

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 9, 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 9, 2023, at Austin City Hall, 301 W. 2nd Street, Austin, TX and via videoconference.

PROCLAMATIONS

Distinguished Service Award – Christopher Kennedy – To be presented by Council Member Alison Alter and to be accepted by Christopher Kennedy, CEO and Board Chair of Leadership Austin

Proclamation – The National Week of Prayer for the Healing of AIDS – To be presented by Council Member José Velásquez and to be accepted by Austin Public Health staff

Proclamation – Paulena Miles Day – To be presented by Council Member José Velásquez and to be accepted by Paulena Miles, member of Team USA's Boxing Team

Proclamation – LULAC Day – To be presented by Council Member José Velásquez and to be accepted by Cynthia Valadez of LULAC Distric VII

Distinguished Service Award – Matt Harmatuk – To be presented by Council Member Mackenzie Kelly and to be accepted by Matt Harmatuk, retiring officer of the Austin Police Department

Distinguished Service Award – Lucy Thompson – To be presented by Interim City Manager Jesús Garza and to be accepted by Lucy Thompson, retiring Advisor to the Assistant City Manager

Mayor Watson called the Council Meeting to order at 10:00 a.m. Council Members Fuentes and Harper-Madison appeared via videoconference.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of February 21, 2023 and regular meeting of February 23, 2023.

The motion to approve the minutes of the Austin City Council work session of February 21, 2023, and regular meeting of February 23, 2023 was approved on consent without objection. Council Member Harper-Madison was off the dais.

2. Approve an ordinance amending City Code Chapter 10-2 (Emergency Medical Services) to remove references to the Austin Travis County Emergency Medical Services Advisory Board (Board), reassign the duties of the Board, and repeal an obsolete section. Strategic Outcome(s): Safety.
Ordinance No. 20230309-002 was approved on consent without objection. Council Member Harper-Madison was off the dais.
3. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County to provide emergency medical services in areas of Travis County outside the City's corporate limits and dispatch support services to Travis County's STAR Flight program, in exchange for payment by Travis County. Strategic Outcome(s): Safety.
The motion authorizing negotiation and execution of an amendment to the interlocal agreement with Travis County was approved on consent without objection. Council Member Harper-Madison was off the dais.
4. Authorize execution of a contract for shoebox style luminaires and poles with Techline, Inc., for a term of five years in an amount not to exceed \$750,000. [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 for shoebox style luminaires and poles with Techline, Inc., was approved on consent without objection. Council Member Harper-Madison was off the dais.
5. Authorize negotiation and execution of two contracts for three-phase power transformers with Delta Star, Inc. and Texas Electric Cooperatives, each for up to five years for a total contract amount not to exceed \$60,000,000, divided between the contractors. [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 two contracts for three-phase power transformers with Delta Star, Inc. and Texas Electric Cooperatives, was approved on consent without objection. Council Member Harper-Madison was off the dais.
6. Authorize negotiation and execution of a contract for school-based energy conservation education with AM Conservation Group, Inc., for a term of five years for a total contract amount not to exceed \$2,000,000. [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) and subcontractor goals were applied to the solicitation. The recommended contractor provided sufficient evidence of good faith efforts and the resulting contract will include 5.40% WBE participation]. Strategic Outcome(s): Government that Works for All.

The motion authorizing negotiation and execution of a contract for school-based energy conservation education with AM Conservation Group, Inc. was approved on consent without objection. Council Member Harper-Madison was off the dais.

7. Authorize negotiation and execution of two contracts for voltage transformers with Priester-Mell & Nicholson, Inc. and Wesco Distribution, Inc. d/b/a Hi-Line Utility Supply Co., LLC a/k/a Power Supply, each for up to five years for total contract amounts not to exceed \$8,000,000, divided between the contractors. [Note: This contract is exempt from the City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program); therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

The motion authorizing negotiation and execution of two contracts for voltage transformers with Priester-Mell & Nicholson, Inc. and Wesco Distribution, Inc. doing business as Hi-Line Utility Supply Co., LLC also known as Power Supply was approved on consent without objection. Council Member Harper-Madison was off the dais.

