

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 8, 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, December 8, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:32 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 12:07 p.m. See separate minutes.

79. 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/2022/20221208-ahfc.htm>.)

Mayor Adler reconvened the Council Meeting at 12:15 p.m.

**CONSENT AGENDA**

Action was taken on Item 1 but was later reconsidered.

2. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County for the City's provision of animal services, for a 12-month term beginning October 1, 2022, in an amount not to exceed \$2,500,000 to be paid to the City. Strategic Outcome(s): Health and Environment
- The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with Travis County was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

3. Approve an ordinance amending Austin City Code Section 3-4-7 relating to the ownership of vicious dogs and creating an offense. Strategic Outcome(s): Health and Environment.

**Ordinance 20221208-003 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**Item 4 was pulled for discussion.**

**Action was taken on Item 5 but was later reconsidered.**

6. Authorize negotiation and execution of an interlocal agreement with Travis County on behalf of the Travis County Sheriff's Office for provision of staff safety, facility security and loss prevention services at the Combined Transportation and Emergency Communications Center in the amount of \$1,986,793, with four additional 12-month renewal options for a total agreement amount not to exceed \$11,862,322. Strategic Outcome(s): Safety.

**The motion authorizing the negotiation and execution of an interlocal agreement with Travis County on behalf of the Travis County Sheriff's Office was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

7. Authorize negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority for the City to perform a needs assessment, conceptual system design, and preliminary budget estimate for upgrading regional communication systems to incorporate traffic and transportation communication systems, wireless, and other technologies, into a unified communications system for public safety, public service, and traffic and transportation. Strategic Outcome(s): Safety.

**The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

8. Authorize negotiation and execution of a master development agreement and all necessary and related agreements with Greystar Development Central, LLC or its affiliates and the Housing Authority of the City of Austin or its affiliates for terms governing the sale, development, construction, ground lease, and lease of a mixed-use development on the city-owned parcels located at 7309 & 7211 N IH-35 under terms outlined in a term sheet. District(s) Affected: District 4. Strategic Outcome(s): Economic Opportunity and Affordability.

**The motion authorizing the negotiation and execution of a master development agreement and all necessary and related agreements with Greystar Development Central, LLC or its affiliates and the Housing Authority of the City of Austin or its affiliates as amended below was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

The amendment was to add the following direction, where appropriate:

- “1. The City Council requests that there be continued conversations with stakeholders and child-care professionals about on-site childcare for the general community.
  2. A least 2 weeks prior to the final execution of the MDA, the City Manager shall provide to the City Council an update on the childcare conversation and any other major changes to the terms of the agreement in a memorandum to council.
  3. The term sheet is clarified to specify that the City has the option to buyback the property. The word “City” was missing.”
9. Authorize negotiation and execution of an amendment to the professional services agreement with Lord Aeck and Sargent, Inc. for architectural design services for the Faulk Library/History Center and Archival Repository Expansion project in the amount of \$75,000 for a total contract amount not to exceed \$1,736,000. [Note: This amendment was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program.) Current participation to date is 9.99% MBE and 15.76% WBE]. Related to Item #10. District(s) Affected: District 9. Strategic Outcome(s): Safety, Government that Works for All, Culture and Lifelong Learning.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Lord Aeck and Sargent, Inc. was approved on consent on Council Member Kitchen’s motion, Council Member Harper-Madison’s second on an 11-0 vote.**
10. Authorize negotiation and execution of an amendment to the Construction Manager-at-Risk Agreement with Spawglass Contractors, Inc., for construction services for the Faulk Library/Austin History Center Archival Repository Expansion project in the amount of \$2,500,000 for a total contract amount not to exceed \$15,100,000. [Note: This amendment will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 3.89% MBE and 1.12% WBE participation]. Related to Item #9. District(s) Affected: District 9. Strategic Outcome(s): Safety, Government that Works for All, Culture and Lifelong Learning.  
**The motion authorizing the negotiation and execution of an amendment to the Construction Manager-at-Risk Agreement with Spawglass Contractors, Inc. was approved on consent on Council Member Kitchen’s motion, Council Member Harper-Madison’s second on an 11-0 vote.**
11. Authorize negotiation and execution of a contract with Gallagher Bassett Services, Inc. to provide claims administration services for a term of five years in an amount not to exceed \$420,000. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this solicitation, there were insufficient or no subcontracting opportunities; therefore, no subcontracting goals

were established]. Strategic Outcome(s): Mobility, Safety, Government that Works for All.

**The motion authorizing the negotiation and execution of a contract with Gallagher Bassett Services, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

12. Authorize award of two contracts with Rush Truck Centers of Texas LP d/b/a Rush Truck Center San Antonio or Rush Truck Center of Austin and Tom Graddy Enterprises of Austin LLC d/b/a Vanguard Truck Center of Austin to provide parts and repair services for City-owned heavy duty truck cabs and chassis, each for a term of five years in an amount not to exceed \$1,530,000, divided between the contractors. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods and services required for this solicitation, there was insufficient availability of M/WBEs; therefore, no subcontracting goals were established]. Strategic Outcome(s): Mobility.

**The motion authorizing the award of two contracts with Rush Truck Centers of Texas LP doing business as Rush Truck Center San Antonio or Rush Truck Center of Austin and Tom Graddy Enterprises of Austin LLC doing business as Vanguard Truck Center of Austin was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

13. Authorize negotiation and execution of a multi-term contract with Grid Solutions d/b/a GE MDS LLC or GE Grid Solutions LLC or GE Energy Management Services LLC to upgrade the existing geographical information system software and to provide continued maintenance and support services, for up to eight years for a total contract amount not to exceed \$8,455,000. [Note: Sole source contracts are exempt from the City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program); therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All, Safety.

**The motion authorizing negotiation and execution of a multi-term contract with Grid Solutions doing business as GE MDS LLC or GE Grid Solutions LLC or GE Energy Management Services LLC was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

14. Approve a resolution finding that 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 Walnut Creek Wastewater Treatment Plant Expansion to 100 Million Gallons Per Day project. [Note: MBE/WBE goals will be established prior to issuance of this solicitation]. Strategic Outcome(s): Health and Environment.

**Resolution No. 20221208-014 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**



15. Authorize negotiation and execution of a cooperative contract with Mobile Wireless, LLC to provide NetMotion software licensing, maintenance, and support services, for a term of three years in an amount not to exceed \$2,200,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Safety, Government that Works for All.  
**The motion authorizing negotiation and execution of a cooperative contract with Mobile Wireless, LLC was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
16. Authorize negotiation and execution of a cooperative contract with Freeit Data Solutions, Inc. to provide Nutanix hardware, software maintenance, and support services for control systems and data management platforms, for a term of three years in an amount not to exceed \$14,000,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Safety, Government that Works for All.  
**The motion authorizing negotiation and execution of a cooperative contract with Freeit Data Solutions, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
17. Authorize negotiation and execution of a cooperative contract with Complete Tablet Solutions, Ltd to provide Apple-branded hardware and AppleCare maintenance and repair services, for a term of three years in an amount not to exceed \$2,000,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing negotiation and execution of a cooperative contract with Complete Tablet Solutions, Ltd was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
18. Authorize negotiation and execution of a multi-term cooperative contract with Air Relief Technologies, Inc. d/b/a Tex Air Filters or Air Relief Technologies to provide various types of air conditioner filters, for up to four years for a total contract amount not to exceed \$460,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods required for this procurement, there were no subcontracting opportunities therefore, no subcontracting goals were established]. Strategic Outcome(s): Health and Environment.

**The motion authorizing negotiation and execution of a multi-term cooperative contract with Air Relief Technologies, Inc. doing business as Tex Air Filters or Air Relief Technologies was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

19. Authorize negotiation and execution of a cooperative contract with Howmedica Osteonics Corp d/b/a Stryker Sales, LLC or Stryker Medical for emergency transport equipment, for a term of three years in an amount not to exceed \$660,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Safety.

