



**Thursday, December 1, 2022**

The City Council will convene at 10:00 AM on Thursday, December 1, 2022 at Austin City Hall, 301 W. 2nd Street, Austin, Texas, and some members may be participating via videoconference. <http://www.austintexas.gov/page/watch-atxn-live>



Mayor Steve Adler  
Mayor Pro Tem Alison Alter, District 10  
Council Member Natasha Harper-Madison, District 1  
Council Member Vanessa Fuentes, District 2  
Council Member Sabino "Pio" Renteria, District 3  
Council Member José "Chito" Vela, District 4  
Council Member Ann Kitchen, District 5  
Council Member Mackenzie Kelly, District 6  
Council Member Leslie Pool, District 7  
Council Member Paige Ellis, District 8  
Council Member Kathie Tovo, District 9

**Public comment will be allowed in-person or remotely by telephone. Speakers may only register to speak on an item once either in-person or remotely. For full instructions on participation in person or by telephone, please visit the Council Meeting Information Center:**  
**[http://austintexas.gov/departments/city-council/council/council\\_meeting\\_info\\_center.htm](http://austintexas.gov/departments/city-council/council/council_meeting_info_center.htm)**

*The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.*

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

## **10:00 AM – City Council Convenes**

### **Consent Agenda**

#### **Approval of Minutes**

1. Approve the minutes of the Austin City Council work session of November 1, 2022, regular meeting of November 3, 2022, and special called of November 9, 2022.

#### **Austin Energy**

2. Authorize reimbursement of costs to Waller Creek Owner, LLC, for the purchase and installation of the service pipe connection required to interconnect the Waller building to the Austin Energy downtown district cooling system in an amount not to exceed \$2,424,138.

**Strategic Outcome(s):** Government that Works for All.

**District(s):** District 9

#### **Convention Center**

3. Approve an ordinance amending Exhibit A to Ordinance No 20220817-005 (City of Austin Fee and Fine Ordinance for Fiscal Year 2022-23) to increase certain fees for the Convention Center garages near the Convention Center.

**Strategic Outcome(s):** Economic Opportunity and Affordability.

#### **Development Services**

4. Approve an ordinance vacating an alley right-of-way of approximately 865 square feet to Ascension Seton, being the remaining portion of a 16-foot-wide alley right-of-way traversing north from West 34th Street, adjoining the parcel located at 1301 West 38th Street, Austin, Texas.

**Strategic Outcome(s):** Government that Works for All.

**District(s):** District 10

5. Approve an ordinance vacating a right-of-way of approximately 3,442 square feet to Ascension Seton, being the remainder of a sixty-foot -wide right-of-way commonly known as Bailey Lane; formerly known as Pratt Avenue traversing north from West 34th Street.

**Strategic Outcome(s):** Government that Works for All

**District(s):** District 10

## Financial Services

6. Approve an ordinance authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Series 2022 (Whisper Valley Public Improvement District Improvement Area #2) and authorizing all related documents and fees. Related to Item #32.  
Strategic Outcome(s): Government that Works for All.
7. Approve a resolution authorizing the issuance by Pilot Knob Municipal Utility District No. 2 of Unlimited Tax Bonds, Series 2022A, in a principal amount not to exceed \$5,900,000.  
Strategic Outcome(s): Government that Works for all.
8. Approve a resolution authorizing the issuance by Pilot Knob Municipal Utility District No. 3 of Unlimited Tax Bonds, Series 2022A, in the amount of \$13,000,000.  
Strategic Outcome(s): Government that Works for All.
9. Approve a resolution authorizing the defeasance of certain outstanding Water and Wastewater System Revenue Bonds, including authorizing the execution of an escrow agreement and related documents.  
Strategic Outcome(s): Government that Works for All.
10. Approve an ordinance amending Ordinance No. 20211220-002 related to Tax Increment Reinvestment Zone No. 19 by amending the boundaries of the zone, amending the participation rate of the zone, and amending the preliminary financing plan and related matters.  
Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning.

## Financial Services- Contracts

11. Authorize award of a contract with PWR Storage Solutions, LLC d/b/a Power Storage Solutions to provide and install an uninterruptible power supply, stand-alone battery charger, and power conditioning transformer, in an amount not to exceed \$120,000.  
  