8. Authorize negotiation and execution of a cooperative contract for consulting services for the Greater Austin-Travis County Regional Radio System with Mission Critical Partners, LLC for up to three years for a total contract amount not to exceed \$1,000,000. [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): Safety, Mobility.

The motion authorizing negotiation and execution of a cooperative contract for consulting services for the Greater Austin-Travis County Regional Radio System with Mission Critical Partners, LLC was approved on consent without objection. Council Member Harper-Madison was off the dais.

9. Authorize negotiation and execution of a contract for design and development of a secure web-based database and survey platform with Michelle Marshall d/b/a Geospatial Creative, LLC for a term of one year in an amount not to exceed \$100,000. [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 goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.

The motion authorizing negotiation and execution of a contract for design and development of a secure web-based database and survey platform with Michelle Marshall doing business as Geospatial Creative, LLC was approved on consent without objection. Council Member Harper-Madison was off the dais.

10. Authorize negotiation and execution of four cooperative contracts for pharmaceuticals and medical supplies with McKesson Medical-Surgical, Inc., Henry Schein, Inc., Cardinal Health, and Concordance Healthcare Solutions, LLC, each for a term of five years in an amount not to exceed \$5,010,000, divided among the contractors. [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 four cooperative contracts for pharmaceuticals and medical supplies with McKesson Medical-Surgical, Inc., Henry Schein, Inc., Cardinal Health, and Concordance Healthcare Solutions, LLC, was approved on consent without objection. Council Member Harper-Madison was off the dais.

11. Authorize negotiation and execution of a contract for workforce development and land management activities associated with the maintenance of public natural lands with American YouthWorks, for a term of one year in an amount not to exceed \$2,355,000. [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): Health and Environment, Government that Works for All. March 8, 2023 - Recommended by the Water and Wastewater Commission on a 9-0 vote with one absence and one vacancy.

The motion authorizing negotiation and execution of a contract for workforce development and land management activities associated with the maintenance of public natural lands with American YouthWorks was approved on consent without objection. Council Member Kelly abstained. Council Member Harper-Madison was off the dais.

12. Authorize negotiation and execution of a contract for water loss program review, analysis, and optimization with Black & Veatch Corporation, for a term of one year in an amount not to exceed \$200,000. [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): Health and Environment, Government that Works for All.

The motion authorizing negotiation and execution of a contract for water loss program review, analysis, and optimization with Black & Veatch Corporation was approved on consent without objection. Council Member Harper-Madison was off the dais.

13. Authorize negotiation and execution of Work Authorization No. 1 under a service contract with CBRE, Inc. for facility space programming and analysis, financial analysis, and real estate brokerage services for City facilities, increasing the contract amount not to exceed \$955,000 and the term for a total contract amount not to exceed \$1,243,000. Strategic Outcome(s): Government that Works for All.

The motion authorizing negotiation and execution of Work Authorization No. 1 under a service contract with CBRE, Inc. was approved on consent without objection. Council Member Harper-Madison was off the dais.

14. Authorize negotiation and execution of all documents and instruments necessary or desirable for the acquisition of a wastewater line easement comprising approximately 7,304 square feet (0.16 acre) and temporary working space easement comprising approximately 1,426 square feet (0.03 acre), being out of and a portion of Tract 1, First Resubdivision of The Brook, a subdivision of record in Book 62, Page 47, Plat Records of Travis County, Texas, located at 1824 S. Interstate Highway 35, Austin, Texas, 78741, from Brook Apartments, L.L.C., a Texas limited liability company, for a total amount not

to exceed \$222,700, including closing costs. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.

Withdrawn.

15. 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.

Ordinance No. 20230309-015 was approved on consent without objection. Council Member Harper-Madison was off the dais.

Item 16 was pulled for discussion.

17. Approve a resolution extending the current collective bargaining agreement between the City and the Austin Firefighters Association. Strategic Outcome(s): Safety, Government that Works for All.

Resolution No. 20230309-017 was approved on consent without objection. Council Member Harper-Madison was off the dais.

18. Authorize negotiation and execution of an interlocal agreement with Austin Community College District to provide HVAC and potentially other workforce training classes to the Austin community free of charge at the Turner-Roberts Recreation Center. District(s) Affected: District 1. Strategic Outcome(s): Government that Works for All; Culture and Lifelong Learning; Economic Opportunity and Affordability.

