

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, FEBRUARY 23, 2023**

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, February 23, 2023, at Austin City Hall, 301 W. 2nd Street, Austin, TX.

PROCLAMATIONS

Proclamation – Betty J. Swint Day – To be presented by Council Member Natasha Harper-Madison and to be accepted by Betty Swint, Retired Austin Fire Department Fire Specialist

Distinguished Service Award – Armando Zamora – To be presented by Council Member Mackenzie Kelly

Distinguished Service Award – Stephen Giovinazzo – To be presented by Council Member Mackenzie Kelly

Mayor Watson called the Council Meeting to order at 10:00 a.m.

CONSENT AGENDA

1. Approve the minutes of the Austin City Council work session of February 7, 2023, regular meeting of February 9, 2023, and special called of February 9, 2023.

The motion to approve the minutes of the Austin City Council work session of February 7, 2023, regular meeting of February 9, 2023, and special called of February 9, 2023, was approved on consent without objection.

2. Authorize expenditures for annual renewals of professional dues and memberships in national and state associations and organizations related to the electric utility industry, in an amount not to exceed \$420,000. Strategic Outcome(s): Government that Works for All.

The motion authorizing expenditures for annual renewals of professional dues and memberships in national and state associations and organizations related to the electric utility industry was approved on consent without objection.

3. Authorize negotiation and execution of a cost participation agreement to reimburse Austin Pets Alive in an amount not to exceed \$218,400 for costs to design and construct an oversized water main and appurtenances related to Service Extension Request No. 5564 providing water service to a proposed pet adoption facility located at 8107 Dee Gabriel Collins Road. Strategic Outcome(s): Government that Works for All.
The motion authorizing negotiation and execution of a cost participation agreement to reimburse Austin Pets Alive was approved on consent without objection.
4. Approve Service Extension Request No. 5522 for water service to a 7.48-acre tract located at 4700 City Park Road, Austin, Texas 78730 within the Drinking Water Protection Zone, the City's limited purpose jurisdiction and Austin Water's service area. Strategic Outcome(s): Government that Works for All.
The motion approving Service Extension Request No. 5522 for water service to a 7.48-acre tract located at 4700 City Park Road, Austin, Texas 78730 was approved on consent without objection.
5. Approve Service Extension Request No. 5532 for water service to a 31.466-acre tract located at 9900 N. FM 620 Road within the Drinking Water Protection Zone, the City's 2-mile extraterritorial jurisdiction and Austin Water's service area. Strategic Outcome(s): Government that Works for All.
The motion approving Service Extension Request No. 5532 for water service to a 31.466-acre tract located at 9900 N. FM 620 Road was approved on consent without objection.
6. Approve Service Extension Request No. 5533 for wastewater service to a 31.466-acre tract located at 9900 N. FM 620 Road within the Drinking Water Protection Zone, the City's 2-mile extraterritorial jurisdiction and Austin Water's service area. Strategic Outcome(s): Government that Works for All.
The motion approving Service Extension Request No. 5533 for wastewater service to a 31.466-acre tract located at 9900 N. FM 620 Road was approved on consent without objection.
7. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of certificates of obligation to be issued for expenditures in the total amount of \$20,000,000 to renovate the Town Lake Center facility. Related to Item #8. Strategic Outcome(s): Government that Works for All.
Resolution No. 20230223-007 was approved on consent without objection.
8. Approve an ordinance amending the Fiscal Year 2022-2023 Building Services Department Capital Budget (Ordinance No. 20220817-004) to increase appropriations by \$20,000,000 for renovation of the Town Lake Center facility. Related to Item #7. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20230223-008 was approved on consent without objection.
9. Approve an ordinance amending the Fiscal Year 2022-2023 Economic Development Department Operating Budget Special Revenue Downtown Public Improvement Fund (Ordinance No. 20220817-004) to increase appropriations in the amount of \$1,818,270 for operating the Downtown Public Improvement District. Related to Items #10 and #11.

District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity and Affordability.

Ordinance No. 20230223-009 was approved on consent without objection.

10. Authorize execution of a management agreement for management services with Austin DMO, Inc., d/b/a Downtown Austin Alliance, for a period of five years for a total contract amount of \$79,197,757. Related to Items #9 and #11. District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity & Affordability; Health & Environment; Safety and Mobility.

The motion authorizing execution of a management agreement for management services with Austin DMO, Inc., doing business as Downtown Austin Alliance was approved on consent without objection.

11. Approve an ordinance amending Ordinance No. 20220728-009, which adopted the Austin Downtown Public Improvement District Service and Assessment Plan and Budget, to include additional funding for 2023. Related to Item #9 and #10. District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity and Affordability.

Ordinance No. 20230223-011 was approved on consent without objection.

Item 12 was pulled for discussion.

13. Approve a resolution authorizing and approving the creation of the Austin Public Facilities Corporation, a Texas nonprofit public facility corporation; and approving the certificate of formation, the purpose and activities, and approving the appointment of the initial board of directors. Strategic Outcome(s): Government that Works for All.

Resolution No. 20230223-013 was approved on consent without objection.

14. Authorize negotiation and execution of a 24-month lease renewal with the Texas Health and Human Services Commission for approximately 3,495 square feet of shared office space for the Austin Police Department, Crisis Intervention Team, located at 4110 Guadalupe Street, Bldg. 631, in Austin, Travis County, Texas, in an amount not to exceed \$7,200. District(s) Affected: District 9. Strategic Outcome(s): Safety.

The motion authorizing negotiation and execution of a 24-month lease renewal with the Texas Health and Human Services Commission was approved on consent without objection.

15. Authorize negotiation and execution of a cooperative contract to provide SolarWinds software products and services, including maintenance, training, and support services with Insight Public Sector Inc. d/b/a Insight Public Sector for a term of three years in an amount not to exceed \$1,500,000. [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 Insight Public Sector Inc. doing business as Insight Public Sector was approved on consent without objection.

16. Authorize execution of a construction contract for the 2023 Chilled Water Construction in the Right-of-Way Indefinite Delivery/Indefinite Quantity contract with DeNucci Constructors LLC in the amount of \$10,000,000 for an initial two-year term, with three, one-year extension options of \$5,000,000 each, for a total contract amount not to exceed \$25,000,000. [This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.71% MBE and 2.05% WBE participation]. Strategic Outcome(s): Government that Works for All.

The motion authorizing execution of a construction contract for the 2023 Chilled Water Construction in the Right-of-Way Indefinite Delivery/Indefinite Quantity contract with DeNucci Constructors LLC was approved on consent without objection.