**The motion authorizing negotiation and execution of a cooperative contract with Howmedica Osteonics Corp doing business as Stryker Sales, LLC or Stryker Medical was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

20. Authorize negotiation and execution of a multi-term contract with Howmedica Osteonics Corp d/b/a Stryker Sales, LLC or Stryker Medical to provide patient transport equipment maintenance and repair services, for a term up to five years in an amount not to exceed \$1,030,000. [Note: Sole source contracts are exempt from the City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program); therefore, no subcontracting goals were established]. Strategic Outcome(s): Safety.

**The motion authorizing negotiation and execution of a multi-term contract with Howmedica Osteonics Corp doing business as Stryker Sales, LLC or Stryker Medical was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

21. Authorize negotiation and execution of a multi-term contract with Tyler Technologies, Inc. to provide public health inspection and permitting software support, for up to three years for a total contract amount not to exceed \$375,000. [Note: Sole source contracts are exempt from the City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program); therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All, Health and Environment.

**The motion authorizing negotiation and execution of a multi-term contract with Tyler Technologies, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

22. Authorize an amendment to a contract with Catapult Systems, LLC to provide infrastructure management services, subscriptions, and professional services, to increase the amount by \$10,000,000 for a revised total contract amount not to exceed \$22,000,000. [Note: This contract was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods and services required for this contract,

there were insufficient or no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

**The motion authorizing an amendment to a contract with Catapult Systems, LLC was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

23. Authorize negotiation and execution of a contract with Liberty Mutual Insurance Company d/b/a Liberty Mutual Insurance, for Rolling Owner Controlled Insurance Program VIII insurance carrier, and to reallocate \$10,025,000 of the amount previously authorized by Council. [Note: The previous solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the services required for the previous solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

**The motion authorizing negotiation and execution of a contract with Liberty Mutual Insurance Company doing business as Liberty Mutual Insurance was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

24. Authorize negotiation and execution of a contract with Linebarger Goggan Blair & Sampson LLP to provide collection services, for a term of five years in an estimated revenue of \$9,000,000. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All, Health and Environment.

**The motion authorizing negotiation and execution of a contract with Linebarger Goggan Blair & Sampson LLP was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

25. Authorize negotiation and execution of an interlocal agreement with San Antonio Water System d/b/a SAWS to enable the City and SAWS to participate in each other's cooperative purchasing programs to purchase various types of goods and services. [Note: This contract is exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

**The motion authorizing negotiation and execution of an interlocal agreement with San Antonio Water System doing business as SAWS was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

26. Authorize negotiation and execution of a cooperative contract with CDW LLC d/b/a/ Sirius Computer Solutions Inc. to provide Splunk Cloud software licensing, storage, and

professional services, for a term of three years for a total contract amount not to exceed \$5,700,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Safety, Government that Works for All.

**The motion authorizing negotiation and execution of a cooperative contract with CDW LLC doing business as Sirius Computer Solutions Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

27. Authorize negotiation and execution of two contracts with Ai-Media Technologies LLC and Texas Closed Captioning LLC for closed captioning, related services, and equipment systems, each for a term of five years in an amount not to exceed \$1,500,000, divided between the contractors. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

**The motion authorizing negotiation and execution of two contracts with Ai-Media Technologies LLC and Texas Closed Captioning LLC was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

28. Authorize negotiation and execution of a contract with On-Site Health Diagnostics, LLC to provide biometric screening for wellness programs, for a term of five years in an amount not to exceed \$1,500,000. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for all, Health and Environment.

**The motion authorizing negotiation and execution of a contract with On-Site Health Diagnostics, LLC was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

29. Authorize negotiation and execution of a lease agreement with the Austin Economic Development Corporation for approximately 7,006 square feet of space in the City's Permitting and Development Center located at 6310 Wilhelmina Delco Drive, Austin, Texas 78752 for an annual lease rate of \$100, and approve the use of up to \$2,400,000 of proceeds from Proposition B of the 2018 Bond for this project and the Millennium Youth Entertainment Complex. District(s) Affected: District 1, District 4. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Culture and Lifelong Learning.

**The motion authorizing negotiation and execution of a lease agreement with the Austin Economic Development Corporation was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

30. Authorize the negotiation and execution of all documents and instruments necessary to acquire in fee simple 5.4236 acres being Lots 1, 2, 3, 4, 5, 6, and 7, Block A and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block C, Burleson Road Heights, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 52 of the Plat Records of Travis County, Texas, generally located at 2413 Douglas Street, Austin, Texas from Utotem, Inc., for a total amount not to exceed \$2,640,000, including closing costs. District(s) Affected: District 3. Strategic Outcome(s): Health and Environment, Government that Works for All.

**The motion authorizing the negotiation and execution of all documents and instruments necessary to acquire in fee simple 5.4236 acres being Lots 1, 2, 3, 4, 5, 6, and 7, Block A and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block C, Burleson Road Heights, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 6, Page 52 of the Plat Records of Travis County, Texas, generally located at 2413 Douglas Street, Austin, Texas from Utotem, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

31. Authorize the negotiation and execution of all documents and instruments necessary to acquire in fee simple 6.845 acres, more or less out of the Santiago Del Valle Grant, Abs. No. 24, Travis County, Texas, a part of that certain 117 acre tract conveyed to Joe C. Carrington by deed recorded in Volume 567, Page 616, of the Deed Records of Travis County, Texas, together with two Easement Estates created for ingress and egress to such property recorded in Document Nos. 2001144645, 2001147515, and 2001120653, Official Public Records of Travis County, Texas, located at 10413 S Interstate Hwy 35, Austin, Texas, from Robert E. Sanders as Independent Executor of the Estate of Eric A. Anderson, deceased, for a total amount not to exceed \$2,175,000, including closing costs. District(s) Affected: District 5. Strategic Outcome(s): Health and Environment, Government that Works for All.

**The motion authorizing negotiation and execution of all documents and instruments necessary to acquire in fee simple 6.845 acres, more or less out of the Santiago Del Valle Grant, Abs. No. 24, Travis County, Texas, a part of that certain 117 acre tract conveyed to Joe C. Carrington by deed recorded in Volume 567, Page 616, of the Deed Records of Travis County, Texas, together with two Easement Estates created for ingress and egress to such property recorded in Document Nos. 2001144645, 2001147515, and 2001120653, Official Public Records of Travis County, Texas, located at 10413 S Interstate Hwy 35, Austin, Texas, from Robert E. Sanders as Independent Executor of the Estate of Eric A. Anderson was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**



32. Authorize award and execution of a construction contract with Posillico Civil, Inc., for the William Cannon Drive, from Running Water Drive to McKinney Falls Parkway project in the amount of \$21,366,910 plus a \$3,205,036 contingency, for a total contract amount not to exceed \$24,571,946. [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 (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 8.75% DBE participation]. District(s) Affected: District 2. Strategic Outcome(s): Mobility.

**The motion authorizing award and execution of a construction contract with Posillico Civil, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

33. Authorize negotiation and execution of a cooperative contract with Precision Task Group Inc. for cloud platform system software subscription, training, and associated services, for a term of five years in an amount not to exceed \$19,000,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

**The motion authorizing award and execution of a cooperative contract with Precision Task Group Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

34. Authorize negotiation and execution of a cooperative contract with Accenture LLP for human capital management cloud platform system software implementation and maintenance services, for a term of five years in an amount not to exceed \$15,000,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods and services required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

**The motion authorizing award and execution of a cooperative contract with Accenture LLP was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**Item 35 was pulled for discussion.**

36. Approve a resolution initiating a station area planning processes in the North Lamar Transit Center and South Congress Transit Center station areas and Equitable Transit-Oriented Development (ETOD) Policy Planning for stations within the boundaries of the Northeast Austin District planning process; initiating amendments to Imagine Austin Comprehensive Plan to adopt elements of the ETOD Policy Plan; and initiating amendments to City Code Chapter 25-2 (Zoning) to implement ETOD Policy Plan recommendations. Strategic Outcome(s): Economic Opportunity and Affordability.