The motion authorizing negotiation and execution of an interlocal agreement with Austin Community College District was approved on consent without objection. Council Member Harper-Madison was off the dais.

19. Approve an ordinance creating temporary navigation control zones on Lake Austin during the PGA Tour World Golf Championships-Dell Technologies Match Play event, and creating an offense. Strategic Outcome(s): Safety.

Ordinance No. 20230309-019 was approved on consent without objection. Council Member Harper-Madison was off the dais.

20. 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 \$60,000 in grant funds from the Texas Division of Emergency Management for the Montopolis Equitable Response and Recovery Project. Strategic Outcome(s): Health and Environment.

Ordinance No. 20230309-020 was approved on consent without objection. Council Member Harper-Madison was off the dais.

21. Approve a resolution authorizing negotiation and execution of interlocal agreements with the Texas Department of Transportation to review the design and support federal environmental clearance for the three segments of the Bergstrom Spur Urban Trail: Bergstrom West (Vinson Drive to South Congress Avenue); Bergstrom Central (South Congress Avenue to Todd Lane); and Bergstrom East (Todd Lane to East Riverside

Drive). District(s) Affected: District 2, District 3, District 5. Strategic Outcome(s): Mobility.

Resolution No. 20230309-021 was approved on consent without objection. Council Member Harper-Madison was off the dais.

22. Approve an application to create a Parking and Transportation Management District (PTMD) and an ordinance establishing a South Congress Area PTMD. District(s) Affected: District 3, District 9. Strategic Outcome(s): Mobility, Safety, Government that Works for All, Economic Opportunity and Affordability.
The motion to approve an application to create a Parking and Transportation Management District (PTMD) and approve Ordinance No. 20230309-022 was approved on consent without objection. Council Member Harper-Madison was off the dais.

ITEMS FROM COUNCIL

23. 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; 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. 20230309-023 and the following appointments and certain related waivers were approved on consent without objection. Council Member Harper-Madison was off the dais.

Nominations

Board/Nominee	Nominated by
<u>Airport Advisory Commission</u> Patrick Rose	Mayor Watson
<u>Airport Advisory Commission</u> Jonathan Coon	Council Member R. Alter
<u>Board of Adjustment</u> Margaret Shahrestani	Mayor Pro Tem Ellis
<u>Codes and Ordinances Joint Committee</u> Betsy Greenberg	Zoning and Platting Commission
<u>College Student Commission</u> Sharon Monroy	Concordia University
<u>Community Technology and Telecommunications Commission</u> Brianna Smith	Council Member Velásquez
<u>Community Technology and Telecommunications Commission</u> Gabriel Nwajiaku	Council Member Kelly