[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): Government that Works for All.
12. Authorize award of four contracts for marketing specialty promotional products with American Minority Business Forms, Inc. d/b/a American Diversity, Golf Connections, LLC d/b/a Darling Promo, World of Promotions, and PrintMailPro.com d/b/a PRINTMPRO LTD, each for a term of five years in an amount not to exceed \$6,215,000, divided among the contractors.  
  
[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 and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established].

**Strategic Outcome(s):** Government that Works for All.

13. Authorize award and execution of a construction contract with Matous Construction, Ltd., for the Wild Horse Ranch Wastewater Treatment Plant Expansion project in the amount of \$69,530,500 plus a \$6,953,050 contingency, for a total contract amount not to exceed \$76,483,550.

[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 9.15% MBE and 1.65% WBE participation.] Related to Item #14.

**Strategic Outcome(s):** Health and Environment.

**District(s):** District 1

14. Authorize negotiation and execution of an amendment to the professional services agreement with Carollo Engineers, Inc. for engineering services for the Northeast (Wild Horse Ranch) Wastewater Treatment Plant Expansion project in the amount of \$6,850,077 for a total contract amount not to exceed \$12,048,017.

[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 10.68% MBE and 23.06% WBE]. Related to Item #13.

**Strategic Outcome(s):** Health and Environment.

**District(s):** District 1

15. Authorize negotiation and execution of five contracts to provide public engagement consulting services with Adisa Public Relations d/b/a Adisa Communications, Austin Community Design And Development Center d/b/a Community Powered Workshop, Concept Development & Planning, LLC, Raftelis Financial Consultants, Inc. d/b/a Raftelis, and Sensis, Inc. d/b/a Sensis Agency, Quijote Corporation, each for a term of five years in an amount not to exceed \$11,820,000, divided among the contractors.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) and subcontractor goals were applied to the solicitation. The subcontracting goals were met or exceeded, and the resulting contracts will include at least 4.31% MBE/WBE combined participation].

**Strategic Outcome(s):** Government that Works for All.

16. Authorize negotiation and execution of an amendment to the professional services agreement with CDM Smith, Inc., for additional construction phase engineering services for the North Austin Reservoir and Pump Station Improvements project in the amount of \$797,079, for a total contract amount not to exceed \$8,171,176.

[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 15.27% MBE and 26.60% WBE].

**Strategic Outcome(s):** Safety, Health and Environment.

**District(s):** District 7

17. Authorize negotiation and execution of an amendment to the professional services agreement with K. Friese & Associates, Inc. for design and bid phase engineering services for the South Area and Northwest Area Lift Station Improvements project in the amount of \$550,395, for a total contract amount not to exceed \$4,197,395.

[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 16.72% MBE and 67.80% WBE].

Strategic Outcome(s): Health and Environment.

District(s): District 10

18. Authorize negotiation and execution of all documents and instruments necessary or desirable for the acquisition in fee simple of approximately 8,462 square feet of land (0.194-acre), being all of Lot 1, Block A, Community of Fairview, Section Two, a subdivision of record in Volume 29, Page 6 of the Plat Records of Travis County, Texas, located at 0 Heartwood Drive, Austin, Texas, from Jose Salazar and Frances Ortiz-Salazar, for a total amount not to exceed \$209,150, including closing costs.

Strategic Outcome(s): Government that Works for All.

District(s): District 3

19. Authorize award and execution of a construction contract with JKB Construction Company, LLC, for the Barton Hills Water & Wastewater Pipeline Renewal project in the amount of \$4,824,374 plus a \$482,438 contingency, for a total contract amount not to exceed \$5,306,812.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.19% MBE and 1.24% WBE participation].

Strategic Outcome(s): Health and Environment.

District(s): District 5

20. Authorize additional contingency for the construction contract with Pepper Lawson Waterworks, LLC for the Walnut Creek Wastewater Treatment Plant Tertiary Filter Rehabilitation project in the amount of \$252,180, for a total amount not to exceed \$28,049,980.

[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 24.54% MBE and 1.82% WBE].

Strategic Outcome(s): Health and Environment.