17. Authorize negotiation and execution of a professional services agreement for transportation engineering services for the 2023 Transportation Engineering Services Rotation List with the following 14 staff recommended firms (or other qualified respondents): HDR Engineering, Inc.; Johnson, Mirmiran & Thompson, Inc.; Kimley-Horn and Associates, Inc.; BGE, Inc./Brown & Gay Engineers, Inc.; AECOM Technical Services, Inc.; Huitt-Zollars, Inc.; Cobb Fendley & Associates, Inc.; Freese and Nichols, Inc./Freese and Nichols; RPS Infrastructure, Inc.; Binkley & Barfield, Inc.; Halff Associates, Inc./Halff; Pape-Dawson Consulting Engineers, Inc./Pape-Dawson Engineers; DKS Associates; and Volkert, Inc. in a total amount not to exceed \$30,000,000. [Note: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE participation]. Strategic Outcome(s): Safety, Mobility.

The motion authorizing negotiation and execution of a professional services agreement for transportation engineering services for the 2023 Transportation Engineering Services Rotation List with the following 14 staff recommended firms (or other qualified respondents): HDR Engineering, Inc.; Johnson, Mirmiran & Thompson, Inc.; Kimley-Horn and Associates, Inc.; BGE, Inc./Brown & Gay Engineers, Inc.; AECOM Technical Services, Inc.; Huitt-Zollars, Inc.; Cobb Fendley & Associates, Inc.; Freese and Nichols, Inc./Freese and Nichols; RPS Infrastructure, Inc.; Binkley & Barfield, Inc.; Halff Associates, Inc./Halff; Pape-Dawson Consulting Engineers, Inc./Pape-Dawson Engineers; DKS Associates; and Volkert, Inc. was approved on consent without objection.

18. Approve a resolution finding the use of the competitive sealed proposal method of contracting, as authorized by Subchapter D, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the Zilker Metropolitan Park - Barton Springs Bathhouse Rehabilitation project to provide improvements to the historical bathhouse at Barton Springs Pool. [Note: MBE/WBE goals will be established prior to issuance of this solicitation]. Strategic Outcome(s): Safety, Culture and Lifelong Learning, Health and Environment.

Resolution No. 20230223-018 was approved on consent without objection.

19. Authorize execution of a construction contract for Duncan Neighborhood Park project, with Muniz Concrete & Contracting, Inc. in the amount of \$1,240,576 plus \$148,000 contingency for a total contract amount not to exceed \$1,388,576. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 20.48% MBE and 1.60% WBE participation]. District(s) Affected: District 9. Strategic Outcome(s): Culture and Lifelong Learning, Health and Environment.
This item was postponed indefinitely at the request of Council Member Ryan Alter on consent without objection.
20. Authorize execution of a construction contract for Oltorf Street Reclaimed Water Main Phase 1 project, with Cash Construction Company, Inc. in the amount of \$6,475,547 plus a \$647,555 contingency for a total contract amount not to exceed \$7,123,102. [Note: This contract 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 2.79% MBE and 5.37% WBE participation]. District(s) Affected: District 3. Strategic Outcome(s): Health and Environment.
The motion authorizing execution of a construction contract with Cash Construction Company, Inc. was approved on consent without objection.
21. Authorize execution of a contract for decorative lights, luminaries, and lamp poles with Techline Inc. for a term of five years in an amount not to exceed \$2,400,000. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.
The motion authorizing execution of a contract with Techline Inc. was approved on consent without objection.
22. Authorize negotiation and execution of a cooperative contract for communications equipment and related technical support with GTS Technology Solutions, Inc. for up to four years for a total contract amount not to exceed \$550,000. [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 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 GTS Technology Solutions, Inc. was approved on consent without objection.
23. Authorize execution of a contract for laboratory chemicals and supplies with Taylor Distribution Group, LLC for a term of five years in an amount not to exceed \$5,525,000. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Health and Environment.

The motion authorizing execution of a contract with Taylor Distribution Group, LLC was approved on consent without objection.

24. Authorize execution of a contract for parts and repair services for boats and boat engines with Marine Outlet Inc. d/b/a Marine Outlet for a term of five years in an amount not to exceed \$785,000. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Mobility.

The motion authorizing execution of a contract with Marine Outlet Inc. doing business as Marine Outlet was approved on consent without objection.

25. Authorize negotiation and execution of a contract for actuarial and consulting services for benefit programs with Gallagher Benefit Services Inc. d/b/a Arthur J Gallagher & CO for a term of six years for a total contract amount not to exceed \$3,500,000. [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.

The motion authorizing negotiation and execution of a contract with Gallagher Benefit Services Inc. doing business as Arthur J Gallagher & CO was approved on consent without objection.

26. Authorize an amendment to a contract for continued management and operation of a boathouse on Lady Bird Lake with Austin Rowing Club to extend the term by an estimated period of three years or until the current boathouse is demolished. [Note: This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation]. Strategic Outcome(s): Economic Opportunity and Affordability, Health and Environment, Culture and Lifelong Learning.

The motion authorizing an amendment to a contract with Austin Rowing Club was approved on consent without objection.

27. Authorize negotiation and execution of a cooperative contract for outage detection software licensing, maintenance, and support services with Freeit Data Solutions, Inc. for up to five years in an amount not to exceed of \$1,300,000. [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.

The motion authorizing negotiation and execution of a cooperative contract with Freeit Data Solutions, Inc. was approved on consent without objection.

28. Authorize execution of a contract for SoundOff signal products light bars, sirens, parts, and accessories with Dana Safety Supply, Inc. d/b/a Fleet Safety Equipment Inc. for a term of five years in an amount not to exceed \$3,000,000. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Safety.
The motion authorizing execution of a contract for with Dana Safety Supply, Inc. doing business as Fleet Safety Equipment Inc. was approved on consent without objection.
29. Authorize negotiation and execution of a cooperative contract for a care management and population health management software platform with Groupware Technologies, LLC for a term of five years in an amount not to exceed \$1,250,000. [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 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 cooperative contract with Groupware Technologies, LLC was approved on consent without objection.
30. Authorize negotiation and execution of a cooperative contract for a fleet data management system and related services with Rubicon Global, LLC for a term of five years for a contract amount not to exceed \$3,700,000. [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 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. February 8, 2023 – Unanimously recommended by the Zero Waste Advisory Commission on a 7-0 vote with four absences
The motion authorizing negotiation and execution of a cooperative contract with Rubicon Global, LLC was approved on consent without objection.
31. Approve an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple the property, located at 304 Cedarbrook Court, Austin, TX, 78753, 0.23 acres (approximately 9,940 square feet) of land from Wesley Powell and Devin Hennen in an amount not to exceed \$756,400, including closing costs, establishing acquisition and relocation guidelines, and waiving requirements of City Code Chapter 14-3 (Relocation Benefits). District(s) Affected: District 7. Strategic Outcome(s): Health and Environment.
This item was postponed to March 9, 2023, on consent without objection.
32. Approve an ordinance authorizing negotiation and execution of the eighth amendment to the license agreement with Austin Pets Alive for the use of the Town Lake Animal Center located at 1156 W. Cesar Chavez, Austin, Texas, to commence on February 23, 2023, and terminate August 23, 2023, authorizing waiver of the appraisal and annual license fees required under City Code Sections 14-11-42 and 14-11-43 and declaring an

emergency. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20230223-032 was approved on consent without objection.