Construction Advisory Committee

Riley Drake

Council Member Fuentes

Downtown Austin Community Court Advisory Board

Liz Coufal

Council Member Velásquez

Design Commission

Ben Anstead

Council Member Velásquez

Downtown Commission

Sania Shifferd

Mayor Watson

Early Childhood Council

Ellana Selig

Council Member R. Alter

Ethics Review Commission

Amy Casto

Council Member R. Alter

Human Rights Commission

Mariana Krueger

Mayor Pro Tem Ellis

Human Rights Commission

Muneeb "Meebs" Aslam

Council Member Velásquez

Impact Fee Advisory Committee

Chi Lee

Mayor Watson

Library Commission

Sheila Mehta

Mayor Watson

Mayor's Committee for People with Disabilities

Donna Betts

Mayor Watson

Mayor's Committee for People with Disabilities

Elizabeth "Kristen" Vassallo

Council Member R. Alter

Mayor's Committee for People with Disabilities

Elisabeth Meyer

Council Member Vela

Music Commission

Adrienne Lake

Council Member R. Alter

Parks and Recreation Board

Lane Becker

Mayor Watson

Planning Commission

Awais Azhar

Mayor Watson

Planning Commission

Adam Haynes

Mayor Watson

Planning Commission

Felicity Maxwell

Council Member R. Alter

Public Safety Commission

Lauren Pena

Council Member Velásquez

Robert Mueller Municipal Airport Plan Implementation Advisory Commission

Joshua Rudow

Mayor Pro Tem Ellis

Tourism Commission

Anna Panossian

Mayor Watson

Tourism Commission

Edward Bailey

Council Member R. Alter

Water and Wastewater Commission

Sam Angoori

Council Member R. Alter

Reappointments**Planning Commission**

Grayson Cox

Council Member A. Alter

Planning Commission

Dr. Jennifer Mushtaler

Council Member Kelly

Planning Commission

Todd Shaw

Council Member Pool

Removals**Electric Utility Commission**

Robert Cullick

Mayor Watson

Library Commission

Gabriel Nwajiaku

Council Member Kelly

Waivers

Approve a waiver of the requirement in Section 2-1-21(H) of the City Code for the appointment of Mariana Krueger. The waiver allows simultaneous service on the Human Rights Commission and Lesbian Gay Bisexual Transgender and Queer Quality of Life Advisory Commission.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Patrick Rose on the Airport Advisory Committee.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Riley Drake on the Construction Advisory Committee.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Sheila Mehta on the Library Commission.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Anna Panossian on the Tourism Commission.

24. Approve a resolution initiating amendments to City Code Title 25 related to disaggregation of substandard lots and lots that qualify for small-lot amnesty. Council Sponsors: Council Member José 'Chito' Vela, Council Member Zohaib "Zo" Qadri, Council Member Leslie Pool, Council Member José Velásquez.
Resolution No. 20230309-024 was approved on consent without objection. Council Members Alison Alter and Kelly abstained. Council Member Harper-Madison was off the dais.

Items 25, 26, and 27 were pulled for discussion.

ITEMS TO SET PUBLIC HEARINGS

28. Set a public hearing to consider an ordinance adopting Local Standards of Care for the Parks and Recreation Department's Youth Programs. (Suggested date and location: April 13, 2023, at Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701. Strategic Outcome(s): Health and Environment, Culture and Lifelong Learning.
The public hearing was set for April 13, 2023, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent without objection. Council Member Harper-Madison was off the dais.
29. Set a public hearing to receive citizen input on community needs concerning the City's Fiscal Year 2023-2024 Action Plan, as required by the U.S. Department of Housing and Urban Development and Texas Local Government Code Chapter 373 for the City's application for federal funding. (Suggested date: March 23, 2023, at Austin City Hall, 301 West 2nd Street, Austin, Texas 78701). Strategic Outcome(s): Economic Opportunity and Affordability.
The public hearing was set for March 23, 2023, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent without objection. Council Member Harper-Madison was off the dais.
30. Set a public hearing related to an application by AHFC-FC Norman 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 Norman Commons, located at or near 3811 Tannehill Lane, Austin, Texas 78723, within the City. (Suggested date: Thursday, March 23, 2023, City Hall, 301 West 2nd Street, Austin, Texas 78701). District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability.
The public hearing was set for March 23, 2023, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent without objection. Council Member Harper-Madison was off the dais.
31. Set a public hearing related to an application by The Rhett, LP, or an affiliated entity, for housing tax credits for a multi-family development to be financed through the private activity bond program to be known as The Rhett, located at or near 1000 East Yager Lane, Austin, Texas 78753, within the City. (Suggested date: Thursday, March 23, 2023,

Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701). District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability.

The public hearing was set for March 23, 2023, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent without objection. Council Member Harper-Madison was off the dais.

32. Set a public hearing to consider an ordinance amending City Code Title 25 relating to mitigation of wildfire risk. (Suggested date: Thursday, April 13, 2023, at Austin City Hall, 301 W. Second Street, Austin, Texas 78701). Strategic Outcome(s): Government that Works for all; Health and Environment; Mobility; Safety.
- The public hearing was set for April 13, 2023, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent without objection. Council Member Harper-Madison was off the dais.**