District(s): District 1

21. Authorize negotiation and execution of all documents and instruments necessary or desirable for the acquisition in fee simple of a tract of land totaling approximately 7.62 acres of land, more or less, out of the John G. McGehee Survey No. 6, Abstract No. 17, Travis County, Texas, and being the same tract of land described in Deed dated October 4, 1984 from J. B. Roberts to L.R. Briggs, et ux, and recorded in Volume 8856, Page 887, of the Travis County Deed Records, together with an easement for ingress and egress to such property recorded in Volume 12059, Page 2572, Real

Property Records of Travis County, Texas from Schoch-Worley Family Partnership, Ltd., a Texas limited partnership for a total amount not to exceed \$1,250,000, including closing costs. This project is located within the City's extra-territorial jurisdiction.

**Strategic Outcome(s):** Health and Environment, Government that Works for All.

22. Authorize additional contingency funding for the construction contract with Cedar Hills Construction, LLC for the Southwest Allandale Neighborhood Water and Wastewater System Renewal in the amount of \$636,055 for a total contract amount not to exceed \$5,846,061.

[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 3.38% MBE and 0.73% WBE.]

**Strategic Outcome(s):** Health and Environment.

**District(s):** District 10

### **Homeland Security & Emergency Management**

23. Authorize negotiation and execution of an interlocal agreement with Travis County to accept a grant from the County and establish responsibilities related to sharing the costs of responding to the COVID-19 pandemic.

**Strategic Outcome(s):** Safety, Health and Environment, Government that Works for All.

### **Housing and Planning**

24. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments, and payment of the related membership fee, in an amount not to exceed \$96,417.70.

**Strategic Outcome(s):** Economic Opportunity and Affordability.

25. Approve an ordinance amending Exhibit "A" to the Fiscal Year 2022-2023 City of Austin Fee and Fine Ordinance (Ordinance No. 20220817-005) to add the zoning verification letter fee.

**Strategic Outcome(s):** Economic Opportunity and Affordability.

26. Authorize a fee in lieu of on-site affordable housing for a proposed commercial development subject to the Plaza Saltillo Transit Oriented Development Regulating Plan and located at or near 1400 E. 4th Street, Austin, Texas 78702.

**Strategic Outcome(s):** Economic Opportunity and Affordability.

**District(s):** District 3

### **Intergovernmental Relations**

27. Approve a resolution adopting the City's Federal Legislative Agenda for the 118th Congress.

**Strategic Outcome(s):** Government that Works for All.

### **Law**

28. Authorize negotiation and execution of an amendment to the legal services agreement with Winstead PC for representation related to the City of Austin v. LoneStar Airport Holdings, LLC and Texas Capital Bank in the condemnation proceeding in Probate Court No. 1 and the LoneStar Airport

Holdings, LLC v. the City of Austin, Texas federal lawsuit in the Western District of Texas, Austin Division, in the amount of \$1,500,000, for a total contract amount not to exceed \$3,097,000.

**Strategic Outcome(s):** Government that Works for All.

29. Authorize negotiation and execution of an amendment to the legal services agreement with McCall Parkhurst & Horton LLP for outside counsel services for the negotiation and drafting of the master development agreement for the property located at 1215 Red River Street and 606 East 12th Street, known as the HealthSouth property, in the amount of \$29,000, for a total contract amount not to exceed \$95,000.

**Strategic Outcome(s):** Government that Works for All.

30. Approve a settlement in Maria Anita Benitez de Ugarte and Roberto Ugarte Perez v. City of Austin, Cause No. D-1-GN-21-004247, in the 250th Judicial District of Travis County, Texas.

**Strategic Outcome(s):** Government that Works for All.

### **Management Services**

31. Approve an ordinance amending City Code Title 4 by establishing wage theft standards and authorizing the chief procurement officer to take action against contractors who violate the terms of city contracts.

**Strategic Outcome(s):** Government that Works for All.

### **Parks and Recreation**

32. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute an amended and restated Whisper Valley Master Parkland Agreement. Related to item #6.

**Strategic Outcome(s):** Health and Environment, Culture and Lifelong Learning.

**District(s):** District 1

### **Watershed Protection Department**

33. Ratify execution of a Cost Recovery Agreement with Austin Community College District for a water quality control improvement located at 901 ½ Renli Street associated with a Consolidated Administrative Site Plan SP-2016-0580D (Ridge Top Water Quality Pond) in the amount of \$1,920,228.