33. Authorize negotiation and execution of a contract for a software as a service based electronic business management system and maintenance and support services with LexisNexis, a division of Reed Elsevier, Inc. a/k/a RELX, PLC, for up to five years for a total contract amount not to exceed \$480,000. [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.

The motion authorizing negotiation and execution of a contract with LexisNexis, a division of Reed Elsevier, Inc. also known as RELX, PLC was approved on consent without objection.

34. Approve a resolution accepting the Equitable Transit-Oriented Development (ETOD) Policy Plan; incorporating ETOD Policy Plan tools for the 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 Title 25. Strategic Outcome(s): Economic Opportunity and Affordability.

This item was postponed to March 9, 2023, on consent without objection.

35. Approve a settlement in *Ida Nobles et al v. Richard Egal et al*, Cause No. 1:19-cv-00389 in the United States District Court for the Western District of Texas, Austin Division. Strategic Outcome(s): Government that Works for All.

The motion approving the settlement in *Ida Nobles et al v. Richard Egal et al*, Cause No. 1:19-cv-00389 was approved on consent without objection.

The settlement amount was for \$3,300,000.

36. Approve a settlement in *Jason Gallagher v. City of Austin et al*, Cause No. 1:20-cv-00901-RP in the United States District Court for the Western District of Texas, Austin Division. Strategic Outcome(s): Government that Works for All.

The motion approving the settlement in *Jason Gallagher v. City of Austin et al*, Cause No. 1:20-cv-00901-RP was approved on consent on a 10-1 vote. Council Member Kelly voted nay.

The settlement amount was for \$375,000.

37. Approve a settlement in *Steven Arawn v. City of Austin et al*, Cause No. 1:20-cv-01118-RP in the United States District Court for the Western District of Texas, Austin Division. Strategic Outcome(s): Government that Works for All.

The motion approving the settlement in *Steven Arawn v. City of Austin et al*, Cause No. 1:20-cv-01118-RP was approved on consent on a 10-1 vote. Council Member Kelly voted nay.

The settlement amount was for \$450,000.

38. Approve a settlement in Nicole Underwood v. City of Austin et al, Cause No. 1:20-cv-00032 in the United States District Court for the Western District of Texas, Austin Division. Strategic Outcome(s): Government that Works for All.

The motion approving the settlement in Nicole Underwood v. City of Austin et al, Cause No. 1:20-cv-00032 was approved on consent on a 10-1 vote. Council Member Kelly voted nay.

The settlement amount was for \$675,000.

39. Approve a settlement in Claudia Ford v. City of Austin, Cause No. D-1-GN-19-004771 in the 250th District Court, Travis County, Texas. Strategic Outcome(s): Government that Works for All.

The motion approving the settlement in Claudia Ford v. City of Austin, Cause No. D-1-GN-19-004771 was approved on consent without objection.

The settlement amount was for \$99,900.

40. Authorize negotiation and execution of a second amendment to an interlocal agreement with the University of Texas at Austin (UT) to increase the amount payable by the City to UT from \$196,000 to \$227,151 for the costs of research, assessment, and evaluation for the City's Community Based Crime Reduction Program. District(s) Affected: District 3. Strategic Outcome(s): Safety.

The motion authorizing negotiation and execution of a second amendment to an interlocal agreement with the University of Texas at Austin (UT) was approved on consent without objection.

41. Approve appointments to the Austin/Travis County Public Health Commission who will advise City Council on public health programs, projects and services within Austin and Travis County. Strategic Outcome(s): Health and Environment.

The motion approving the appointments to the Austin/Travis County Public Health Commission was approved on consent without objection.

ITEM(S) FROM COUNCIL

42. 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, and approve an ordinance waiving Subsections (B) and (C) of City Code Section 2-1-22 (Membership Term and Limitation) for the individuals specified in the ordinance.

Ordinance No. 20230223-042 and the following appointments and certain related waivers were approved on consent on a 10-1 vote. Council Member Kelly voted nay.

Nominations

Board/Nominee	Nominated by
<u>African American Resource Advisory Commission*</u> Joi Harden	Council Member Qadri
<u>Animal Advisory Commission*</u> Sarah Huddleston	Council Member Qadri
<u>Animal Advisory Commission*</u> Larry Tucker	Council Member Pool
<u>Animal Advisory Commission*</u> Ann Linder	Council Member Velásquez
<u>Arts Commission*</u> Nagavalli Medicharla	Mayor Watson
<u>Asian American Quality of Life Advisory Commission*</u> Sabrina Sha	Council Member Qadri
<u>Asian American Quality of Life Advisory Commission*</u> Kuo Yang	Council Member Velásquez
<u>Austin Travis County Food Policy Board*</u> Joi Chevalier	Mayor Watson
<u>Board of Adjustment*</u> Jessica Cohen	Council Member Velásquez
<u>Board of Adjustment*</u> Janel Venzant	Council Member Pool
<u>Bond Oversight Commission*</u> Edward McHorse	Mayor Watson
<u>Bond Oversight Commission*</u> John McNab	Council Member Ryan Alter
<u>Building and Fire Code Board of Appeals*</u> Ronald Buys	Council Member Ryan Alter
<u>College Student Commission</u> Charles Mossberger	St. Edwards University
<u>Commission for Women*</u> Jocelyn Tau	Mayor Watson
<u>Commission for Women*</u> Diana Melendez	Council Member Velásquez
<u>Commission for Women*</u>	

Julie Glasser	Council Member Pool
<u>Commission on Aging*</u>	
Henry Van De Putte	Mayor Watson
<u>Commission on Aging*</u>	
Emily De Maria	Mayor Watson
<u>Commission on Aging*</u>	
Austin Adams	Mayor Pro Tem Ellis
<u>Commission on Immigrant Affairs*</u>	
Miriam Dorantes	Council Member Velásquez
<u>Commission on Immigrant Affairs*</u>	
Adnan Suleiman	Council Member Pool
<u>Commission on Veterans Affairs*</u>	
Amber Schleuning	Council Member Ryan Alter
<u>Commission on Veterans Affairs*</u>	
Armando Gonzales	Council Member Velásquez
<u>Construction Advisory Committee*</u>	
Candelario Vazquez	Council Member Ryan Alter
<u>Design Commission*</u>	
Marissa Mckinney	Mayor Pro Tem Ellis
<u>Design Commission*</u>	
Connors Ladner	Council Member Ryan Alter
<u>Downtown Austin Community Court Advisory Board*</u>	
Kate Garza	Mayor Watson
<u>Early Childhood Council*</u>	
Margaret Jaime	Council Member Velásquez
<u>Early Childhood Council*</u>	
Leonar Vargas	Council Member Pool
<u>Economic Prosperity Commission*</u>	
Shayna Brown	Mayor Watson
<u>Economic Prosperity Commission*</u>	
Theresa Bastian	Mayor Pro Tem Ellis
<u>Economic Prosperity Commission*</u>	
Ben Brenneman	Council Member Ryan Alter