AGENDA ADDENDUM

43. Approve a resolution declaring the Austin Trail of Lights to be a City co-sponsored event starting fiscal year 2023-24, directing the City Manager to add the Austin Trail of Lights to the list of City co-sponsored events for which fees are waived annually in the ordinance adopted with the budget, starting with fiscal year 2023-2024, and directing the City Manager to negotiate and execute a 10-year co-sponsorship agreement, to include extension options, with the Trail of Lights Foundation. Council Sponsors: Mayor Pro Tem Paige Ellis, Council Member Ryan Alter, Council Member Natasha Harper-Madison, Zohaib "Zo" Qadri, José "Chito" Vela.
- Resolution No. 20230309-043 was approved on consent without objection. Council Member Harper-Madison was off the dais.**
44. Approve a resolution initiating an amendment to City Code Section 25-2-582 (Commercial Highway (CH) District Regulations) eliminating the minimum required lot size in a zoning district that combines a commercial highway base district with a planned development area combining district and waiving any requirement for recommendation by the Codes and Ordinances Joint Committee. Council Sponsors: Council Member Leslie Pool, Council Member Ryan Alter, Council Member Natasha Harper-Madison, José "Chito" Vela, Zohaib "Zo" Qadri.
- Resolution No. 20230309-044 was approved on consent without objection. Council Member Harper-Madison was off the dais.**

DISCUSSION ITEMS

Action was taken on Item 16 but was tabled for further discussion to be taken at 11:50 a.m.

25. Approve a resolution directing the City Manager to establish a charter review commission to propose amendments to the City Charter including, but not limited to, changes in petition requirements. Council Sponsors: Council Member Ryan Alter, Mayor Kirk Watson, Mayor Pro Tem Paige Ellis, Council Member Alison Alter, Council Member Natasha Harper-Madison, Council Member Leslie Pool.
- A motion to approve the resolution was made by Council Member Ryan Alter and seconded by Mayor Pro Tem Ellis.**

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

The amendment was to add a bullet point to the final Be It Further Resolved clause:

“Clarification of the outcome of an election where two similar but different ballot measures on the same subject matter both pass.”

Resolution No. 20230309-025 was approved as amended on Council Member Ryan Alter’s motion, Mayor Pro Tem Ellis’ second on a 9-0 vote. Council Member Kelly voted nay. Council Member Harper-Madison was off the dais.

26. Approve a resolution related to restarting the Austin Police Department’s Citizen Police Academy. Council Sponsors: Council Member Mackenzie Kelly, Mayor Pro Tem Paige Ellis, Council Member Alison Alter, Council Member Ryan Alter, Council Member José Velásquez.
- A motion to approve the resolution was made by Council Member Kelly and seconded by Council Member Alison Alter.**

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

The amendment was to edit line 25 to read as follows:

“The City Manager is hereby directed to review the feasibility of restarting the Austin Police Department’s Community Police Academy as soon as practicable, including:

- Recommendations for how the program’s application and screening can be made accessible to a broad and diverse cross-section of the community;**
- Recommendations for how the curriculum can be developed, maintained, and delivered in a way that provides opportunities for, and respects, a diversity of opinions regarding police practices and City policy;**
- The feasibility of providing college credit or certification hours to individuals who successfully complete the Community Police Academy, and**
- Exploring safeguards to prevent political activity such as lobbying or organizing using this publicly funded program and its membership or alumni.**

The City Manager is directed to report findings back to the Council by May 22, 2023.”

Resolution No. 20230309-026 was approved as amended on Council Member Kelly’s motion, Council Member Alison Alter’s second on a 10-1 vote. Council Member Qadri voted nay.

27. Approve a resolution directing the City Manager to create a plan to increase the number of direct-current fast charging stations for electric vehicles equitably throughout the City. Council Sponsors: Council Member Leslie Pool, Mayor Kirk Watson, Council Member Zohaib “Zo” Qadri, Council Member José 'Chito' Vela, Council Member Alison Alter, Council Member Vanessa Fuentes, Council Member Ryan Alter, Council Member Natasha Harper-Madison, Mayor Pro Tem Paige Ellis.
- A motion to approve the resolution was made by Council Member Pool and seconded by Council Member Alison Alter.**

The following amendment was made by Council Member Kelly and failed for lack of a second.