**Strategic Outcome(s):** Health and Environment; Safety.

**District(s):** District 4

34. Ratify execution of a Cost Recovery Agreement with Austin StadCo LLC for a water quality control improvement located at 10414 McKalla Place associated with a Consolidated Administrative Site Plan SP-2019-0113C.F2 (Austin FC) in the amount of \$2,675,801.

**Strategic Outcome(s):** Health and Environment, Safety.

### **Item(s) from Council**

35. 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.

36. 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.
- Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, and Council Member Ann Kitchen
37. Approve a resolution relating to the need for interlocal collaboration to address potential impacts of Hays County's Transportation Plan on the City of Austin's Water Quality Protection Lands.
- Sponsors: Council Member Ann Kitchen, Mayor Pro Tem Alison Alter, Council Member Paige Ellis, and Council Member Leslie Pool
38. Approve a resolution directing the City Manager to develop modifications to certain program requirements in economic development agreements for small businesses under Chapter 380 of the Local Government Code.
- Sponsors: Council Member Kathie Tovo, Council Member Leslie Pool, Mayor Pro Tem Alison Alter, Council Member Ann Kitchen, and Mayor Steve Adler
39. Approve a resolution approving the recommendations made by the Special Events Task Force and directing the City Manager to implement the recommendations and identify ways to discuss high-capacity venues.
- Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Ann Kitchen, and Mayor Pro Tem Alison Alter
40. Approve a resolution regarding updates to the 2030 Austin Energy Resource, Generation, and Climate Protection Plan.
- Sponsors: Mayor Pro Tem Alison Alter, Council Member Leslie Pool, Council Member José 'Chito' Vela, Mayor Steve Adler, and Council Member Kathie Tovo
41. Approve a resolution directing the City Manager to establish certain procedural policies to enhance the collaboration between the City and the Austin Economic Development Corporation (AEDC) and directing the City Manager to enter into negotiations with AEDC to amend the Interlocal Agreement between the City and the AEDC related to the potential redevelopment of the following City-owned properties: 505 Barton Springs Road (One Texas Center), 124 W. 8th Street, 3002 Guadalupe, and 411 Chicon.
- Sponsors: Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Ann Kitchen, and Mayor Pro Tem Alison Alter
42. Approve a resolution directing the City Manager to develop and recommend a centralized parking management policy for City facilities and authorizing the use of an outside consultant.
- Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, and Council Member Ann Kitchen
43. Approve a resolution concerning policies for leasing of City-controlled facilities.
- Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, and Council Member Ann Kitchen
44. Approve a resolution directing the City Manager to bring to Council for consideration and approval



a consistent, transparent process that includes an early opportunity for Council to set priorities, determine partners, and receive community input for the proposed development and redevelopment of City-owned land.

**Sponsors:** Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Ann Kitchen, and Mayor Pro Tem Alison Alter

45. Approve a resolution directing the City Manager to explore programs relating to solar battery storage, microgrids, and load-shaping technology.

**Sponsors:** Council Member Leslie Pool, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, Council Member Paige Ellis, and Council Member Natasha Harper-Madison

46. Approve a resolution establishing targets for enrollment of eligible households in Austin Energy's Customer Assistance Program and directing the City Manager to facilitate program expansion.

**Sponsors:** Mayor Steve Adler, Council Member Leslie Pool, Council Member Ann Kitchen, Council Member Vanessa Fuentes, and Council Member José 'Chito' Vela

47. Approve a resolution directing the City Manager to update the Public School Energy Assistance Fund to direct funds to public schools assisting with students experiencing homelessness.

**Sponsors:** Mayor Steve Adler, Council Member Vanessa Fuentes, Council Member Natasha Harper-Madison, Council Member José 'Chito' Vela, and Council Member Ann Kitchen

48. Approve a resolution relating to scaling site plan review requirements appropriately for missing middle housing developments of three to sixteen residential units; and initiating amendments to City Code Title 25.

**Sponsors:** Council Member Paige Ellis, Mayor Steve Adler, Council Member Leslie Pool, Council Member Natasha Harper-Madison, and Council Member José 'Chito' Vela

49. Approve a resolution directing the City Manager to participate in efforts to support and adopt a technical solution that will improve data sharing and care coordination for individuals experiencing homelessness in Austin.

