



Thursday, April 20, 2023

The City Council will convene at 10:00 AM on Thursday, April 20, 2023 at Austin City Hall, 301 W. 2nd Street, Austin, TX and some members may be participating via videoconference



Mayor Kirk Watson
Mayor Pro Tem Paige Ellis, District 8
Council Member Natasha Harper-Madison, District 1
Council Member Vanessa Fuentes, District 2
Council Member José Velásquez, District 3
Council Member José "Chito" Vela, District 4
Council Member Ryan Alter, District 5
Council Member Mackenzie Kelly, District 6
Council Member Leslie Pool, District 7
Council Member Zohaib "Zo" Qadri, District 9
Council Member Alison Alter, District 10

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

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

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

9:00 AM – Proclamations

Proclamation – Austin Small Business Week – To be presented by Mayor Kirk Watson and to be accepted by Sylnovia Holt-Rabb, Director of the Economic Development Department

Proclamation – Earth Day – To be presented by Council Member Leslie Pool

Proclamation – Recognizing Ramadan and Eid – To be presented by Council Member Zohaib “Zo” Qadri

Proclamation – PowerTalk 21 Day – To be presented by Council Member Alison Alter and to be accepted by representatives from MADD (Mothers Against Drunk Driving)

Proclamation – Sexual Assault Awareness and Prevention Month – To be presented by Council Member Alison Alter and to be accepted by SAFE Austin

10:00 AM – City Council Convenes

Consent Agenda

Approval of Minutes

1. Approve the minutes of the Austin City Council special called of April 6, 2023, work session of April 11, 2023, and regular meeting of April 13, 2023.

Austin Energy

2. Approve issuance of a capacity-based incentive to Texas County & District Retirement System for the installation of solar electric systems on their facility located at 901 South Mopac Expressway Service Road, in an amount not to exceed \$163,620.

District(s): District 8
3. Authorize issuance of rebates for multifamily and commercial customer energy efficiency measures by Austin Energy during Fiscal Year 2022-2023 in the aggregate amounts of \$2,650,000 for multifamily programs and \$3,350,000 for commercial programs, for a total combined amount not to exceed \$6,000,000, including ratification of \$2,850,844 in rebates already issued in the current fiscal year.

Austin Water

4. Authorize negotiation and execution of a cost participation agreement with Kellam Land Investments, LP for the City to reimburse the developer for an amount not to exceed \$3,415,500 for costs associated with the design and construction of an oversized water main and appurtenances related to Service Extension Request No. 4811R that will provide water service to a proposed multifamily development located at 4811 Kellam Road.
5. Authorize negotiation and execution of a cost participation agreement with Kellam Land Investments, LP for the City to reimburse the developer for an amount not to exceed \$8,804,515 for costs associated with the design and construction of an oversized wastewater lift station, force main, and gravity wastewater mains and appurtenances related to Service Extension Request No. 4812R that will provide wastewater service to a proposed multifamily development located at 4811 Kellam Road.

City Clerk

6. Approve an ordinance amending Ordinance Nos. 20220915-087 and 20230209-074 ordering the May 6, 2023 special municipal elections, to repeal and replace Exhibit A regarding early voting; add Exhibit B, containing the English and Spanish versions of the ordinances calling the elections and establishing ballot language, including Ordinance No. 20230209-076 which amended the ballot language contained in Ordinance No. 20220915-087; add Exhibits C and D, containing election day and early voting polling places; add Exhibit E containing the executed contracts for election services and executed joint election agreements; add Exhibits F, G, and H listing election day judges, central counting station staff, and early voting ballot board members; and declaring an emergency.

Development Services

7. Approve an ordinance amending City Code Chapter 4-20 (Special Events) relating to special events application review, notification requirements and use of sound equipment, amending City Code Chapter 14-8 (Temporary Street Closure for Non-Construction Use) to modify requirements for a closure permit, requiring post special event reporting, and creating an offense.

Financial Services

8. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of public improvement bonds to be issued for affordable housing expenditures in the amount of \$350,000,000. Related to Item #18.