The amendment was to edit lines 53 and 54 to read as follows:

“The City Manager is directed to:

- Develop a vision plan for equitable distribution of public charging stations throughout the City, after a formal and complete review of currently available chargers is conducted and the results are distributed as a memorandum to the Mayor and Council, including both DC fast chargers and Level 2 chargers, that:”

The following amendment was made by Council Member Kelly and failed for lack of a second.

The amendment was to add the following at line 70:

“Include a fiscal impact and city resource requirements for the completion of the vision plan.”

Resolution No. 20230309-027 was approved on Council Member Pool’s motion, Council Member Alison Alter’s second on a 10-0 vote. Council Member Kelly abstained.

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 11:46 a.m. See separate minutes.

33. 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/2023/20230309-ahfc.htm>).

Mayor Watson reconvened the Council Meeting at 11:49 a.m.

DISCUSSION ITEMS CONTINUED

16. 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.

A motion to approve the resolution was made by Council Member Qadri and seconded by Mayor Pro Tem Ellis.

The following amendment was made by Council Member Vela and seconded by Council Member Qadri.

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

“The City Council directs the City Manager to present an implementation plan to clearly identify next steps and identify financing and programmatic support for meeting ETOD goals through implementation of the Policy Toolkit.

The implementation plan should include the following:

- **tools prioritized for implementation;**
- **targeted outcomes for tool implementation;**
- **timeline for tool implementation;**
- **identification of funding sources and other resources for tool implementation;**
- **and**
- **performance measures to assess tool implementation success.**

BE IT FURTHER RESOLVED:

As part of the implementation plan, the City Council directs the City Manager to do the following:

- **Coordinate with the Austin Transit Partnership, Capital Metro, the City of Austin’s Project Connect Office, and the Project Connect Community Advisory Committee to develop population targets for areas around the light rail stations, both individually and as an average along the light rail corridor, with the goal of maximizing the project’s score on grant applications in order to maximize federal grant funding competitiveness.**
- **Coordinate with the Austin Transit Partnership, Capital Metro, and the City of Austin’s Project Connect Office to evaluate the ETOD Station Area Planning Priorities matrix to prioritize light rail investments and the need for demonstrated outcomes on federal grant applications.**
- **Explore value capture tools such as tax increment financing to fund items such as affordable housing, pedestrian and bicycle improvements, parks, regional water quality facilities, utility relocation, and other necessary infrastructure investments.**
- **Provide scenarios including timelines and staffing needs for developing ETOD station area plans, including scenarios that utilize resources from partnering agencies.**
- **Provide a clear definition and scope of the ETOD overlay to ensure robust affordable housing creation, preservation, and tenant protections in return for relaxed development standards and other programs and incentives.**

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to provide an update to the Housing and Planning Committee and Mobility Committee no later than May 26th, and to present a full implementation plan to the Housing and Planning Committee and Mobility Committee no later than September 12th.”

The following amendment to Council Member Vela's amendment was made by Council Member Alison Alter, seconded by Council Member Vela.

The amendment was to edit the third bullet point of the second Be It Further Resolved clause to read as follows:

“Explore value capture tools such as tax increment financing to incentivize or fund items such as affordable housing, pedestrian and bicycle improvements, parks, regional water quality facilities, utility relocation, and other necessary infrastructure investments.”

The amendment was included without objection. Council Member Harper-Madison was off the dais.

Council Member Vela’s amendment as amended was included without objection. Council Member Kelly abstained. Council Member Harper-Madison was off the dais.

The following amendments were made by Mayor Pro Tem Ellis and seconded by Council Member Vela.

The amendment was to edit the Draft ETOD Policy Plan (Attachment A) as follows:

On page 29, under Future Station Area Planning Priorities Approach, amend Criteria 2 to read:

“Criteria 2: Presence of Publicly Owned Land: Station areas with land owned by the City of Austin and CapMetro should be high priority for planning services because, should it be decided that some of this land is no longer needed for agency operations, these publicly owned sites could be catalysts for increasing ridership and affordable housing. Station areas with land that is owned by another local governmental entity and anticipated to be developed or redeveloped in the next five years should also be high priority for planning services. To determine the station areas containing City and CapMetro owned land, staff used 2021 Travis County Appraisal Data, embedded in the parcel ownership map on the ETOD Interactive Conditions Analysis Dashboard, to calculate the share of City and CapMetro-owned land in each station area and prioritized station areas with larger shares of publicly owned land.”