Electric Board*

Victoria Shope

Council Member Ryan Alter

Electric Utility Commission*

Kaiba White

Council Member Fuentes

Electric Utility Commission*

Robert Cullick

Mayor Watson

Electric Utility Commission*

Cyrus Reed

Council Member Qadri

Electric Utility Commission*

Raul Alvarez

Council Member Velásquez

Emma S. Barrientos Mexican American Cultural Center Advisory Board*

Lillian Zamarripa-Saenz

Mayor Watson

Ethics Review Commission*

Haksoon Andrea Low

Council Member Qadri

Hispanic/Latino Quality of Life Resource Advisory Commission*

Eliza May

Mayor Watson

Hispanic/Latino Quality of Life Resource Advisory Commission*

Vanessa Maldonado

Council Member Velásquez

Historic Landmark Commission*

Roxanne Evans

Mayor Watson

Historic Landmark Commission*

Harmony Grogan

Council Member Ryan Alter

Historic Landmark Commission*

Jamie Alvarez

Council Member Pool

Human Rights Commission*

Kolby Duhon

Council Member Qadri

Impact Fee Advisory Committee*

Channy Soeur

Mayor Watson

Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission*

Marti Bier

Mayor Watson

Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission*

Emily Bush

Council Member Ryan Alter

Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission*

Mariana Krueger Council Member Qadri

Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission*

John Scott Neal Council Member Pool

Mayor's Committee for People with Disabilities

Pete Salazar Council Member Pool

Music Commission*

Celeste Quesada Mayor Watson

Music Commission*

Leonard Davila Council Member Velásquez

Planning Commission*

João Paulo Connolly Council Member Qadri

Planning Commission*

Alice Woods Council Member Fuentes

Public Safety Commission*

Nelly Paulina Ramirez Council Member Ryan Alter

Public Safety Commission*

Pierre Nguyen Council Member Pool

Resource Management Commission*

Melissa Carugati Council Member Fuentes

Resource Management Commission*

Genell Gary Mayor Pro Tem Ellis

Tourism Commission*

Stefani Mathis Mayor Pro Tem Ellis

Tourism Commission*

Daniel Ronan Council Member Qadri

Urban Transportation Commission*

Daniel Kavelman Council Member Ryan Alter

Zero Waste Advisory Commission*

Craig Nazor Council Member Pool

Zoning and Platting Commission*

William "Dave" Floyd Mayor Watson

Zoning and Platting Commission*

Alejandra Flores

Council Member Ryan Alter

Zoning and Platting Commission*

Ryan Johnson

Council Member Pool

Zoning and Platting Commission*

Kendra Garrett

Council Member Qadri

Reappointments

Asian American Quality of Life Advisory Commission*

Mohsin Lari

Mayor Pro Tem Ellis

Building and Standards Commission*

Edgar Farrera

Mayor Pro Tem Ellis

Building and Standards Commission*

Timothy Stostad

Council Member Pool

Downtown Austin Community Court Advisory Board*

Kergin Bedell

Mayor Pro Tem Ellis

Planning Commission*

Greg Anderson

Council Member Vela

Planning Commission*

Claire Hempel

Mayor Pro Tem Ellis

Planning Commission*

Patrick Howard

Council Member Harper-Madison

***Term effective March 1, 2023**

Removal

Mayor's Committee for People with Disabilities

Joey Gidseg

Council Member Pool

Council Committee Removal

Public Safety Committee

Council Member Natasha Harper-Madison

Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Victoria Shope on the Electric Board.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Leonard Davila on the Music Commission.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Channy Soeur on the Impact Fee Advisory Committee.

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Ben Brenneman. The waiver allows simultaneous service on the Economic Prosperity Commission and Electric Board.

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Nagavalli Medicharla. The waiver allows simultaneous service on the Music Commission and Arts Commission.

Items 43 and 44 were pulled for discussion.

DISCUSSION ITEMS

43. Approve a resolution directing the City Manager to establish a City goal for delivering affordable and accessible student housing and to explore opportunities for increasing the supply of student housing near institutions of higher learning within the City. Council Sponsors: Council Member Ryan Alter, Mayor Kirk Watson, Council Member Natasha Harper-Madison, Council Member José Velásquez, Council Member Zohaib “Zo” Qadri, Council Member Leslie Pool, Council Member Vanessa Fuentes, Mayor Pro Tem Paige Ellis.

A motion to approve the resolution was made by Council Member Ryan Alter and seconded by Council Member Fuentes.

A motion to approve the resolution with the following amendment was made by Council Member Kelly, seconded by Council Member Ryan Alter, and included without objection.

The amendment was to read as follows:

“4. Report back to the City Council with recommendations for action, fiscal impact, and tools for implementation by December 31, 2023.”

The following amendment was made by Council Member Fuentes, seconded by Council Member Ryan Alter, and included without objection.

The amendment was to add a new number 4 after line 59 to read as follows and renumber as needed:

“4. Explore ways to ensure students are aware of existing affordable housing options available to them through the Affordable Housing Online Tool and how to apply for them.”

Resolution No. 20230223-043 was approved as amended above on Council Member Ryan Alter’s motion, Council Member Fuentes’ second without objection.

12. Approve a resolution authorizing the City Manager to award, negotiate, and execute Cultural Arts Fund grant agreements and allocations for Fiscal Year 2022-2023 in an amount not to exceed \$3,935,000 for Thrive grants. Strategic Outcome(s): Economic Opportunity and Affordability; Culture and Lifelong Learning Strategy.

A motion to postpone this item to March 9, 2023, was made by Mayor Watson and seconded by Council Member Kelly.

A substitute motion to take up the item at 4:30 p.m. was made by Council Member Fuentes and seconded by Council Member Harper-Madison.

An amendment to the substitute motion to take up the item at 2:30 p.m. was made by Council Member Alison Alter, seconded by Council Member Fuentes and included without objection.

A motion to make the substitute motion the main motion was accepted without objection.

AUSTIN HOUSING AND FINANCE CORPORATION MEETING

Mayor Watson recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 10:50 a.m. See separate minutes.

48. 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/2023/20230223-ahfc.htm>).

Mayor Watson reconvened the Council Meeting at 10:53 a.m.

EMINENT DOMAIN

Items 45, 46, and 47 were acted on in one combined motion.

45. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the North Lamar Boulevard Corridor Project for the public use of reducing delay, improving the effectiveness of transit, and creating continuous Americans with Disabilities Act-compliant sidewalks, bicycle facilities, and either separate paths or a shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project, the acquisition of a Street Right of Way comprising approximately 0.04 of an acre of land (approximately 1,835 square feet), and a Temporary Construction Easement of approximately 0.04 of an acre of land (approximately 1,940 square feet), being out of and a portion of the John Applegait Survey No. 58, Abstract No. 29, being a portion of Lot C-2, Resubdivision of Lot C, Lamar Rundberg Village, a subdivision recorded in Volume 75, Page 391 of the Plat Records, City of Austin, Travis County, Texas currently appraised at \$315,598.00, subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Austaco II Real Estate Partners, Ltd., a Texas

limited partnership. The property is located at 9504 North Lamar Boulevard, Austin, Texas 78753. The general route of the project is along North Lamar Boulevard between US-183 and Howard Lane. District(s) Affected: District 4. Strategic Outcome(s): Mobility, Safety.

Resolution No. 20230223-045 was approved on Council Member Vela's motion, Council Member Pool's second without objection.

46. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the North Lamar Boulevard Corridor Project for the public use of reducing delay, improving the effectiveness of transit, and creating continuous Americans with Disabilities Act-compliant sidewalks, bicycle facilities, and either separate paths or a shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project, the acquisition of a Sidewalk, Trail and Recreational Easement comprising approximately 0.01 of an acre of land (approximately 535 square feet), and a Temporary Construction Easement of approximately 0.06 of an acre of land (approximately 2,772 square feet), being out of and a portion of the John Applegait Survey No. 58, Abstract No. 29, being a portion of Lot B, Lamar Rundberg Village, a subdivision recorded in Volume 72, Page 70 of the Plat Records, City of Austin, Travis County, Texas currently appraised at \$63,619.00, subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is McDonalds Corporation, a Delaware Corporation, as successor by merger to Franchise Realty Interstate Corporation, an Illinois corporation. The property is located at 9422 North Lamar Boulevard, Austin, Texas 78753. The general route of the project is along North Lamar Boulevard between US-183 and Howard Lane. District(s) Affected: District 4. Strategic Outcome(s): Mobility, Safety.

Resolution No. 20230223-046 was approved on Council Member Vela's motion, Council Member Pool's second without objection.

47. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the William Cannon Drive Corridor Project. The public use of reducing delay, improving the effectiveness of transit, and creating continuous Americans with Disabilities Act-compliant sidewalks, bicycle facilities, and either separate paths or shared-use paths will enhance safety for pedestrians and cyclists along the entire length of the project. The acquisition of Right of Way comprising approximately 0.03 of an acre of land (approximately 1,372 square feet), and two Temporary Construction Easements of approximately 0.03 of an acre of land (approximately 894 and 553 square feet each with a total of 1,447 square feet), being out of and a portion of the Santiago Del Valle Grant, Abstract No. 24, in the City of Austin, Travis County, Texas, being a portion Lot 1, The Cross Roads, in Volume 67, Page 66, of the Plat Records, City of Austin, Travis County, Texas is needed for the project and currently appraised at \$38,000.00, which may be subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Cannon 5200 Center, LLC, a Texas limited liability company. The property is located at 5200 E. William Cannon Drive, Austin, Texas 78744. The general route of the project is along William Cannon Drive between Southwest Parkway to McKinney Falls Parkway. District(s) Affected: District 2. Strategic Outcome(s): Mobility, Safety.

Resolution No. 20230223-047 was approved on Council Member Vela's motion, Council Member Pool's second without objection.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

49. Conduct a public hearing and consider an ordinance adopting the Palm District Plan as an element of the Imagine Austin Comprehensive Plan. Strategic Outcome(s): Government that Works for All.

This item was postponed to May 18, 2023, without objection.

50. Conduct a public hearing related to an application by Cairn Point at Cameron, 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 Cairn Point at Cameron, located at or near 7205 Cameron Road, Austin, Texas 78752, within the City. Related to Item #51. District(s) Affected: District 4.

The public hearing was conducted and a motion to close the public hearing was approved without objection.

ITEMS ASSOCIATED WITH PUBLIC HEARINGS

51. Consider a resolution related to the allocation of housing tax credits and private activity bonds and the application by Cairn Point at Cameron, LP, or an affiliated entity, for a proposed development to be located at or near 7205 Cameron Road, Austin, Texas 78752, and financed through the private activity bond program. Related to Item #50. Strategic Outcome(s): Economic Opportunity and Affordability.

Resolution No. 20230223-051 was approved on Council Member Vela's motion, Council Member Velásquez's second without objection.

BRIEFING ON PLANNED UNIT DEVELOPMENT ASSESSMENTS

52. CD-2022-0003 - Presentation of a Project Assessment Report for the 200 East Riverside Planned Unit Development, located at 200 East Riverside Drive, within the Lady Bird Lake Watershed and the East Bouldin Creek Watershed.

Withdrawn.

Mayor Watson recessed the meeting to go into Executive Session at 11:01 a.m. without objection.

EXECUTIVE SESSION

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

62. Discuss legal issues related to City of Austin v. Lonestar Holdings, LLC, Cause No. C-1-PB-22-001462 in the Travis County District Court, and Lonestar Holdings, LLC v. City of Austin, Cause No. 1:22-cv-00770, in the United States District Court for the Western

Division, Austin, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).

Mayor Watson reconvened the Council Meeting at 12:02 p.m.

PUBLIC COMMUNICATION

Eliza Allen - Austin Energy needs to trim all trees within 5 feet on either side of every power line. If we grant an easement to the city and are not permitted to build on it. The city needs to care for the land on which an easement is granted. – **Not present.**

Adam Cahn - What function does city government serve?!? – **Present.**

Paul Robbins - City and Budget Issues. – **Present.**

belinda boone - The services & lack of services, the wasted monies for phone calls over the storm, solutions or --- sold to city and more. Our experiences over the last year and years during outages simple or comples there needs to be a full overhaul, intervention...as a retired Org. Dev. Professonal, someone has either sold piecemeal solutins or worse..? Please hear me out. my mother is now in hospital....90 yr old..as we were ignored...Ours was clear from the beginning but no one would listen NOR read our report calls.. – **Not present.**

Cynthia Ikard - Longstanding problem with a significantly hazardous sidewalk caused by tree roots uplifting the sidewalk panels. The City's Sidewalk Division agreed to pursue a permanent fix of taking the tree out and installing a concrete ADA compliant sidewalk. The Sidewalk Division applied for a permit to remove the tree. I was notified by the them on June 21, 2022 that the permit was approved. The Urban Forestry Team is ready to remove the tree, but the Sidewalk Division is now saying it cannot schedule a concrete repair. They are proposing a less desirable, stopgap measure which will likely result in more problems later on. This alternative is not acceptable to me or my neighbors. I would like the City Council to instruct the Sidewalk Division to schedule a concrete repair within the next 3 months so the permanent fix can be made, and the problem can finally be resolved for good. – **Present.**

Bryan Crow - Lack of Police Oversight and Accountability. Inaction in the face of irrefutable evidence of breach of protocol is an implicit endorsement of the idea that Police are above the law. The city council and the city manager are the only people who can hold APD accountable. I'm here to simply ask that you do your jobs. – **Not present.**

LIVE MUSIC

Como Las Movies

Mayor Watson recessed the meeting to go into Executive Session at 12:34 p.m. without objection.