**Sponsors:** Council Member Ann Kitchen, Mayor Steve Adler, Council Member Kathie Tovo, Council Member Vanessa Fuentes, and Council Member José 'Chito' Vela

### **Item(s) to Set Public Hearing(s)**

50. Set a public hearing related to an application by FC Juniper Housing, 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 Juniper Creek, located at or near 11630 North Lamar Boulevard, Austin, Texas 78753, within the City. (Suggested date: Thursday, December 8, 2022, Austin City Hall, 301 West 2nd Street, Austin, Texas 78701).

**Strategic Outcome(s):** Economic Opportunity and Affordability.

**District(s):** District 7

### **Non-Consent**

#### **Eminent Domain**

51. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire

the property interest needed for the Slaughter Lane Corridor Project for the public use of reducing delay, improving the effectiveness of transit, and creating continuous American with Disabilities Act-compliant sidewalks, bicycle facilities, and either separate paths or a shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project, the acquisition of a Sidewalk, Trail and Recreational Easement comprising approximately 0.0173 of an acre of land (approximately 755 square feet), being out of and a portion of the Theodore Bissell League, Survey Number 18, Abstract Number 3 in the City of Austin, Travis County, Texas, being a portion of the remainder of Lot 1, The Lane at Riddle Road, a subdivision recorded on January 8, 1980 in Book 79, Page 61 of the Plat Records of Travis County, Texas, currently appraised at \$39,077 and subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Skipper Beverage Company, LLC. The property is located at 3419 W Slaughter Ln., Austin, Texas 78748. The general route of the project is along Slaughter Lane between RM-1826 and Vertex Blvd.

**Strategic Outcome(s):** Mobility, Safety.

**District(s):** District 5

### **10:30 AM - Austin Housing and Finance Corporation Meeting**

52. 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/2022/20221201-ahfc.htm>).

### **Public Hearings and Possible Actions**

53. Conduct a public hearing to receive public comment and consider an ordinance establishing revised electric rates and charges for Austin Energy customers.  
**Strategic Outcome(s):** Government that Works for All.
54. Conduct a public hearing and consider an ordinance amending Ordinance No 20211220-002 related to Tax Increment Reinvestment Zone No. 19 by amending the boundaries of the zone, amending the participation rate of the zone, and amending the preliminary financing plan and related matters.  
**Strategic Outcome(s):** Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning.
55. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow residential uses on commercially zoned property under certain conditions.  
**Strategic Outcome(s):** Government that Works for All.
56. Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways.  
**Strategic Outcome(s):** Government that Works for All.

### **12:00 PM - Public Communication: General**

Charles Wimbrow - The statue of illegal car repair services at a residence has major loopholes to avoid receiving a violation. Regarding that the violator can say that the vehicle he's working on in the driveway is a relatives vehicle of a friends vehicle & that is the major loophole to avoid receiving a violation. Makes no sense to allow violators to not be ticketed & cost s the COA much time, effort & tax payers money. I want to submit a horror story of having to live next door to enormous noise pollution FOR EIGHT YEARS from a potential violator of the ordinance.

§ 25-2-900 - HOME OCCUPATIONS.

Mary Aguilar - There is a Commercial building behind my home. The business (Slackers Brewery) recently was granted a SITE plan by the COA development center/group to expand behind the Building which is feet away from my backyard. This allows their customers to drink alcohol and hang around during their business hours (11am - 10pm weekdays and 11am -12am weekends) feet away from my backyard. This has created a Nuisance to my family. I live in fear every day, since they have put their tables in the area. Also, this affects the value of my home, I have called 311 and had City enforcement come out but they said that cannot do anything as the business is in compliance, as the city approved the site plan. I would like to visit with the City council to help me.

Paul Robbins - City and budget issues.

Ethan Smith - play guitar for council day

Krista Umscheid-Ramirez - Topic: Extensive Development Review Time for residential landowners who are not developers, but who, instead, are trying to subdivide their own land as a means to afford staying in their homes. The extensive time taken to review development applications causes a substantial strain on the financial resources of individuals who are not in the business of development, real estate or construction and don't have the financial resources to support waiting six-plus months on the review of small projects that involve only a couple of lots. There should be a way of expediting the process for homeowners/landowners whose development applications are submitted on behalf of themselves for small 2-4 housing developments. The process should not be prohibitive to homeowners who do not have the financial support of large companies, but who, instead are footing the bill for their own application process via personal loans/lines of credit.