Financial Services- Contracts

9. Authorize an amendment to a contract for construction services for the Barbara Jordan Terminal Optimization project with Hensel Phelps Construction Co., to increase the amount by \$89,000,000 for a revised total contract amount not to exceed \$135,000,000.

[Note: This amendment will be awarded in compliance with 49 CFR Part 26 (Disadvantaged

Business Enterprise Procurement Program) and City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 0.00% DBE].

District(s): District 2

10. Authorize negotiation and execution of a contract for license plate reader camera systems and services with Insight Public Sector, Inc., for up to five years for a total contract amount not to exceed \$1,090,000.

[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 certified M/WBEs; therefore, no subcontracting goals were established].

11. Authorize negotiation and execution of a contract for data sharing software, including implementation and maintenance services, with Geonexus Technologies LLC, for up to five years for a total contract amount not to exceed \$470,000.

[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].

12. Authorize negotiation and execution of a contract for a digital platform for media streaming with Midwest Tape LLC d/b/a Midwest Tape, for a term of five years in an amount not to exceed \$2,600,000.

[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].

13. Authorize execution of a contract for courier services with Ralph Riojas d/b/a Ralph Riojas Enterprises, for a term of five years in an amount not to exceed \$865,000.

[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].

14. Authorize an amendment to a contract for the Miscellaneous Streets Slurry Seal and Fog Seal project with Intermountain Slurry Seal, Inc., to increase the amount by \$1,939,000 for a revised total contract amount not to exceed \$10,000,000.

[Note: This contract was awarded in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 5.90% MBE and 1.12% WBE].

15. Authorize negotiation and execution of a cooperative contract for Axon Fleet 3 products and services with Axon Enterprise, Inc., for up to 10 years for a total contract amount not to exceed \$17,500,000.

[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].

16. Ratify a contract for Axon Fleet 3 products and services with Axon Enterprise, Inc., for the initial three-year term, for a total contract amount not to exceed \$3,163,820, and prospectively authorize the remaining optional extensions for up to seven additional years, at an amount not to exceed \$14,336,180.

[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].

Housing and Planning

17. Authorize negotiation and execution of an amendment to the Fiscal Year 2022-2023 Service Agreement with the Austin Housing Finance Corporation by increasing funding to the Austin Transit Partnership Grant Fund by \$34,000,000, the 2022 General Obligation Bond Fund by \$45,000,000, and the Housing Trust Fund by \$920,000 for a total contract amount not to exceed \$114,807,251.
18. Approve an ordinance amending the Fiscal Year 2022-2023 Housing and Planning Department Capital Budget (Ordinance No. 20220817-004) to increase appropriations by \$350,000,000 for affordable housing. Related to item #8.

Law

19. Authorize negotiation and execution of an amendment to a legal services agreement with Jackson Walker LLP for legal services related to City of Austin vs. SFC Software Factory, LLC, Condemnation Proceeding filed in the Probate Court No. 1, Travis County in the amount of \$140,000 for a total contract amount not to exceed \$240,000.

Public Works

20. Approve an ordinance to repeal and replace Ordinance No. 20221208-050 to authorize negotiation and execution of an advanced funding agreement with the Texas Department of Transportation for the design and construction of transportation and mobility improvements along the proposed Mogan Trail from North Pleasant Valley Road to Springdale Road; accepting grant funds; amending the Fiscal Year 2022-2023 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20220817-004) and the Public Works Department Capital Budget (Ordinance No. 20220817-004) to transfer in and appropriate \$1,000,000 for design and construction of this project; and authorizing a twenty percent funding match from the City, including any cost overruns.

Watershed Protection Department

21. Authorize the negotiation and execution of a community facilities agreement, for public stormdrain

infrastructure improvements, with Vega Avenue Phase II Owner LP, in an amount not to exceed \$250,000.