**Resolution No. 20221208-036 was approved on consent as amended below on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**The following amendment was made by Council Member Harper-Madison and included without objection:**

**"Strike lines 112-114 and strike lines 119-132.**

**Add a new "Be It Further Resolved" clause that reads:**

**The City Manager is directed place a resolution for Council consideration on the Council's February 23, 2023 meeting agenda that accomplishes the following:**

- 1. accepts the ETOD Policy Plan;**
  - 2. directs the City Manager to coordinate with Capital Metro to incorporate the ETOD Policy Plan tools for the Green Line and Metro Rapid Stations within the boundaries of the ongoing Northeast Austin District Planning Process; and**
  - 3. initiates necessary amendments to the Land Development Code to implement an ETOD Policy; and**
  - 4. initiates amendments the Imagine Austin Comprehensive Plan to incorporate the ETOD Typologies."**
37. Authorize negotiation and execution of an amendment to a legal services agreement with Steptoe & Johnson for legal services related to negotiation and execution of a master development agreement and all related conveyance and closing documents for the property located at 7211 and 7309 N IH 35, Austin, Texas, known locally as the St. John property, in the amount of \$149,000, for a total contract amount not to exceed \$299,000. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing negotiation and execution of an amendment to a legal services agreement with Steptoe & Johnson was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
38. Approve The Trail Conservancy's Annual Programming Plan 2023 for the Ann and Roy Butler Hike and Bike Trail at Townlake Metropolitan Park. District(s) Affected: District 3, District 5, District 8, District 9, District 10. Strategic Outcome(s): Health and Environment; Culture and Lifelong Learning; Government that Works for All.  
**The motion approving The Trail Conservancy's Annual Programming Plan 2023 for the Ann and Roy Butler Hike and Bike Trail at Townlake Metropolitan Park was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
39. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County for the City's provision of public health services, for a 6 month term

beginning October 1, 2022, in an amount not to exceed \$10,681,706 to be paid to the City. Strategic Outcome(s): Health and Environment.

**The motion authorizing negotiation and execution of an amendment to the interlocal agreement with Travis County was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

40. 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 \$11,941,809 in grant funds from the Centers for Disease Control and Prevention to add 17.0 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.

**Ordinance No. 20221208-040 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on a 10-0 vote. Council Member Kelly voted nay.**

41. Authorize negotiation and execution of an interlocal agreement with the McDade Independent School District for the City's provision of Women, Infants and Children Program services at McDade Independent School District campuses. Strategic Outcome(s): Health and Environment.

**The motion authorizing negotiation and execution of an interlocal agreement with the McDade Independent School District was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

42. 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 \$108,716 in additional grant funds from the U.S. Department of Housing and Urban Development for the Housing Opportunities for Persons with AIDS Program. Strategic Outcome(s): Economic Opportunity and Affordability.

**Ordinance No. 20221208-042 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

43. Authorize negotiation and execution of agreements with four social service agencies to provide HIV-related housing services for an initial 12-month term beginning October 1, 2022 in a combined amount not to exceed \$2,287,955, each with four 12-month extension options in a combined amount not to exceed \$11,439,775, for a total agreement amount not to exceed \$13,727,730 divided among the agencies. Strategic Outcome(s): Health and Environment, Economic Opportunity and Affordability.

**The motion authorizing negotiation and execution of agreements with four social service agencies was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

44. Authorize negotiation and execution of an agreement with the Salvation Army for the Emergency Solutions Grant Austin Shelter for Women and Children to provide

operations and maintenance at the 24-hour low-barrier shelter for women and women with children, for a 12-month period, in an amount not to exceed \$341,006. Strategic Outcome(s): Economic Opportunity and Affordability.

**The motion authorizing negotiation and execution of an agreement with the Salvation Army was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

45. Authorize negotiation and execution of amendment No. 14 to an agreement with Ending Community Homelessness Coalition, Inc. to provide expanded training and technical assistance, continued work on creating and adopting process improvements and written standards, and additional work related to promoting equity in the homelessness response system, to add funds in an amount not to exceed \$406,028, for a revised total agreement amount not to exceed \$2,612,051. Strategic Outcome(s): Health and Environment.

**The motion authorizing negotiation and execution of amendment No. 14 to an agreement with Ending Community Homelessness Coalition, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

46. Authorize negotiation and execution of Amendment No. 7 to an agreement with Texas RioGrande Legal Aid, Inc. for outreach, education, and advocacy services to low-income tenants, to add one 12-month extension in an amount not to exceed \$460,000 for the term beginning January 1, 2023, for a revised total agreement amount not to exceed \$3,490,000. Strategic Outcome(s): Health and Environment; Economic Opportunity, and Affordability.

**The motion authorizing negotiation and execution of Amendment No. 7 to an agreement with Texas RioGrande Legal Aid, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on a 9-1 vote. Council Member Kelly voted nay. Council Member Vela recused.**

47. Authorize negotiation and execution of an agreement with the Salvation Army to provide shelter and housing services to homeless individuals for a 12-month term beginning September 1, 2022 in an amount not to exceed \$563,906, and four 12-month extension options each in an amount not to exceed \$540,935, for a total agreement amount not to exceed \$2,727,646. Strategic Outcome(s): Health and Environment.

**The motion authorizing negotiation and execution of an agreement with the Salvation Army was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

48. Approve a resolution authorizing the acceptance of grant funding in the amount of \$705,979 from the Texas Department of Housing and Community Affairs for the Homeless Housing and Services Program and the Homeless Housing and Services Program Youth Set-Aside, and the negotiation and execution of a related contract. Strategic Outcome(s): Health and Environment.

**Resolution No. 20221208-048 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

49. Authorize negotiation and execution of an agreement with Youth and Family Alliance d/b/a LifeWorks to provide services to unaccompanied homeless youth and homeless young adults 24 years of age and younger, for a 12-month term beginning September 1, 2022 in an amount not to exceed \$165,044. Strategic Outcome(s): Health and Environment.  
**The motion authorizing negotiation and execution of an agreement with Youth and Family Alliance doing business as LifeWorks was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
50. Approve an ordinance authorizing negotiation and execution of an advanced funding agreement with the Texas Department of Transportation for the design and construction of transportation and mobility improvements along the proposed Mogan Trail from North Pleasant Valley Road to Springdale Road; accepting grant funds; and amending the Fiscal Year 2022-2023 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20220817-004) and the Public Works Department Capital Budget (Ordinance No. 20220817-004) to transfer in and appropriate \$1,000,000 for design and construction of this project. District(s) Affected: District 3. Strategic Outcome(s): Mobility.  
**Ordinance No. 20221208-050 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
51. Approve a resolution authorizing the submittal of the Southeast Austin Connector project as a candidate for the Rebuilding American Infrastructure with Sustainability and Equity discretionary grant program, administered by the United States Department of Transportation. Strategic Outcome(s): Mobility.  
**Resolution No. 20221208-051 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
52. Approve a resolution authorizing the submission of a grant application to the Texas Department of Transportation's 2023 Transportation Alternatives Set-Aside Program to fund the expansion of the MetroBike system. Strategic Outcome(s): Mobility, Safety, Government that Works for All, Economic Opportunity and Affordability, Health and Environment.  
**Resolution No. 20221208-052 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
53. Approve an ordinance amending City Code Section 12-4-64(D) (Table of Speed Limits) to establish a prima facie speed limit of 30 miles per hour for a portion of Barton Springs Road. District(s) Affected: District 5, District 8, District 9. Strategic Outcome(s): Mobility, Safety  
**Ordinance No. 20221208-053 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**



54. Approve an ordinance authorizing the negotiation and execution of an Advance Funding Agreement with the Texas Department of Transportation to support design and engineering of highway caps and stitches over Interstate I-35 (I-35) and development of community benefits and amenities along the I-35 corridor; amending the Fiscal Year 2022-2023 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20220817-004) to accept funds from the Texas Department of Transportation in the amount of \$1,500,000; and amending the Austin Transportation Department Capital Budget (Ordinance No. 20220817-004) to transfer in and appropriate \$1,500,000 for the I-35 cap and stitch project. Strategic Outcome(s): Mobility.  
**Ordinance No. 20221208-054 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
55. Approve a resolution authorizing the negotiation and execution of an agreement with the United States Department of Transportation Build America Bureau to provide technical assistance on potential federal funding strategies that support the implementation of Austin's mobility capital improvement programs. Strategic Outcome(s): Mobility  
**Resolution No. 20221208-055 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
56. Authorize negotiation and execution of a two-year contract with the University of Texas at Austin for mapping sediment bedforms and measuring microplastics and nutrients in sediments from Lake Austin and Lady Bird Lake for a total contract amount not to exceed \$160,000. Strategic Outcome(s): Health and Environment.  
**The motion authorizing negotiation and execution of a two-year contract with the University of Texas at Austin was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