On page 36, rename the “Oak Hill” Bus Rapid Transit Station as “Pinnacle,” change its Priority for Planning level from Medium to High, and move that line of the table to page 34 to be grouped appropriately.

In Appendix E: Station Area Planning Priority Methodology (pages A14 – A23), make conforming changes as appropriate

Edit lines 107-109 of the Draft Resolution to read as follows:

“WHEREAS, in consideration of the timing of the initial investment in rail under the Project Connect Transit System, rail is first in priority for commencement of all implementation activities, except concurrent commencement may occur for a MetroRapid line that has not yet been awarded federal funding and is assessed to rate uncompetitively for federal funding on the FTA’s land use and economic development criteria;”

Add the following Whereas clauses between line 133 and 134:

“WHEREAS, the City of Austin partners with HousingWorks Austin to annually analyze our success in meeting our Austin Strategic Housing Blueprint goals, and these Scorecards document that we regularly fall short on Goal 1: Affordable Homes in Each District and, within Goal 5, on New Affordable Housing near High-Opportunity Areas; and WHEREAS, MetroRapid Bus lines will dramatically extend the reach of Project Connect’s high-capacity transit system into far more neighborhoods than rail will serve alone, including high-opportunity areas where affordable housing could be more easily produced following an ETOD planning process and the application of ETOD development regulations; and”

A motion to take up the item at 11:50 a.m. was made by Council Member Alison Alter, seconded by Council Member Fuentes, and accepted without objection.

The following amendment to Mayor Pro Tem Ellis’ amendment was made by Council Member Alison Alter, seconded by Mayor Pro Tem Ellis.

The amendment was to add on lines 107-109 to read as follows:

“...FTA’s land use and economic development criteria and rates high within the bus rapid transit prioritization table;”

The amendment was included without objection.

Resolution No. 20230309-016 was approved as amended on Council Member Qadri’s motion, Mayor Pro Tem Ellis’ on a 10-0 vote. Council Member Kelly abstained.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

34. Conduct a public hearing and consider a resolution in accordance with Texas Parks and Wildlife Code Chapter 26 to authorize a change in use of dedicated parkland, known as Pioneer Crossing Neighborhood Park to enable the Austin Transportation Department to construct and use approximately 9,574 square feet of permanent drainage easements as part of the East Braker Lane extension project. (Location: Austin City Hall, 301 W. Second Street, Austin, TX 78701. District(s) Affected: District 1. Strategic Outcome(s): Health and Environment, Government that Works for All, Mobility.
- The public hearing was conducted and a motion to close the public hearing and approve Resolution No. 20230309-034 was approved on Council Member Pool’s motion, Council Member Alison Alter’s second without objection. Council Members Fuentes and Kelly were off the dais.**

PUBLIC COMMUNICATION

Richard Viktorin - Back to Basics Government: Tax Skims, Venture Cash and the Circuit of the Americas - How Senator Watson's SB1515 intended \$290 million in public resources for the ledgers of McCombs Partners and Prophet Capital. – **Not present.**

Silver Whitemountain - right on red lights.. No right on red – **Present.**

Owen Shroyer - Winter Storm/Power Outages – **Present.**

Yvonne Weldon - Homelessness in District 3 – **Present.**

Ben Frasca – Public Safety – **Not present.**

Carole Berthelot - I have been living in my neighborhood for 3 years, in December I heard an unusual noise (high pitched hissing) from the Nitrogen plant (Pressure gas - Air products N2 plant) of a big company in my neighborhood. The noise last day and night for several day in a row. I recorded it and with an app I found that it was over 95 decibels. Since January 2023, I tried to alert the Austin Code department, I call 311, I called my officer district representative and the police headquarter and I also met a Senior Manager from this big company, but nobody seem to want to do something. Some people told me ' you know it's a big company, so they know what they are doing' or 'they are here for ever so we can't do nothing' . the noise appear in December so it's something new, and it is still here. So because it's a high pitched noise after 2 days and nights in a row you feel stressed, anxious. the noise make you crazy even with ear plugs and my windows close I still hear it , it's a health situation and it can also be a safety issue. Since beginning of January it was audible 26 days and 30 nights over a total of 52 days. Even if it's a big company, they have to respect the Noise Ordinance found in Chapter 9-2 of the City of Austin Codes and Ordinances, and the police or any employee of Austin city should do everything they could to enforce this ordinance. – **Not present.**