EXECUTIVE SESSION CONTINUED

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.

62. Discuss legal issues related to City of Austin v. Lonestar Holdings, LLC, Cause No. C-1-PB-22-001462 in the Travis County District Court, and Lonestar Holdings, LLC v. City of Austin, Cause No. 1:22-cv-00770, in the United States District Court for the Western Division, Austin, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).

Conducted.

Mayor Watson reconvened the Council Meeting at 1:04 p.m.

DISCUSSION ITEMS CONTINUED

44. Approve a resolution regarding the I-35 Capital Express Projects, including official comments from the City Council to the Texas Department of Transportation on the draft Environmental Impact Statement for the I-35 Capital Express Central Project. Council Sponsors: Council Member José 'Chito' Vela, Council Member Vanessa Fuentes, Council Member José Velásquez, Council Member Ryan Alter, Council Member Zohaib "Zo" Qadri.

A motion to approve the resolution was made by Council Member Vela and seconded by Council Member Qadri.

The following amendment was made by Council Member Vela, seconded by Council Member Qadri, and included without objection.

The amendment was to edit lines 110-123 to read as follows:

"BE IT FURTHER RESOLVED:

While the North Capital Express Central and South Capital Express Projects have already been through Environmental Review, the Austin City Council believes short term and long term improvements should be made to I-35 in the sections covered by these projects.

1. The North and South sections of I-35 need more full east-west street crossings that work for all users including cars, bikes, and pedestrians. As currently planned, The North Capital Express Central and South Capital Express Project contain no new street crossings. The average distance between street crossings is more than 1 mile. In the long term, in these areas TxDOT should aim to have a full east-west street crossing an average of every 1/2 mile and should not have any span between street crossings greater than 1 mile.

2. As the I-35 Capital Express South and I-35 Capital Express North Projects are being designed and built, TxDOT should consider the possibility of future projects adding additional street crossings, and not preclude new crossings in their designs.

3. To the furthest extent possible, safety improvements added to the Capital Express Central Project should be incorporated into the Capital Express North and Capital Express South Projects.”

The following amendment was made by Council Member Vela, seconded by Council Member Qadri and included without objection.

The amendment was to edit lines 79-81 and to add a Be It Further Resolved Clause to read as follows:

“Austin City Council offers the following comments on the Draft Environmental Impact Statement (DEIS) for the I-35 Capital Express Central Project:

BE IT FURTHER RESOLVED

The City Manager is directed to submit this resolution as an official comment from the Austin City Council as public comment on the Draft Environmental Impact Statement (DEIS) for the I-35 Capital Express Central Project. The City Manager is directed to submit the comment by Friday, March 3rd, 2023.”

The following amendment was made by Council Member Velásquez, seconded by Council Member Alison Alter and included without objection.

The amendment was to add the following whereas clause and item 7 after line 108 to read as follows:

WHEREAS, expanding the highway will generate additional trash, rubber, and chemical pollution beyond existing conditions. The I-35 Capital Express Project proposes to build a new tunnel that flows downstream of the Longhorn Dam, directly across from Roy G Guerrero Park.

WHEREAS, Lady Bird Lake between I35 and Longhorn Dam, and the Colorado river around Roy G Guerrero Park are used by thousands of Austinites for recreational activities including boating, swimming, and fishing.

WHEREAS, there has been a substantial amount of community concerns regarding the proposed expansion, including in the form of student-led rallies, community group input, and public comments submitted directly to TxDOT.

7) The I-35 Capital Express Central Project should include water quality controls to treat and filter runoff from I-35.”

The following amendment was made by Council Member Qadri, seconded by Council Member Fuentes and included on a 10-1 vote. Council Member Kelly voted nay.

The amendment was to add the following whereas clause:

“WHEREAS, transportation is responsible for 30% of Austin’s air pollution and Austin has a robust Climate Equity Plan, which acknowledges that low-income communities and communities of color are disproportionately impacted by pollution exposure; and

WHEREAS, the Capital Express North, Central, and South Projects will undermine the specific climate goals laid out by the Climate Equity Plan with the additional traffic generated as a result of added roadway capacity.”

The following amendment was made by Council Member Qadri, seconded by Mayor Pro Tem Ellis and included on a 10-1 vote. Council Member Kelly voted nay.

The amendment was to add the following whereas clause:

“WHEREAS, the Austin Strategic Mobility Plan prioritizes the preservation of human life in the transportation system, the primary goal states: “Prioritize the protection of human life over all else in the planning, design, and operation of Austin’s transportation network.” Yet the I-35 corridor currently accounts for a disproportionate amount of all traffic fatalities within the City of Austin. Safety for all road users, including people who are walking, biking, and rolling in assistive devices must be prioritized for the safety and well-being of all Austinites.”

The following amendment was made by Council Member Qadri, seconded by Mayor Pro Tem Ellis and included on a 10-1 vote. Council Member Kelly voted nay.

The amendment was to add the following whereas clause and edit Be it Resolved #5 to read as follows:

“WHEREAS, the preferred alternative would require acquiring approximately 41.7 acres of additional right-of-way, resulting in 107 displacements to 69 commercial properties, 26 residential properties, 12 vacant properties, and 90 displacements located in EJ Census geographies. The preferred alternative would displace 3 community facilities: the CommUnityCare David Powell Health Center, CommUnityCare Hancock Walk-In Care, and Escuelita del Alma.

5. Minimize the number of properties impacted by eminent domain and ensure displaced businesses and residents are effectively compensated to relocate within 1 mile of their current location if they so choose.”

The following amendment was made by Mayor Pro Tem Ellis, seconded by Council Member Alison Alter and included on a 10-1 vote. Council Member Kelly voted nay.

The amendment was to edit lines 99-103 to read as follows:

“4. Encourage TxDOT, the Austin Transportation Department, and other City departments to continue to collaborate and prioritize reducing the environmental, traffic, and safety impacts of United States Interstate Highway 35, especially the frontage roads. Frontage roads and east-west crossings should prioritize service to

the local street network and should have speed limits and design speeds no higher than the adjacent local street network.”