#### **ITEM(S) FROM COUNCIL**

57. 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, removals, waivers, and Resolution No. 20221208-057 were approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote:**

#### **Nominations**

##### **Board/Nominee**

##### **Nominated by**

##### **Austin-Travis County Integral Care Board of Trustees**

Ann Kitchen

Mayor Adler

##### **Community Development Commission**

Ike Urquhart

Rosewood-Zaragosa Blackland

**Mechanical and Plumbing Board**

Joseph Bowie

Council Member Vela

**Public Safety Commission**

Timothy Ruttan

Council Member Vela

**Tourism Commission**

Miles “Max” Moreland

Mayor Adler

**Urban Renewal Board**

Shanisha Johnson

Mayor Adler

**Urban Renewal Board**

Danielle Skidmore

Mayor Adler

**Urban Renewal Board**

Kobla Tetey

Mayor Adler

**Reappointments****Housing Authority of the City of Austin Board**

Tyra Duncan-Hall

Mayor Adler

**Housing Authority of the City of Austin Board**

Edwina Carrington

Mayor Adler

**Removals****Downtown Commission**

Laura Templeton

Council Member Kelly

**Waivers**

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Joseph Bowie on the Mechanical and Plumbing Board.

Approve a waiver under Section 2-1-27(E) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for the following persons appointed to a City board if the person completes the training required by Section 2-1-23 on or before January 9, 2023:

Chi Lee	Impact Fee Advisory Committee
Ron Lord	Construction Advisory Committee
Anna Lan	Asian American Quality of Life Commission
Christiana Ponder	Economic Prosperity Commission

**Item 58 was pulled for discussion.**

59. Approve a resolution directing the City Manager to partner with the Intergenerational Day Center Advisory Group to implement an Intergenerational Resource Activity Center at the Nash Hernandez Building to address a fast-growing, low-income population in Austin and childcare needs in the 78702 zip code area and surrounding areas. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Ann Kitchen, Council Member Natasha Harper-Madison, Council Member José 'Chito' Vela.  
**Resolution No. 20221208-059 was approved on consent as amended below on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**The following amendment was made by Council Member Fuentes and accepted without objection:**

**Insert at line 54:**

**"WHEREAS, on October 17, 2022 staff provided a response to Council Resolution No. 20220616-089 that recommended renovating the Nash Hernandez Building to serve PARD's administrative needs and to instead pursue a pilot IRAC partnership program at one of the following facilities, George Morales-Dove Springs Recreation Center, Mendez Recreation Center, or Dittmar Recreation Center; "**

**Insert after line 91:**

**"The City Manager is directed to conduct community stakeholder engagement meetings to gather input on initiating a pilot IRAC partnership program at the Nash Hernandez Building and at the locations recommended by the Parks and Recreation Department"**

**Item 60 was pulled for discussion.**

61. Approve a resolution directing the City Manager to conduct a high-level staff review assessing the feasibility of providing trail connections north of the Colorado River from Pleasant Valley Road to the Colorado River Trailhead and report findings to City Council by June 2023. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Paige Ellis, Council Member Natasha Harper-Madison, Council Member José 'Chito' Vela, Council Member Vanessa Fuentes.  
**Resolution No. 20221208-061 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**
62. Approve an ordinance waiving the requirements of City Code Sections 8-1-14 and 8-1-71, which establish the requirements for operating a concession in Lady Bird Lake Park, for an agreement between The Trail Conservancy and EpicSUP II, LLC for a stand-up paddle board concession at 2200 S. Lakeshore Blvd. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Paige Ellis, Council Member Natasha Harper-Madison, Council Member José 'Chito' Vela.

**Ordinance No. 20221208-062 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

63. Approve a resolution directing the City Manager to assess the recommendations made by the UT Entrepreneurship and Community Development Clinic on actions that the City can take to lessen the burden of annual assessments and special assessments on owners of income-restricted condominium units. Council Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Ann Kitchen, Council Member José 'Chito' Vela.

**Resolution No. 20221208-063 was approved on consent as amended below on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**The following amendment was made by Mayor Adler and accepted without objection:**

**“BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN**

**That the City Manager is directed to assess the issues identified and recommendations made by the UT Entrepreneurship and Community Development Clinic regarding roadblocks and potential solutions to affordable condo ownership in mixed income developments in Austin. If the City Manager, after reviewing with stakeholders, concurs with such recommendations, or identifies actions that should be taken, he should implement them or prepare items for council approval.**

**BE IT FURTHER RESOLVED**

**If State law changes are required to affect needed policy, the City Manager is directed to seek legislative changes as expeditiously as is feasible.**

**BE IT FURTHER RESOLVED**

**The City Manager shall assess the situations where affordable home ownership is and is not appropriate in a condo project and recommend policy for Council adoption after consulting with stakeholders.**

**BE IT FURTHER RESOLVED**

**The City Manager shall report back to Council by June 30, 2023”**

**Item 64 was pulled for discussion.**

65. Approve a resolution initiating rezoning of the City's properties located at 1215 Red River Street and 606 East 12th Street to Central Business District (CBD) and initiating amendments to City Code Section 25-2-586 to include these properties in the Downtown Density Bonus Program. Council Sponsors: Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Natasha Harper-Madison, Council Member Vanessa Fuentes.

**Resolution No. 20221208-065 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

66. Approve a resolution declaring the Austin Energy Regional Science Festival to be a City co-sponsored event starting with fiscal year 2023-2024, directing the City Manager to include Austin Energy Regional Science Festival as one of the events for which fees are waived annually with the adoption of the City's fee and fine ordinance during the budget adoption process starting with the fiscal year 2023-2024 budget, and directing the City Manager to engage with Austin Energy Utility Oversight Committee, area school districts, municipalities, and counties regarding funding of the festival. Council Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Mayor Pro Tem Alison Alter, Council Member Ann Kitchen, Council Member José "Chito" Vela.

**Resolution No. 20221208-066 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

67. Approve a resolution directing a review and the development of recommendations for the prioritization of affordable housing funding and affordable housing capital and project-based operating subsidies, including policies and procedures that will prioritize Continuum of Care units and supportive services, and return to City Council with any necessary action items. Council Sponsors: Mayor Steve Adler, Council Member Kathie Tovo, Council Member Ann Kitchen, Council Member Natasha Harper-Madison, Council Member José 'Chito' Vela.

**Resolution No. 20221208-067 Version 2 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

68. Approve a resolution directing the City Manager to proceed with the construction of the Dougherty Arts Center and Emma S. Barrientos Mexican American Cultural Center without a reduction in the scope of proposed work to the extent feasible and to include funding needed to complete the work in the 2024 City of Austin General Obligation Bond election, to develop cost estimates for the next phase of the George Washington Carver Museum and Cultural Center and the Asian American Resource Center as part of the development of the 2024 City of Austin General Obligation Bond Program, and to work the with Austin Economic Development Corporation to develop recommendations and possible funding levels for creative space funding as a part of the development of the 2024 City of Austin General Obligation Bond election. Council Sponsors: Mayor Steve Adler, Council Member Natasha Harper-Madison, Council Member Sabino 'Pio' Renteria, Council Member Ann Kitchen, Council Member Vanessa Fuentes.

**Resolution No. 20221208-068 Version 3 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

69. Approve a resolution directing the City Manager to continue using the Northbridge Shelter as a bridge shelter until a comparable replacement is operational, and to identify strategies and funding options to maintain a minimum number of bridge shelter rooms.



Council Sponsors: Council Member Ann Kitchen, Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Council Member José 'Chito' Vela, Mayor Steve Adler.