Gary Babatz - When it comes to transit oriented development, it's beyond time to think BIG. – **Present.**

Frances Acuna - Environmental Justice (Creeks) – **Present.**

Rick Krivoniak - Resolutions from the Robert Mueller Municipal Airport Plan Implementation Advisory Commission and the Windsor Park Neighborhood Plan – **Present.**

Dessa Davis – Continuous Improvements – **Not present.**

LIVE MUSIC

Wahab Rasooli

Mayor Watson recessed the meeting at 12:26 p.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.

35. Discuss the employment, duties, and evaluation of the Interim City Manager (Personnel matters - Section 551.074 of the Government Code).
Withdrawn.

36. Discuss personnel and legal issues related to the search for and appointment of a new city manager (Private consultation with legal counsel - Section 551.071 of the Government Code and Personnel matters - Section 551.074 of the Government Code).
Withdrawn.

Mayor Watson reconvened the Council Meeting at 2:00 p.m.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

37. 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: To grant Mixed Use land use. Planning Commission Recommendation: To be reviewed February 28, 2023. 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 May 4, 2023, at the request of Staff without objection. Council Members Fuentes and Harper-Madison were off the dais.

38. 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, to Figure 1-7 (East Riverside Corridor Height Map) to designate the entire lot as 60 feet for an allowable height, and to 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, to Figure 1-7 (East Riverside Corridor Height Map) to designate the entire lot as 60 feet for an allowable height, and to 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: To be reviewed on February 28, 2023. Owner/Applicant: East Riverside Drive UP, LLC (Shawn A.J. Gross). Agent: Drenner Group, PC (Amanda Swor). City Staff: Nancy Estrada, 512-974-7617. District(s) Affected: District 3.
The public hearing was conducted and a motion to approve the ordinance on first reading only was approved without objection. Council Members Fuentes and Harper-Madison were off the dais.

39. C14-2022-0168 - Jollyville Oak Liquor Cabinet - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 12029 and 12041 Jollyville Road (Walnut Creek Watershed). Applicant Request: To zone from limited office (LO) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To deny commercial-liquor sales (CS-1) district zoning. Zoning and

Platting Commission Recommendation: To forward without a recommendation due to lack of an affirmative vote. Owner/Applicant: Raju Malik and Sandeep Kaur. Agent: Husch Blackwell LLP (Micah King). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.

This item was postponed to March 23, 2023, at the request of the Applicant without objection. Council Members Fuentes and Harper-Madison were off the dais.

40. C14-2022-0170 - Dessau Ridge Development - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 1509 Dessau Ridge Lane (Harris Branch Watershed). Applicant Request: To zone from limited office-conditional overlay (LO-CO) combining district zoning to multifamily residence medium density (MF-3) district zoning. Staff Recommendation: To grant multifamily residence medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence medium density-conditional overlay (MF-3-CO) combining district zoning. Owner/Applicant: Delta LTE LLC. Agent: ZIF Capital LLC (Zain Fidai). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 7.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20230309-040 for multifamily residence medium density-conditional overlay (MF-3-CO) combining district zoning was approved without objection. Council Members Fuentes and Harper-Madison were off the dais.

41. 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.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20230309-041 to change the land use designation on the future land use map (FLUM) to Multifamily Residential land use was approved on Council Member Vela's motion, Council Member Qadri's second on a 9-0 vote. Council Members Fuentes and Harper-Madison were off the dais.

42. 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.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20230309-042 for multifamily residence high density district-neighborhood plan (MF-5-NP) combining district zoning was approved on Council Member Vela's motion, Council Member Qadri's second on an 8-0 vote. Council Member Alison Alter abstained. Council Members Fuentes and Harper-Madison were off the dais.

Mayor Watson adjourned the meeting at 2:34 p.m. without objection.

The minutes were approved on this the 23rd day of March 2023 approved on consent without objection.