John Coffman - Austin Energy Rate Review Joint Consumer Alternative

## **12:00 PM - Live Music**

Brand New Key

## **Executive Session**

57. Discuss legal issues related to City of Austin 2022 labor negotiations (Private consultation with legal counsel - Section 551.071 of the Government Code).
58. Discuss legal issues related to short-term rental regulations. (Private consultation with legal counsel - Section 551.071 of the Government Code).
59. Discuss the performance of, and consider compensation and benefits for, the City Manager (Personnel matters - Section 551.074 of the Government Code)..

## **2:00 PM - Public Hearings and Possible Actions**

60. Conduct a public hearing and consider an ordinance adopting the Palm District Plan as an element of the Imagine Austin Comprehensive Plan, Case # CPA-2022-001.

Strategic Outcome(s): Government that Works for All.

## **2:00 PM - Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

61. C14H-2022-0073 - 1122 Colorado Street - Westgate Tower - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1122 Colorado Street (Lady Bird Lake Watershed). Applicant's request: To rezone from central business district (CBD) combining district zoning to central business district-historic landmark-neighborhood plan (CBD-H-NP) combining district zoning. Staff Recommendation and Historic Landmark Commission Recommendation: To grant central business district-historic landmark (CBD-H) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner: Westgate Condominium Association. Applicant: Brian Evans. City Staff: Kalan Contreras, Housing & Planning Department, 512-974-2727.

District(s): District 9

62. 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 December 20, 2022. Owner/Applicant: 809 Vargas LC. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 3

63. 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) 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 December 20, 2022. Owner/Applicant: 809 Vargas LC. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 3

64. NPA-2022-0022.01- 406 and 428 East Alpine Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use

designation on the future land use map (FLUM) on properties locally known as 406 and 428 East Alpine Road (Blunn Creek Watershed) from Office to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on January 10, 2023. Owner/Applicant: Austin Memorial Home of Austin, a Texas non-profit corporation. Agent: David Hartman, DeBois, Bryant & Campbell. City Staff: Jerry Rusthoven, Housing and Planning Department, 512-974-3207.

District(s): District 3

65. C14-2022-0101 - 406 and 428 East Alpine Road Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 406 and 428 East Alpine Road (Blunn Creek Watershed). Applicant's Request: To rezone from general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on January 10, 2023. Owner/Applicant: Austin Memorial Home of Austin, Texas (Donald P. Dorsey). Agent: DuBois, Bryant & Campbell, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 3

66. NPA-2022-0029.02.SH - St. Johns Site - Conduct a public hearing and approve an ordinance amending Ordinance No. 20120426-100 the St. John/Coronado Hills (St. John) 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 7211, 7309, 7313 ½ North IH 35 Northbound Service Road, 819 ½ Blackson Avenue and 910 ½ East St. Johns Avenue (Buttermilk Branch Watershed) from Civic and Neighborhood Mixed Use to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To grant the applicant's request for Mixed Use land use. Owner: City of Austin (Michael Gates, Office of Real Estate). Applicant: City of Austin, Economic Development Office (Christine Freundl). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695.

District(s): District 4

67. C14-2022-0118 - St. Johns Site - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7211, 7309, and 7313 ½ North IH 35 Northbound Service Road, 819 ½ Blackson Avenue and 910 ½ East St. Johns Avenue (Buttermilk Creek Watershed). Applicant's Request: To rezone from public-neighborhood plan (P-NP) combining district zoning, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V -NP) combining district zoning. Owner/Applicant: City of Austin Finance Department Real Estate Services (Michael Gates). Agent: City of Austin Economic Development Office (Christine Freundl). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122.

District(s): District 4

68. NPA-2022-0010.03 - Holly Mixed Use - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-43 the Holly 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 2309 East 2nd Street; 2320 East Cesar Chavez Street; 2315 East 2nd Street; 2403 East 2nd Street; 2405 East 2nd Street; 2409 East 2nd Street; 2411 East 2nd Street (Lady Bird Lake Watershed) from Single Family and Civic to Mixed Use land use. Staff Recommendation: To support applicant's request for Mixed Use land use. Planning Commission Recommendation: To be reviewed on January 24, 2023. Owners/Applicants: 2309 2nd Street/2320 East Cesar Chavez Street: 2324 ECC-Arc LLC, a Delaware limited liability company; 2315 East 2nd Street.: 2400 ECC-Arc LLC, a Delaware limited liability company; 2403 East 2nd Street: Steven Yarak, Larry Yarak, Brenda Blair; 2405 East 2nd Street: Danielle Murray; 2409 East 2nd Street: Eleanore Bacon; 2411 East 2nd Street: Ricardo David Rojo. Agent: Armbrust and Brown, PLLC (Ferris Clements), (512) 435-2337. City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695.