**Resolution No. 20221208-069 was approved as amended below on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**The amendment to add the following clause was made by Council Member Kelly and accepted without objection:**

**"BE IT FURTHER RESOLVED:**

**"The City Manager is directed to produce a report that contains information regarding resident length of stay, exit surveys of experience during the stay, number of residents year-to-date at the time of the report and any questions concerns, or comments from residents during their stay and report to the City Council no later than March 31st, 2023 and every year after."**

70. Approve an ordinance waiving or reimbursing certain fees related to the Austin Chapter of Taiwanese Chambers of Commerce celebration of Taiwan National Day held on October 22, 2022. Council Sponsors: Mayor Pro Tem Alison Alter, Council Member Mackenzie Kelly, Council Member Vanessa Fuentes, Council Member Ann Kitchen.  
**Ordinance No. 20221208-070 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

71. Approve an ordinance waiving or reimbursing certain fees related to the Save Barton Creek Association Annual Membership Party held on November 21, 2022. Council Sponsors: Mayor Pro Tem Alison Alter, Council Member Leslie Pool, Council Member Kathie Tovo, Council Member Paige Ellis, Council Member Ann Kitchen.  
**Ordinance No. 20221208-071 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**Item 72 was pulled for discussion.**

73. Approve an ordinance waiving or reimbursing certain fees for the Hyde Park Holiday Market to be held on December 10, 2022. Council Sponsors: Council Member Kathie Tovo, Council Member Ann Kitchen, Mayor Pro Tem Alison Alter, Mayor Steve Adler.  
**Ordinance No. 20221208-073 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**Item 74 was pulled for discussion.**

**ITEM(S) TO SET PUBLIC HEARING(S)**

75. Set a public hearing to consider an ordinance amending City Code Title 25 to amend the North Burnet/Gateway Regulating Plan to modify the Gateway and Midway Zones, within the Transit Oriented Development Subdistrict, to increase the maximum floor-to-area ratio and building height when using a development bonus. (Suggested date: January 26, 2023, at Austin City Hall, 301 W. Second Street, Austin, TX.). Strategic Outcome(s): Economic Opportunity and Affordability.  
**The public hearing was set for January 26, 2023, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**PUBLIC COMMUNICATION: GENERAL**

Lory Mitchell - Tenants right to exercise their rights with out retaliation – **Present.**

**Mayor Adler recessed the meeting at 12:53 p.m. without objection.**

**LIVE MUSIC**

Shake Russell

**Mayor Adler reconvened the Council Meeting at 2:20 p.m.**

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

85. NPA-2022-0028.02 - Jonwood Way - Conduct a public hearing and approve an ordinance amending Ordinance No. 20110113-059 the Heritage Hills/Windsor Hills 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 10600 Jonwood Way (Walnut Creek Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation and Planning Commission Recommendation: To support applicant's request for Higher Density Single Family land use. Owner/Applicant: 33D Dessau Road, Austin, LLC (Wayne McDonald). Agent: H.D. Brown Consulting, LLC (Amanda Brown). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 1.  
**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221208-085 to change the land use designation on the future land use map (FLUM) to Higher Density Single Family land use was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**
86. 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) Affected: District 1.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221208-086 for townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

87. C14-2022-0203 - Riverside and Vargas - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6610 East Riverside Drive (Carson Creek Watershed). Applicant's Request: To rezone from East Riverside Corridor (ERC-Corridor Mixed Use Subdistrict) district zoning and East Riverside Corridor (ERC-Neighborhood Mixed Use Subdistrict) district zoning to East Riverside Corridor (ERC-Corridor Mixed Use Subdistrict) district zoning, and to amend Figure 1-6 (East Riverside Corridor Hub Map) to include the entire lot in the Hub boundary, Figure 1-7 (East Riverside Corridor Height Map) to designate the entire lot as 60 feet for an allowable height, and Figure 1-8 (East Riverside Corridor Development Bonus Height Map) to increase the maximum building height up to 120 feet through participation in a density bonus program. Staff Recommendation: To grant East Riverside Corridor (ERC-Corridor Mixed Use Subdistrict) district zoning, and to amend Figure 1-6 (East Riverside Corridor Hub Map) to include the entire lot in the Hub boundary, Figure 1-7 (East Riverside Corridor Height Map) to designate the entire lot as 60 feet for an allowable height, and Figure 1-8 (East Riverside Corridor Development Bonus Height Map) to increase the maximum building height up to 120 feet through participation in a density bonus program. Planning Commission Recommendation: Review date to be determined. Owner/Applicant: East Riverside Drive UP, LLC (Shawn A.J. Gross). Agent: Drenner Group, PC (Amanda Swor). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 3.

**This item was postponed indefinitely at the request of Staff on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

88. C14-2022-0131 - SE Norwood CO Amendment - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4603, 4605, and 4611 Norwood Lane (Onion Creek 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-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Owner/Applicant: William Holdings, LLC (Will Pitts). Agent: Thrower Design, LLC (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. 20221208-088 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

89. NPA-2022-0021.02 - Burleson & Ben White -Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055, the East Riverside/Oltorf (Parker Lane) 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 3507 Burleson Road (Country Club West Watershed) from Single Family, Office and Commercial to Mixed Use land use. Staff Recommendation and Planning Commission recommendation: To be reviewed on December 20, 2022. Owner/Applicant: Stoneridge Capital Partners, LTD. Agent: Dunaway Associates (Vanessa Mendez). City Staff: Kathleen Fox, 512-974-7844. District(s) Affected: District 3.

**This item was postponed to January 26, 2023 at the request of Staff on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

90. C14-2022-0111 - Burnet & 183 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 8909 & 9034 Burnet Road (Little Walnut Creek Watershed). Applicant Request: To rezone from general commercial services-neighborhood plan (CS-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: PCD BURNET LTD (PCD BURNET LLC) (Peter L. Donovan, Manager). Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 4.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221208-090 for general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

91. NPA-2022-0002.01 - 1700 East 2nd Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 990513-70, the East Cesar Chavez 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 1700 East 2nd Street and 205 Chalmers Avenue (Lady Bird Lake Watershed) from Multifamily Residential to Mixed Use land use. Staff and Planning Commission recommendation: To support applicant's request for Mixed Use land use. Owner/Applicant: 2nd Street, LLC. Agent: Drenner Group, PC (Leah M. Bojo). City Staff: Maureen Meredith, Housing and Planning Department, 512-974-2695. District(s) Affected: District 3.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221208-091 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

92. C14-2022-0091 - 1700 East 2nd Street - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1700 East 2nd Street and 205 Chalmers Avenue (Lady Bird Lake Watershed). Applicant 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-neighborhood plan (CS-MU-V-NP) combining district zoning. Staff 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: 2nd Street, LLC. Agent: Drenner Group, PC (Leah M. Bojo). City Staff: Heather Chaffin, Housing and Planning Department, 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. 20221208-092 for general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

93. NPA-2022-0029.01- 7601 Cameron Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 20120426-100, the St. John/Coronado Hills 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 7601 and 7601 1/2 Cameron Road (Buttermilk Branch Watershed) from Commercial to Mixed Use land use. Staff Recommendation: To support the applicant's request for Mixed Use land use. Planning Commission recommendation: To be reviewed on December 20, 2022. Owner/Applicant: Area 51st, LLC. Agent: Drenner Group, PC (Leah M. Bojo). City Staff: Maureen Meredith, Housing and Planning Department, 512-974-2695. District(s) Affected: District 1.

**This item was postponed to January 26, 2023 at the request of Staff on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

94. C14-2022-0094 - 7601 Cameron Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7601 and 7601 1/2 Cameron Road (Buttermilk Branch Watershed). Applicant Request: To rezone from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed December 20, 2022. Owner/Applicant: Area 51st, LLC. Agent: Drenner Group, PC (Leah



M. Bojo). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 1.

**This item was postponed to January 26, 2023 at the request of Staff on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

95. C14-2022-0206 - 1517 Kramer Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1517 Kramer Lane (Little Walnut Creek Watershed). Applicant Request: To rezone from limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Owner/Applicant: Joseph M. Hood and Tina M. Hood. Agent: Drenner Group, PC (Leah M. Bojo). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 4.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221208-095 for general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

**Items 96 and 97 were pulled for discussion.**

98. NPA-2022-0029.02 - St. Johns Site - Approve second and third readings of 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 1/2 North IH 35 Northbound Service Road, 819 1/2 Blackson Avenue and 910 1/2 East St. Johns Avenue (Buttermilk Branch Watershed) from Civic and Neighborhood Mixed Use to Mixed Use land use. First Reading approved on December 1, 2022. Vote: 11-0. 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) Affected: District 4.