Item(s) from Council

22. 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.
23. Approve a resolution directing the City Manager to explore possible Code amendments, safety standards, and other regulations to improve organization and management infrastructure for shared micro-mobility devices.
- Sponsors:** Council Member Mackenzie Kelly, Council Member José "Chito" Vela, Council Member Zohaib "Zo" Qadri, and Mayor Kirk Watson
24. Approve a resolution directing the City Manager to create a plan and implementation schedule to transition the City to sustainable low-embodied-carbon concrete.
- Sponsors:** Council Member Leslie Pool, Council Member Zohaib "Zo" Qadri, Council Member Alison Alter, Council Member Vanessa Fuentes, and Council Member José Velásquez
25. Approve a resolution urging Congress to enact a multiyear reauthorization of the Energy Efficiency and Conservation Block Grant program, supporting robust annual funding, and calling on the Texas House delegation to cosponsor federal House of Representatives' bill HR 1520.
- Sponsors:** Council Member Leslie Pool, Mayor Pro Tem Paige Ellis, Council Member Alison Alter, and Council Member José "Chito" Vela
26. Approve a resolution initiating site-specific variances and amendments to City Code Title 25, including Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as necessary to allow for completion of the Little Bear Aquifer Recharge Enhancement Project, located within the Barton Springs Zone.
- Sponsors:** Mayor Pro Tem Paige Ellis, Council Member Leslie Pool, Council Member Vanessa Fuentes, and Council Member Ryan Alter

Item(s) to Set Public Hearing(s)

27. Set a public hearing to consider an ordinance amending the Austin Strategic Mobility Plan (ASMP) element of the Imagine Austin Comprehensive Plan to update the ASMP and to adopt the Urban Trails Plan; Sidewalks, Crossings, and Shared Streets Plan; and Bicycle Plan. (Suggested date: May 18, 2023, Austin City Hall, Council Chambers, 301 West Second Street, Austin, Texas).
28. Set a public hearing to consider an ordinance relating to the voluntary, full-purpose annexation of approximately 11.9 acres located in Travis County at 10701 Dessau Road, and to ratify an agreement with the owner of the land for the provision of services. Case number: C7a-2022-0012. The property is in Austin limited purpose jurisdiction in Council District 1. (Suggested date: May 18, 2023, at Austin City Hall, 301 W. Second Street, Austin, Texas).
29. Set a public hearing to consider an ordinance amending City Code Section 25-2-582 (Commercial Highway (CH) District Regulations) to allow a planned development area combining district to modify commercial highway district regulations and waiving the requirements of City Code Section 2-1-207 (Codes and Ordinances Joint Committee) related to Codes and Ordinances Joint

Committee review. (Suggested date and location: Thursday, May 18, 2023, at Austin City Hall, 301 West 2nd Street, Austin, Texas 78701.)

Non-Consent

Item(s) Referred from Council Committee(s)

30. Approve a resolution to reappoint Kevin Mullen as a Commissioner and designate Andy Mormon as Chair for the Municipal Civil Service Commission.

Sponsors: Audit and Finance Committee

Eminent Domain

31. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the DIST9 INF8 Parkland Trail Project, for the public use of constructing sidewalk, trail and recreational improvements providing public connectivity to parks along West Bouldin Creek requiring the acquisition of a Sidewalk, Trail and Recreational Easement, consisting of approximately 0.2218 acres of land out of a portion of Lot 5 of The Maufrais Subdivision, a subdivision of record in Volume 90, Page 90, of the Plat Records of Travis County, Texas, described in a deed to Temple Square Center Ltd., recorded in Document No. 2001096152, Official Public Records of Travis County, Texas, currently appraised at \$210,699, subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Temple Center Square, Ltd. The property is located at 1509 South Lamar Boulevard, Austin, Texas 78704. The general route of this project is along Union Pacific Railroad, from Evergreen Avenue to West Gibson Street, on the west side of the railroad and east of South Lamar Boulevard.

