed in accordance with the Environmental Criteria Manual, a percentage of the area as set forth in the Environmental Criteria Manual, except as provided for by 25-8-63(C)(8)”**

**Additional staff direction:**



**“Where pervious pavement is currently counted as 100% impervious cover, Staff is encouraged to develop appropriate criteria and standards to execute this section, and provide partial credit where appropriate to incentivize the use of pervious pavement, calibrating the credit given to mitigate risks and ensure the use and credit of impervious pavement provides a net benefit to the environment.”**

**The amendment was approved on an 8-2 vote. Those voting aye were: Mayor Adler, Council Members Ellis, Fuentes, Kelly, Kitchen, Pool, Renteria, and Vela. Those voting nay were: Mayor Pro Tem Alter and Council Member Tovo. Council Member Harper-Madison was off the dais.**

**The public hearing was conducted and a motion to close the public hearing and approved Ordinance No. 20221027-045 as amended above was approved on a 9-1 vote. Council Member Kelly voted nay. Council Member Harper-Madison was off the dais.**

**Mayor Adler adjourned the meeting at 6:25 p.m. without objection.**

### **PROCLAMATIONS**

Certificates of Completion – Cooperative Business Skills Graduates – To be presented by Mayor Adler

Proclamation – Freedom Sunday: Souls to the Polls Day – To be presented by Mayor Adler and to be accepted by Angela Henderson, President of the Austin (TX) Chapter of the Links, Inc. and Yvonne Massey Davis: Co-Chair of the National Trends & Services Facet

Distinguished Service Award – PIO & Marketing Team – To be presented by Mayor Pro Tem Alter

Proclamation –Pease Elementary Cupcake Tree Day – To be presented by Council Member Tovo

Proclamation – Austin Repair & Reuse Day – To be presented by Council Member Tovo and to be accepted by Austin Resource Recovery Director Snipes, City staff, and local partners

Proclamation – The Third Annual National Injury Prevention Day – To be presented by Council Member Ellis and to be accepted by Dr. Meena Iyer of Dell Children’s Medical Center and Leesa Ross of Lock Arms 4 Life

**The minutes were approved on this the 15<sup>th</sup> day of November 2022 on Council Member Pool’s motion, Council Member Ellis’ second on a 9-0 vote. Mayor Adler and Council Member Kelly were off the dais.**