**Ordinance No. 20221208-098 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

99. C14-2022-0118 - St. Johns Site - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 7211, 7309, and 7313 1/2 North IH 35 Northbound Service Road, 819 1/2 Blackson Avenue and 910 1/2 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. First Reading approved general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning on December 1, 2022. Vote: 11-0. 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) Affected: District 4.

**Ordinance No. 20221208-099 for general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning was approved on Council Member Fuentes' motion, Council Member Pool's second on an 11-0 vote.**

**Item 100 was pulled for discussion.**

#### **ITEM(S) REFERRED FROM COUNCIL COMMITTEE(S)**

76. Approve the appointment of a nominee recommended by the Public Health Committee to the Central Health Board of Managers. Council Sponsors: Public Health Committee.

**The motion to approve the appointment of a nominee was approved on Council Member Tovo's motion, Council Member Fuentes' second on an 11-0 vote.**

**The following nominee was appointed: Manuel Martin**

#### **EMINENT DOMAIN**

**Items 77 and 78 were acted on with one combined motion.**

77. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the East Braker Lane Extension project for the public use of addressing congestion on East Parmer Lane by connecting the future Travis County-built East Braker Lane extension to Harris Branch. This roadway will also include the extension of Taebaek Drive and future Safe Routes to Schools improvements for Pioneer Crossing Elementary School requiring the acquisition of fee simple right-of-way being 0.312 acre tract of land, a drainage easement being 677 square feet tract of land, and a slope easement being 524 square feet of land, all out of L. Munos Survey Abstract No. 513 conveyed to Continental Homes of Texas, L.P. as recorded in Document No. 2016128108 of the Official Public Records of Travis County Texas, currently appraised at \$34,816 subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Continental Homes of Texas L.P., a Texas limited partnership. The property is located at Samsung Boulevard, Austin, Texas 78754 (at Taebaek Drive). The general route of this project is an extension of East Braker Lane, ending near Dawes Place (East of Dessau Road) and continuing East to Samsung Boulevard. District(s) Affected: District 1. Strategic Outcome(s): Mobility.

**Resolution No. 20221208-077 was approved on Council Member Tovo's motion, Council Member Ellis' second on an 11-0 vote.**

78. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the Oak Hill Parkway Water Relocation Project for the public use of accommodating roadway improvements, relocation of wastewater infrastructures in conflict with the Texas Department of Transportation's Oak Hill Parkway Project, and the acquisition of one water line easement being approximately a 0.0996 acre (4,337 square feet) easement located in the Thomas Anderson Survey No. 90, Abstract No. 28, City of Austin, Travis County, Texas, being a portion of a called 18.1309 acre tract of land as described in a Special Warranty Deed to Sussex Shiloh TIC, LLC, in Document No. 2021278698 of the Official Public Records of Travis County, Texas, currently appraised at \$76,681, subject to an increase in the value based on updated appraisals or a Special Commissioners' award. The owner of the needed property Sussex Shiloh TIC, LLC, a Delaware limited liability company; JF Shiloh TIC, LLC, a Delaware limited liability company; Shiloh Investors TIC, LLC, a Delaware limited liability company; and Wildhorn Shiloh TIC, LLC, a Delaware limited liability company. The property is located at 6811 Old Bee Caves Road, Austin, Texas 78749. The general location of the project is SH 71 at Silvermine Drive to US 290 at Circle Drive, beginning at West William Cannon Drive, Travis County, Texas. District(s) Affected: District 8. Strategic Outcome(s): Mobility.

**Resolution No. 20221208-078 was approved on Council Member Tovo's motion, Council Member Ellis' second on an 11-0 vote.**

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

81. Conduct 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, and consider a resolution related to the proposed development, the application, and the allocation of housing tax credits and private activity bonds. District(s) Affected: District 7. Strategic Outcome(s): Economic Opportunity and Affordability.

**The public hearing was conducted and motion to close the public hearing and approve Resolution No. 20221208-081 was approved on Council Member Pool's motion, Council Member Harper-Madison's second on an 11-0 vote**

### **DISCUSSION ITEMS**

**Items 1 and 5 were acted on in one combined motion.**

1. Approve the minutes of the Austin City Council budget adoption of August 17, 2022, regular meeting of November 15, 2022, special called of November 21, 2022, and work session of November 29, 2022.

**The motion to approve the minutes of the Austin City Council budget adoption of August 17, 2022, regular meeting of November 15, 2022, special called of November 21, 2022, and work session of November 29, 2022 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**A motion to reconsider this item was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**This item was withdrawn.**

5. Approve an ordinance amending Ordinance No. 20221121-002 ordering the December 13, 2022 runoff election to repeal and replace Exhibits B, E, F, G, and H that adopt English and Spanish versions of the ordinance calling the elections, attach executed contracts for election services and executed joint election agreements, and list election day judges, central counting station staff, and early voting ballot board members; and declaring an emergency. Strategic Outcome(s): Government that Works for All.  
**Ordinance No. 20221208-005 was approved on consent on Council Member Kitchen's motion, Council Member Harper-Madison's second on an 11-0 vote.**

**A motion to reconsider this item was approved on Council Member Pool's motion, Council Member Ellis' second on an 11-0 vote.**

**Ordinance No. 20221208-005 Version 2 was approved on Mayor Adler's motion, Council Member Pool's second on an 11-0 vote.**

**Item 35 was tabled.**

64. Approve a resolution relating to regulating persons, including platforms and other corporations, who collect or receive a fee from unlicensed short-term rental operators. Council Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Sabino 'Pio' Renteria, Mayor Pro Tem Alison Alter, Council Member José 'Chito' Vela.  
**A motion to approve the resolution with the following amendment was made Council Member Tovo and seconded by Council Member Vela.**

**The following amendment was made by Council Member Vela and accepted without objection:**

**“Insert the following sentence at the end of the first BE IT RESOLVED:**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN: The City Council directs the City Manager to prepare an amendment to City Code that will make it unlawful for a person to collect or receive a fee, directly or indirectly through an agent or intermediary, from unlicensed short-term rental operators. As part of preparing the proposed amendment(s), the City Manager is directed to engage in a stakeholder process, including the Austin Code Department's STR**

**Licensing and Registration Team, and to research and evaluate existing and model ordinances, prior to presenting any proposed amendment to City Council for consideration by no later than March 23, 2023”**

**Resolution No. 20221208-064 was approved as amended above on Council Member Tovo’s motion, Council Member Vela’s second on a 10-1 vote. Council Member Kelly voted nay.**

35. Authorize an amendment to a contract with American Youthworks to provide for continued Youth Environmental Stewardship programming, to increase the amount by \$250,000 for a revised total contract amount not to exceed \$3,447,000. [Note: This contract is exempt from the City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program); therefore, no subcontracting goals were established]. Strategic Outcome(s): Health and Environment, Government that Works for All.

**The motion authorizing an amendment to a contract with American Youthworks was approved on consent on Mayor Pro Tem Alter’s motion, Council Member Fuentes’ second on a 10-1 vote. Council Member Kelly voted nay.**

**Items 80, 96, and 97 were acted on in one combined motion.**

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

80. Conduct a public hearing and consider an ordinance regarding a site-specific amendment to City Code Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as required to address development related to the proposed Brodie Oaks PUD, C814-2021-0099, and located within the Barton Springs Zone. Related to Items #96 and #97. Strategic Outcome(s): Health and Environment; Safety; Economic Opportunity and Affordability.

**A motion to approve the ordinance on first reading only was approved on Council Member Kitchen’s motion, Council Member Ellis’ second on an 11-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

96. 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) Affected: District 5.