District(s): District 3

69. NPA-2019-0013.01 - Copeland South - Conduct a public hearing and approve an ordinance amending Ordinance No. 20020523-32 the Bouldin Creek 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 909, 911, 915, 1001, 1003 South 2nd Street and 604, 606 Copeland Street (East Bouldin Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To support applicant's request for Mixed Use land use. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695.

District(s): District 9

70. C14-2022-0082 - Copeland - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1002, 1004, and 1006 South First Street (East Bouldin Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122.

District(s): District 9

71. C14-2021-0185 - Copeland South - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 909, 911, 915, 1001 and 1003 South Second Street; 604 and 606 Copeland Street (East Bouldin Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation and Planning Commission recommendation: To grant general commercial services-mixed

use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122.

District(s): District 9

72. C14-2022-0081 - Frank South - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1108 and 1110 South First Street (East Bouldin Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122.

District(s): District 9

73. C14-2022-0085 - 10600 Jonwood Way - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 10600 Jonwood Way (Walnut Creek Watershed). Applicant's Request: To rezone from single-family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Owner/Applicant: 33D Dessau Rd Austin, LLC. Agent: H. D. Brown Consulting, LLC (Amanda Brown). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122.

District(s): District 1

74. C814-2021-0099 - Brodie Oaks Redevelopment PUD - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning and rezoning property locally known as 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound (Barton Creek Watershed-Barton Springs Zone). Applicant's Request: To zone from unzoned and to rezone from community commercial (GR) district zoning, general commercial services (CS) district zoning, and commercial-liquor sales (CS-1) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Planning Commission Recommendation: Grant planned unit development (PUD) district zoning, with additional conditions. Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer). Agent: Lionheart Places (Rebecca Leonard). City Staff: Wendy Rhoades, 512-974-7719. This action concerns land located in the Barton Springs Zone.

District(s): District 5

75. C14R-81-033(RCA) - Brodie Oaks Restrictive Covenant Amendment - Conduct a public hearing

and approve a restrictive covenant amendment on property locally known as 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound (Barton Creek Watershed-Barton Springs Zone). Applicant's Request: To amend a public Restrictive Covenant. Staff Recommendation and Planning Commission Recommendation: To amend a public Restrictive Covenant. Owner/Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer). Agent: Armbrust & Brown, PLLC (Jewels Cain). City Staff: Wendy Rhoades, 512-974-7719. This action concerns land located in the Barton Springs Zone.

District(s): District 5

76. C14H-2022-0139 - Felts-Moss House - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2311 Woodlawn Boulevard (Shoal Creek Watershed). Applicant's request: To rezone from family residence (SF-3) base district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation, Historic Landmark Commission Recommendation, and Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Owner/Applicant: Ann M. Pieratt. Agent: J. Pieratt. City Staff: Kalan Contreras, 512-974-2727.

District(s): District 10

77. C14-2022-0077 - 220 Ralph Ablanado Rezoning - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 220 Ralph Ablanado Drive (South Boggy Creek Watershed; Onion Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, as amended, with conditions. First Reading approved on November 3, 2022. Vote: 9-0, Council Members Renteria and Tovo were off the dais. Owner/Applicant: KVG Investments, LLC (Kevin Goradia). Agent: H.D. Brown Consulting, LLC (Amanda Brown). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.

District(s): District 2

78. C14-2020-0143 - 12121 North IH 35 Rezoning- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12121 North IH 35 Service Road Northbound (Walnut Creek Watershed). Applicant's Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning to multifamily residence-moderate high density (MF-4) district zoning. Staff and Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high density (MF-4) district zoning. Owner/Applicant: Dupius Investments, Ltd. (Daniel McCormack) Agent: Coats Rose (Racy Haddad). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request.