The following amendment was made by Council Member Ryan Alter, seconded by Council Member Vela and included without objection.

The amendment was to add the following Be It Further Resolved clauses:

“BE IT FURTHER RESOLVED:

The City Manager is directed to conduct a valuation of the potential right-of-way that could be developed by fully capping and tunneling the I-35 Capital Express Central Project as envisioned by the Reconnect Austin plan, and what financing options exist for development and maintenance, including TIRZ.

BE IT FURTHER RESOLVED:

The City Manager is directed to report these findings back to City Council no later than April 19, 2023”

The following amendment was made by Council Member Ryan Alter, seconded by Council Member Vela and included without objection.

The amendment was to add the following Whereas clause and a Be It Further Resolved clause to read as follows:

“WHEREAS, heavily residential areas in central Austin bear a disproportionate burden of land acquisition and right-of-way expansion in the currently proposed I-35 Capital Express Project that present harms to community health;

BE IT FURTHER RESOLVED:

The Austin City Council calls for substantive revisions to TxDOT's Draft Environmental Impact Statement to reduce the burdens of the project placed on residential communities in central Austin, including but not limited to revisions to satisfactorily address the above provided comments, prior to the release of a Record of Decision. The Austin City Council calls on TxDOT to suspend its procurement process for projects related to the I-35 Capital Express Central project pending satisfactory responses to the above provided comments and revisions to the Draft Environmental Impact Statement.”

Resolution No. 20230223-044 was approved as amended above on Council Member Vela’s motion, Council Member Qadri’s second on a 10-1 vote. Mayor Watson voted nay.

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

53. C14-2022-0113 - 4206 & 4208 Rivercrest Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4206 and 4208 Rivercrest Drive (Lake Austin Watershed). Applicant’s Request: To

rezone from lake austin (LA) district zoning to single family residence standard lot (SF-2) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant single family residence standard lot (SF-2) district zoning. Owner/Applicant: Lauren Thomson 1998 Trust (Lauren Scott). Agent: Thrower Designs (A. Ron Thrower). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 10.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20230223-053 for single family residence standard lot (SF-2) district zoning was approved on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

54. NPA-2022-0023.03 - Berkman Residential - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55 the University Hills/Windsor Park Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known 6305 Berkman Drive (Fort Branch Watershed) from Higher Density Single Family to Multifamily Residential land use. Staff Recommendation and Planning Commission Recommendation: To grant Multifamily Residential land use. Owners/Applicants: Lewis Douglas D CCL Revocable Trust. Agent: Thrower Design, LLC (Ron Thrower and Victoria Haase). City Staff: Maureen Meredith, Housing and Planning Department (512) 974-2695. District(s) Affected: District 4.

This item was postponed to March 9, 2023, at the request of the Neighborhood on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

55. C14-2022-0104 - Berkman Residential - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6305 Berkman Drive (Fort Branch Watershed). Applicant Request: To rezone from townhouse and condominium-neighborhood plan (SF-6-NP) combining district zoning to multifamily residence high density district-neighborhood plan (MF-5-NP) combining district zoning. Staff Recommendation: To grant multifamily medium density residence-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence high density -conditional overlay-neighborhood plan (MF-5-CO-NP) combining district zoning. Owners/Applicants: Lewis Douglas D CCL Revocable Trust. Agent: Thrower Design, LLC (Ron Thrower and Victoria Haase). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 4.

This item was postponed to March 9, 2023, at the request of the Neighborhood on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

56. C14-2020-0143 - 12121 North IH 35 Rezoning- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12121 North IH 35 Service Road Northbound (Walnut Creek Watershed). Applicant's Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning to multifamily residence-moderate high density (MF-4) district zoning. Staff and Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high density (MF-4) district zoning. Owner/Applicant: Dupius Investments,

Ltd. (Daniel McCormack) Agent: Coats Rose (Racy Haddad). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to April 13, 2023, at the request of the Applicant on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

57. C14-2022-0049 - 500 VFW Road - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 500 VFW Road (Walnut Creek Watershed). Applicant's Request: To rezone from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use (GO-MU) combining district zoning. First Reading approved on October 27, 2022. Vote: 11-0. Owner/Applicant: Capital City VFW Post #8787. Agent: Drenner Group, PC (Amanda Swor). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122.

This item was postponed to April 13, 2023, at the request of the Applicant on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

58. C14-2022-0141 - 12th & West Rezoning - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 801 and 807 West 12th Street and 1108, 1110, and 1112 West Avenue (Shoal Creek Watershed). Applicant Request: To rezone from general commercial services (CS) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First Reading approved February 9, 2023. Vote: 11-0. Owner/Applicant: Ellis Real Estate Development LLC, Brian Larson, Brad Burns. Agent: Drenner Group (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 9.

Ordinance No. 20230223-058 for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

59. NPA-2022-0016.03 - 4927 E. 5th Street - Approve second and third readings of an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace 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 4927 East 5th Street (Colorado River Watershed) from Industry to Commercial land use. First Reading approved on February 9, 2023. Vote: 11-0. Owner/Applicant: 4927 E. 5th LTD. Agent: Drenner Group, PC (Amanda Swor). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 3.

Ordinance No. 20230223-059 to change the land use designation on the future land use map (FLUM) to Commercial land use was approved on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

60. C14-2022-0103 - 4927 E. 5th Street - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4927 East 5th Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to limited

industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning. First Reading approved on February 9, 2023. Vote: 11-0. Owner/Applicant: 4927 E. 5th LTD. Agent: Drenner Group LLP (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

Ordinance No. 20230223-60 for limited industrial-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning was approved with the following Staff amendment on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

The amendment was to edit Part 4 Section H to read as follows:

**“(H) The minimum setbacks are: 10 feet for front yard, and
 10 feet for side street yard, and
 0 feet for interior side yard, and
 15 feet for rear yard”**

63. C14-2022-0076 - 3100 Guadalupe St - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3100 Guadalupe Street (Waller Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning. Owner/Applicant: Leigh Family Trust (Alice G. Kaspar, Trustee). Agent: Drenner Group, PC (Amanda Swor). City Staff: Nancy Estrada, 512-974-7617. District(s) Affected: District 9.

This item was postponed to March 23, 2023, at the request of Staff on Council Member Pool's motion, Council Member Alison Alter's second on a 10-0 vote. Council Member Kelly was off the dais.

DISCUSSION ITEMS CONTINUED

12. Approve a resolution authorizing the City Manager to award, negotiate, and execute Cultural Arts Fund grant agreements and allocations for Fiscal Year 2022-2023 in an amount not to exceed \$3,935,000 for Thrive grants. Strategic Outcome(s): Economic Opportunity and Affordability; Culture and Lifelong Learning Strategy.
A motion to take up the item at 2:26 p.m. was approved without objection.