**A motion to approve the ordinance on first reading only was made by Council Member Kitchen and seconded by Council Member Ellis.**

**The following amendments were made by Council Member Kitchen and included without objection.**

**“Council directs the Brodie PUD applicants and Austin Energy to resolve the substation location in a way that serves the Brodie development without impact to the non-degradation SOS water quality requirements and additional impervious cover in parkland and the Edwards Aquifer Recharge Zone as follows:**

- **Austin Energy substation location shall be resolved in such a way as to not impact the non-degradation SOS water quality requirements, reduce the project’s Parks and Open Space dedication of 13.2 acres or increase the impervious cover beyond the 56% net site area proposed to date to the public, boards and commissions, and council.**
- **The developer shall work with Austin Energy toward a timely solution that ensures safe, reliable, and efficient power. The solution may include a substation within the constraints of the site or on an alternative site.**
- **If necessary to serve Brodie, Austin Energy shall design a gas-insulated substation with a minimal footprint.**

**Council supports providing a solution to solve for the funding gap required to address the trail and greenbelt needs identified by the Planning and Environmental Commissions without the use of the parkland dedication fee in-lieu of park development as those funds are dedicated for the build out of the parkland onsite.**

**The City Manager in coordination with the applicants of the Brodie Oaks PUD are directed to determine and pursue a best mechanism such as:**

- **Parkland Improvement and Maintenance Agreement;**
- **Public Improvement District (PID); or**
- **other strategies to provide the necessary funding needed to access, preserve, and manage the trail and greenbelt assets.”**

**The motion to approve the ordinance on first reading only for planned unit development (PUD) district zoning, with conditions, as amended above was approved on Council Member Kitchen’s motion, Council Member Ellis’ second on an 11-0 vote.**

97. 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) Affected: District 5.  
**A motion to postpone the item to January 26, 2023 was approved on Council Member Kitchen's motion, Council Member Ellis' second on an 11-0 vote.**

100. C14H-2022-0073 - 1122 Colorado Street - Westgate Tower - Approve second and third readings of 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. First Reading approved central business district-historic landmark (CBD-H) combining district zoning on December 1, 2022, Vote 11-0. Owner: Westgate Condominium Association. Applicant: Brian Evans. City Staff: Kalan Contreras, Housing & Planning Department, 512-974-2727. District(s) Affected: District 9.  
**A motion to approve the ordinance on second and third reading was made by Council Member Tovo and seconded by Council Member Pool.**

**An amendment to approve the ordinance on second reading only was made by Council Member Vela and seconded by Council Member Pool. The amendment was approved on a 6-5 vote. Those voting aye: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Members Kelly, Kitchen, Pool, and Tovo.**

**The ordinance was approved as amended on second reading only on Council Member Tovo's motion, Council Member Ellis' second on an 11-0 vote.**

**Mayor Adler recessed the meeting to go into Executive Session and for Proclamations at 4:01 p.m.**

#### **EXECUTIVE SESSION**

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

82. Discuss legal issues and information related to cybersecurity matters, including assessments and deployments of personnel and devices, audits, network security information and information technology resources, and critical infrastructure (Deliberation regarding security devices or security audits - Sections 551.076 and 551.089 of the Government Code and private consultation with legal counsel - Section 551.071 of the Government Code).

**Conducted.**

83. Discuss legal issues related to City of Austin 2022 labor negotiations (Private consultation with legal counsel - Section 551.071 of the Government Code).

**Withdrawn.**

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

**Conducted.**

### **PROCLAMATIONS**

Key to the City – To be presented by Mayor Adler and to be accepted by Pastor Parker

Distinguished Service Award – To be presented by the Council Body and to be accepted by Mayor Adler

Distinguished Service Award – To be presented by CM Pool and to be accepted by Ann Kitchen

Distinguished Service Award – To be presented by CM Pool and to be accepted by Sabino “Pio” Renteria

Distinguished Service Award – To be presented by MPT Alter and to be accepted by Kathie Tovo

Distinguished Service Award – To be presented by Rosie Truelove and to be accepted by Jerry Rusthoven

**Executive Session ended and the Mayor reconvened the meeting at 6:47 p.m.**

### **DISCUSSION ITEMS CONTINUED**

**Item 4 was tabled.**

**Mayor Adler recessed the meeting at 7:05 p.m. without objection.**

**Mayor Adler reconvened the meeting at 8:05 p.m.**

4. Approve an ordinance establishing revised electric rates and charges for Austin Energy customers. Strategic Outcome(s): Government that Works for All.

**A motion to approve Version 2 of the ordinance with the following direction was made by Council Member Pool and seconded by Council Member Harper Madison.**

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

**“As part of future budget processes, the City Manager is directed to ensure that any revenue that exceeds the established revenue requirements and costs shall first be allocated to the General Fund to fulfill the General Fund Transfer 12% policy.”**

**The following direction was made by Council Member Pool and included without objection:**

**“1. The City Manager is directed to comply with the terms of the agreement entitled “Joint Recommendation on Other Austin Energy Issues” and attached to this motion sheet.”**

**Ordinance No. 20221208-004 Version 2 as amended was approved on Council Member Pool’s motion, Council Member Harper-Madison’s second on a 7-4 vote. Those voting aye: Mayor Adler, Council Members Ellis, Harper-Madison, Kelly, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Members Fuentes, Kitchen, and Tovo.**

58. 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.
- A motion to approve Version 2 of the resolution was made by Council Member Tovo and seconded by Council Member Kitchen.**

**A motion calling the question to Council Member Tovo’s motion was made by Council Member Kelly and seconded by Council Member Pool. The motion failed for lack of a 2/3 vote on a 6-5 vote. Those voting aye: Council Members Ellis, Harper-Madison, Kelly, Pool, Renteria, and Vela. Those voting nay: Mayor Adler, Mayor Pro Tem Alter, Council Members Fuentes, Kitchen, and Tovo.**

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

**“Include the following amendment language to Version 2 distributed on December 7, 2022:**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN**

The City Manager is directed to develop policies and practices related to the City's real estate interests to accomplish the following:

1. **Notify City Council.** Whether, and under what conditions, the City Council should be informed about offers from other governmental entities or private parties to sell property to the City.

Whether, under what conditions, and in what manner, prior to beginning a solicitation process to sell or ground lease City-owned property (other than right-of-way, parkland, and other standard acquisitions), the City Manager should inform the City Council concerning his recommendation, provide a rationale for the sale, and indicate which departments and public entities the staff have consulted with to determine their interest.

2. **Exercise Due Diligence.** Establish consistent policies concerning the proper due diligence of real estate transactions. For example, whether, and under what conditions prior to presenting a formal proposal to purchase land or property, the City Manager should assemble a broad-based team of staff to assess the applicable land use requirements, including the impacts of legal covenants, restrictions, or overlays (e.g., the Airport Overlay Zone).
3. **Allow City Council to Review Agreements Before Approval.** Whether, and under what conditions, the City Manager should separate "negotiation" and "execution" phases of real estate transactions
4. **Favor ground-leases.** Whether, and under what conditions the City should seek to retain and lease, rather than sell its property and when the Manager should provide a rationale and a financial analysis illustrating the benefits (and negatives) of the option recommended.
5. **Ownership Favored Over Leasing.** Whether, and under what conditions, the City should own its facilities and avoid becoming a tenant on long-term leases. By June 1, 2023, the City Manager should present to the City Council with an inventory of spaces leased by the City of Austin and associated recommendations and whether or not to plan on phasing out such leases.
6. **Active Use of City Facilities.** Whether, and under what conditions, the City should avoid long-term vacancy and underutilization of the City's real estate resources.

Beginning on June 1, 2023, the City Manager shall prepare an annual report on vacant City-owned facilities and those defined as "under-utilized" based on a metric that staff develop.