District(s): District 1

79. 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. A valid petition has been filed in opposition to this rezoning request.

**District(s):** District 5

80. C14-2021-0189 - 4833 Spicewood Springs - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4833 Spicewood Springs Road (Bull Creek Watershed). Applicant Request: To rezone from family residence (SF-3) district zoning to limited office (LO) district zoning, as amended. First Reading approved limited office-conditional overlay (LO-CO) combining district zoning, with additional conditions on November 3, 2022. Vote: 11-0. Owner/Applicant: Spicewood Canyon, LP (Juan Creixell). City Staff: Sherri Sirwaitis, 512-974-3057.

**District(s):** District 10

81. C14-2022-0049 - 500 VFW Road - Approve second and third readings of 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. First Reading approved on October 27, 2022. Vote: 11-0. 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):** District 1

82. C14-2022-0044 - The Zimmerman - Approve third reading of 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. First Reading approved multifamily residence-low density-conditional overlay (MF-2-CO) combining district zoning, with additional conditions on November 3, 2022. Vote: 11-0. Second Reading approved multifamily residence-low density-conditional overlay (MF-2-CO) combining district zoning on November 15, 2022. Vote: 7-0. Owner/Applicant: Udaya and Uma Kumar. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057.

**District(s):** District 10

83. NPA-2019-0022.02- 305 South Congress PUD - Approve third reading 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 Ave. (Lady Bird Lake Watershed) from Industry to Mixed Use land use. First Reading approved on April 7, 2022. Vote: 10-0, Council Member Harper-Madison was off the dais. Second Reading approved on November 3, 2022. Vote: 7-1, Council Member Alter voted nay. Council Members Kelly and Kitchen abstained. Council Member Tovo 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):** District 9

- 84.** C814-89-0003.02 - 305 S. Congress - Approve third 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. Second Reading approved with additional conditions on November 3, 2022. Vote: 7-1, Council Member Alter voted nay. Council Members Kelly and Kitchen abstained. Council Member Tovo 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.

**District(s):** District 9

- 85.** C14-78-189(RCT) - 305 S. Congress RC - Conduct a public hearing and approve a restrictive covenant termination on a portion of the property locally known as 305 South Congress Avenue (Lady Bird Lake Watershed). Applicant's Request: To terminate a public Restrictive Covenant. Staff Recommendation and Planning Commission Recommendation: To grant termination of a public Restrictive Covenant. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207.

**District(s):** District 9

### **5:30 PM – Proclamations**

Distinguished Service Awards – Selected Artists – To be presented by Mayor Adler and to be accepted by selected artists of the Homeland Security and Emergency Management's 2023 Community Preparedness Calendar

Proclamation – AISD Solar-Powered Facilities Day – To be presented by Mayor Adler and to be accepted by Austin ISD Representatives

Proclamation – “Rock the Ribbon” Day – To be presented by Mayor Adler and to be accepted by Christopher Hamilton, CEO of Texas Health Action will be accepting the proclamation as well as members of Texas Health Action's testing and outreach team

Proclamation – World AIDS Day – To be presented by Mayor Adler and Council Member Tovo and to be accepted by Austin Public Health staff

Proclamation – Austin Police Operation Blue Santa Day – To be presented by Mayor Adler and Council Member Tovo

Proclamation – Support of Iranian Protesters – To be presented by Council Member Fuentes

**Adjourn**

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Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al (512) 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.



# City of Austin

301 W. Second Street  
Austin, TX, and some  
members of Council  
may be attending via  
videoconference

## Agenda

### City Council Addendum Agenda

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Thursday, December 1, 2022

10:00 AM

Austin City Hall

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*The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.*

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

#### Consent Agenda

##### Item(s) from Council

- 86.** Approve a resolution recommending adoption of amendments to the articles of incorporation of the Austin Transit Partnership to add additional community-at-large members, and to make changes to increase nomination process transparency for board members; and recommending to the CapMetro Board that they also amend the Austin Transit Partnership documents as recommended by Council.

**Sponsors:**

Council Member Ann Kitchen, Mayor Steve Adler, Council Member Leslie Pool, and Council Member Vanessa Fuentes

#### Adjourn

Note: The above item(s) will be considered under its respective category, but follow the last number on the Austin, Texas, City Council Agenda for Thursday, December 1, 2022

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