Resolution No. 20230223-012 was approved on Council Member Velásquez's motion, Council Member Vela's second without objection.

Mayor Watson recessed the Council Meeting at 2:30 p.m.

Mayor Watson reconvened the Council Meeting at 2:45 p.m.

DISCUSSION ITEMS CONTINUED

61. Approve an ordinance related to the Office of Police Oversight and establishing pay and benefits for officers of the Austin Police Department upon expiration of the current meet and confer agreement. Council Sponsors: Council Member Ryan Alter, Mayor Kirk Watson, Council Member Alison Alter, Council Member José Velásquez, Council Member José “Chito” Vela, Council Member Leslie Pool.

A motion to approve the ordinance was made by Council Member Ryan Alter and seconded by Council Member Alison Alter.

A substitute motion was made by Mayor Watson and seconded by Council Member Vela to include the following:

“PART 2.

- E. Christmas holiday, vacation leave and sick leave accrual rates and caps as provided in Article 10, Sections 1, 3, 4, and 5 of the Current Agreement.**

PART 3. The City Manager is directed to develop and implement by no later than March 31, 2023, a program to address the current and projected shortage of police officers within APD that includes the following compensation elements:

- A. A base wage rate increase for all APD officers below the rank of Assistant Chief;**
- B. A one-time lump sum payment to new cadets who join an APD cadet training academy;**
- C. A financial component to incentivize current APD officers to remain with APD; and**
- D. A financial component for APD officers that incentivizes the Austin Police Association to resume immediately good faith bargaining for a new meet and confer labor agreement with the City.**

The City Manager is further directed to bring to the Council for consideration any elements of this program that require Council approval.

PART 4. Parts 2 and 3 of this Ordinance shall become effective if and only if the Current Agreement expires without an approved successor agreement, and shall remain in effect until either the effective date of a successor meet and confer agreement or other Council action inconsistent with this Ordinance, whichever comes first.”

An amendment to the substitute motion to include and exclude the following was made by Council Member Kelly and failed for lack of a second.

The amendments were to edit the following including to strike Part 1, Section F and Parts 4, 5, and to renumber accordingly:

“B. Although negotiators for the City and the APA reached an agreement for a 4-year contract, subject to approval by City Council and APA members, there is a likelihood that the parties will not reach agreement on a successor to the Current Agreement before its expiration on March 31, 2023.

D. In light of significant staffing concerns within APD, and in order to maintain effective recruiting and retention of APD officers and continuity of pay and benefit practices, it is necessary to provide wage and benefit stability for the officers covered by the Current Agreement to the extent not inconsistent with state civil service laws.

E. The City's Office of Police Oversight ("OPO"), as established in the Current Agreement, is integral to a robust and effective civilian oversight program and to the City Manager's Charter authority to supervise, direct, and manage APD.

PART 3. Except as provided in Part 3 of this Ordinance, and unless otherwise prohibited by state law, the OPO provisions of Article 16 of the Current Agreement shall continue in effect until either the effective date of a successor meet and confer agreement or other Council action inconsistent with this Ordinance, whichever comes first.

PART 4. Part 2 and Part 3 of this Ordinance shall become effective if and only if the Current Agreement expires without an approved successor agreement, and shall remain in effect until either the effective date of a successor meet and confer agreement or other Council action inconsistent with this Ordinance, whichever comes first.”

The following amendment to the substitute motion was made by Council Member Kelly, seconded by Council Member Ryan Alter, and included on a 6-1 vote. Those voting aye were Mayor Watson, Mayor Pro Tem Ellis, Council Members Alison Alter, Ryan Alter, Kelly, and Velásquez. Those voting nay were Council Member Harper-Madison. Those abstaining were Council Members Fuentes, Pool, Qadri, and Vela.

The amendment was to add a section E to Part 3 to read as follows:

“E. A residency incentive program for officers living in the City of Austin that should consider but not be limited to toll exemptions, utility assistance, lease of rental unit assistance, childcare assistance, residency stipend, and home purchase assistance.”

The following amendment to the substitute motion was made by Council Member Qadri, seconded by Council Member Harper-Madison and included on a 10-1 vote. Council Member Kelly voted nay.

The amendment was to edit Part 1C and Part 4 to read as follows:

“C. In Resolution No. 20220915-091 the Council established a City policy to continue the current pay and benefits for Austin Police Department (“APD”) officers for a limited time, including payout of sick leave hours upon separation, in the event the Current Agreement expires without an approved successor agreement in place.

PART 4. Parts 2 and 3 of this Ordinance shall become effective if and only if the Current Agreement expires without an approved successor agreement, and shall remain in effect until either the effective date of a successor meet and confer agreement or March 3, 2024, whichever comes first.”

The following amendment to the substitute motion was made by Council Member Harper-Madison and seconded by Council Member Ryan Alter.

The amendment was to edit Part 3 to read as follows:

“PART 3. The City Manager is directed to develop and implement by no later than March 31, 2023, a program to address the current and projected shortage of police officers within APD that includes the following compensation elements:

- A. A base wage rate increase for all APD officers below the rank of Assistant Chief;**
- B. A set of financial incentives paid when new cadets:**
 - 1. Join an APD cadet training academy,**
 - 2. Complete an APD cadet training academy,**
 - 3. Successfully complete the APD probationary period;**
- C. A financial component to incentivize current APD officers to remain with APD;
and**
- D. A financial component for APD officers that incentivizes the Austin Police Association to resume immediately good faith bargaining for a new meet and confer labor agreement with the City.**

The City Manager is further directed to bring to the Council for consideration any elements of this program that require Council approval.”

A motion to amend an amendment to the substitute motion was made by Council Member Kelly and seconded by Council Member Velasquez.

The amendment was to edit Part 3, Section B to read as follows:

- "B. A set of financial incentives paid when new cadets:**
- 1. Join an APD cadet training academy,**
 - 2. Complete an APD cadet training academy,**
 - 3. Complete APD field training,**
 - 4. Successfully complete the APD probationary period;"**

A motion was made by Mayor Watson to amend the above amendment as follows and was included without objection:

The amendment was to edit Part 3, Section B to read as follows:

“B. A set of financial incentives paid when new cadets:

- 1. Join an APD cadet training academy,**
- 2. Complete an APD cadet training academy,**
- 3. Complete APD field training, and/or**
- 4. Successfully complete the APD probationary period;”**

A motion to make the substitute motion as amended above the main motion was accepted without objection.

A motion to divide the question was made by Council Member Kelly and failed for lack of a second.

Ordinance No. 20230223-61 as amended above was approved on Council Member Ryan Alter’s motion, Council Member Alison Alter’s second without objection.

Mayor Watson adjourned the meeting at 4:20 p.m. without objection.

The minutes were approved on this the 9th day of March 2023 on consent without objection. Council Member Harper-Madison was off the dais.