7. **Right of Way Vacation and Encroachment and License Agreements.** Consistent with Resolution 20140807-092, public spaces such as alleys can represent significant long-term value for a growing city with significant needs for infrastructure and place making. Current code limits how the City can assign value. The City Manager is thus directed to review best practices, analyze and recommend potential procedural modifications, fee alternatives, and valuation options, and return with recommendations on whether or not to change existing practices for City Council no later than June 1, 2023.
8. **Transfers Between City Departments and City-Affiliated Entities.** Establish consistent policies concerning the transfer of real estate between departments and City-affiliated entities. For example, when transferring real estate from a City-affiliated entity such as Austin Energy to a City department or vice versa.
9. **Rezoning City-Owned Land.** The City Manager should recommend to the City Council whether or not, and under what circumstances, City-owned property should be rezoned prior to entering into an agreement with a third party in the situations where such would serve to maximize the City's potential for achieving community benefits.
10. **Joint Uses and Collaboration.** Whether, and under what conditions, the City should use City-owned land for multiple purposes and when the City Manager should explain such rationale to the City Council.

Whenever possible, the City should collaborate with other public entities, such as Travis County, Central Health, and area school on joint use facilities and/or land swaps. When bringing forward proposals, if outreach has been conducted, the City Manager should be prepared to summarize any outreach to area school districts, counties, and other entities – and to summarize whether the City's Strategic Facilities committee worked with diverse departments to explore possibilities or identify prospective tenants. This does not mean that the City Manager must consult every entity with every property, but only in appropriate situations which might include consideration of if multiple uses have already been identified or collaboration with another entity would not be possible for the particular use or location.

The City Manager shall return to Council by June 1, 2023, with a general framework that would guide such internal and external conversations about facility and property use and development.

11. **Suggest Options for Smaller Tracts.** The City Manager shall recommend policies for developing and using small tracts of City-owned land (e.g., less than 2 acres in size) that might help achieve the geographic dispersion of affordable housing and other City Council-adopted priorities. The City Manager shall report back to City Council on this issue by June 1, 2023.

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

“Add and amend language on lines 74-81 as follows:

1. **Transfers Between City Departments and City-Affiliated Entities.** Establish consistent policies concerning the transfer of real estate between departments and City-affiliated entities. For example, the City Manager shall consider when to use the calculation used for the 2201 Grove Boulevard which transferred Austin Energy property to the Austin Housing Finance Corporation for a price that represented the initial purchase price plus the costs of maintenance of the property and other carting costs incurred after such acquisition.”

Resolution No. 20221208-058 Version 2 failed as amended above on Council Member Tovo’s motion, Council Member Kitchen’s second on a 5-6 vote. Those voting aye: Mayor Adler, Mayor Pro Tem Alter, Council Members Fuentes, Kitchen, and Tovo. Those voting nay: Council Members Ellis, Harper-Madison, Kelly, Pool, Renteria, and Vela.

60. Approve a resolution directing the City Manager to continue to work towards finalizing the best and final offer for the sale, lease, or exchange of the Central Maintenance Complex located at 2525 S. Lakeshore Boulevard along with any associated administrative transactions. Council Sponsors: Council Member Sabino 'Pio' Renteria, Council Member Leslie Pool, Council Member Natasha Harper-Madison, Council Member Paige Ellis.

A motion to approve the resolution was made by Council Member Renteria and seconded by Council Member Ellis.

The following amendment was made by Council Member Tovo and seconded by Mayor Pro Tem Alter:

“BE IT FURTHER RESOLVED

The City Manager should ensure that the proposed transaction presents a fair deal for Austin’s taxpayers, which includes both striving to achieve the highest financial value for the City, while taking into account the community benefits offered.”

The amendment failed on a 3-8 vote. Those voting aye: Mayor Pro Tem Alter, Council Members Fuentes and Tovo. Those voting nay: Mayor Adler, Council Members Ellis, Harper-Madison, Kelly, Kitchen, Pool, Renteria, and Vela.

The following amendment was made by Council Member Tovo and seconded by Mayor Pro Tem Alter:

**“BE IT FURTHER RESOLVED**

**The City Manager shall work with an independent appraiser to get a current valuation of 2525 S. Lakeshore Blvd (either through an updated appraisal or restricted appraisal report). The appraisal or report should include, for consideration purposes, an assumption that the property could be zoned “Corridor Mixed Use” under the East Riverside Corridor Regulating Plan.”**

**The amendment failed on a 3-8 vote. Those voting aye: Mayor Pro Tem Alter, Council Members Fuentes and Tovo. Those voting nay: Mayor Adler, Council Members Ellis, Harper-Madison, Kelly, Kitchen, Pool, Renteria, and Vela.**

**The following amendment was made by Council Member Tovo and seconded by Mayor Pro Tem Alter:**

**“BE IT FURTHER RESOLVED**

**In the event that the transaction is delayed or otherwise prolonged for a significant period of time, the City Manager shall update any appraisals associated with property considered as part of this exchange”**

**The amendment failed on a 3-8 vote. Those voting aye: Mayor Pro Tem Alter, Council Members Fuentes and Tovo. Those voting nay: Mayor Adler, Council Members Ellis, Harper-Madison, Kelly, Kitchen, Pool, Renteria, and Vela.**

**Resolution No. 20221208-060 was approved on Council Member Renteria’s motion, Council Member Ellis’ second on an 8-3 vote. Those voting aye: Mayor Adler, Council Members Ellis, Harper-Madison, Kelly, Kitchen, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Members Fuentes and Tovo.**

72. Approve an ordinance related to compensation and benefits for the City Manager. Council Sponsors: Mayor Steve Adler, Council Member Leslie Pool, Council Member Natasha Harper-Madison, Council Member Sabino 'Pio' Renteria.  
**A motion to approve the ordinance with a base salary of \$388,190.40 was made by Mayor Adler and seconded by Council Member Pool.**

**Ordinance No. 20221208-072 was approved on Mayor Adler’s motion, Council Member ’s second on an 8-0 vote. Mayor Pro Tem Alter, Council Members Ellis and Tovo abstained.**

74. 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. Council Sponsors: Council

Member Ann Kitchen, Mayor Steve Adler, Council Member Leslie Pool, Council Member Vanessa Fuentes, Council Member José “Chito” Vela.

**A motion to approve Version 3 of the resolution was made by Council Member Kitchen and seconded by Council Member Pool.**

**The following amendment was made by Mayor Adler and included without objection:**

**Amend the first bullet point of the BE IT RESOLVED clause to read:**

**“BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN**

**Pursuant to Article XVII of the Austin Transit Partnership Articles of 19 Incorporation, the City Council adopts the following recommended amendments to Article VI:**

**All powers of the Corporation shall be vested in a Board of Directors consisting of seven persons... two of whom shall be new Directors.”**

**The following amendments were made by Mayor Adler and included without objection:**

**Add language to line 28 to read:**

**“The Nominating Committee must seek feedback from the Community Advisory Committee and other appropriate stakeholders on the criteria for selection, before the criteria are finalized.”**

**Add language to line 40 to read:**

**“The application and appointment process and selection criteria must include feedback from the Community Advisory Committee and other appropriate stakeholders before it is finalized.”**

**Amend line 49 to read:**

**“The City Manager is directed to consult with the Community Advisory Committee (CAC) and other appropriate stakeholders to establish eligibility criteria for the new Directors and return to City Council with recommendations by the end of February 2023. The CAC and other appropriate stakeholders may also provide feedback on the application and appointment process for the new Directors. The City Manager shall also collaborate with the CAC, Transit Forward, Chamber of Commerce, the ATX Mobility Coalition Capital Metro, ATP and other community stakeholders as appropriate to develop these recommendations. Applications and appointments for the new Directors to the ATP board shall not be solicited or**

**considered prior to the joint adoption of eligibility criteria by the City Council and the Capital Metro Board of Directors. The CAC and other appropriate stakeholders may consider eligibility criteria such as the following without limitation or required inclusion, when making recommendations:”**

**Resolution No. 20221208-074 was approved as amended above on Council Member Kitchen’s motion, Council Member Pool’s second on a 7-1 vote. Council Member Kelly voted nay. Mayor Pro Tem Alter, Council Members Ellis and Harper-Madison abstained.**

**Mayor Adler adjourned the meeting at 10:02 p.m. without objection.**

**The minutes were approved on this the 26<sup>th</sup> day of January 2023 on consent without objection.**