District(s): District 9

32. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interests needed for the Red Line Trail Walnut Creek Trail to Braker Lane Project for the public use of constructing sidewalk, trail, and recreational improvements requiring the acquisition of a sidewalk, trail and recreational easement consisting of two parts collectively comprising approximately a 0.0125 acre (546 square feet) easement located in the James Rogers Survey. Abstract No. 659, Travis County, Texas, and being a part of Lot 1A, Block A, Resubdivision of Braker at Burnet Section Three, recorded in Document No. 199900250 of the Official Public Records of Travis County, Texas, and as described in a deed to GREF Copeland, LP, in Document No. 2021230024, of the Official Public Records of Travis County, Texas, currently appraised at \$7,521, subject to an increase in value based on updated appraisals or a Special Commissioners' award. The owner of the needed property is GREF Copeland LP. The property is located at 2511 West Braker Lane, Austin, Texas 78758. The general route of this project is from West Braker Lane to the Northern Walnut Creek Trail along the Capital Metropolitan Transit Authority Red Line Metrorail, Travis County, Texas.

District(s): District 4; District 7

10:30 AM - Austin Housing and Finance Corporation Meeting

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/2023/20230420-ahfc.htm>).

10:30 AM - Austin Housing Public Facility Corporation Meeting

34. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Public Facility Corporation. Following adjournment of the AHPFC Board meeting the City Council will reconvene. (The AHPFC agenda is temporarily located at <https://www.austintexas.gov/department/city-council/2023/20230420-ahpfc.htm>).

12:00 PM - Public Communication: General

Silver Whitemountain- Continuation of real life movies.

Nailah Sankofa- Black Arts Issues and Transportation

Ruben Rivera-Clemente Sr - FOR NOW STILL MORE POLICE HARRASMENT

Jordan King- Police support

Live Music

Micah Shalom and the Babylonians

Executive Session

35. Discuss legal issues related to City of Austin 2023 labor contract negotiations (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).

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

36. C14H-2022-0176 - Broken Spoke - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3201 South Lamar Boulevard (West Bouldin Creek Watershed). Applicant Request: To rezone from commercial services (CS) to commercial services-historic landmark (CS-H) combining district zoning per Council Resolution No. 20221103-081. Staff Recommendation: To rezone building footprint from commercial services (CS) to commercial services-historic landmark (CS-H) combining district zoning. Historic Landmark Commission Recommendation: To rezone from commercial services (CS) to commercial services-historic landmark (CS-H) combining district zoning. Planning Commission Recommendation: To be reviewed April 25, 2023. Owners: Annetta White (business); HLLC CWS 704 SPE LLC (land). Applicant: City of Austin Historic Preservation Office (Council-initiated). City Staff: Kalan Contreras, 512-974-2727.

District(s): District 5

37. NPA-2022-0009.01 - 1007 and 1021 East 7th Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan and Ordinance No. 20081211-082 the Plaza Saltillo (TOD) Station Area Plan, an element of the Imagine Austin Comprehensive Plan to allow a base maximum building height of 90 feet on property

locally known as 1007 and 1021 East 7th Street (Waller Creek Watershed). Staff and Planning Commission Recommendation: To grant a base maximum building height of 90 feet.
Owner/Applicant: 1007 East 7th Street (Austin) Owner, L.P. and 1021 East 7th Street (Austin) Owner, L.P. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Maureen Meredith, Planning Department, (512) 974-2695.

District(s): District 3

- 38.** C14-2022-0149 - 1007 and 1021 East 7th Street - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1007 and 1021 East 7th Street (Waller Creek - Urban Watershed). Applicant Request: To rezone from transit oriented development - neighborhood plan (TOD-NP) combining district zoning to transit oriented development - neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation and Planning Commission Recommendation: To grant transit oriented development - neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Owner/Applicant: 1007 East 7th Street (Austin) Owner, L.P. and 1021 East 7th Street (Austin) Owner, L.P.. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Joi Hardin, Planning Department, 512-974-1617.

District(s): District 3

- 39.** C14-2022-0168 - Jollyville Oak Liquor Cabinet - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 12029 and 12041 Jollyville Road (Walnut Creek Watershed). Applicant Request: To rezone from limited office (LO) district zoning to commercial-liquor sales (CS-1) district zoning. First Reading approved commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning on March 23, 2023. Vote: 11-0. Owner/Applicant: Raju Malik and Sandeep Kaur. Agent: Husch Blackwell LLP (Micah King). City Staff: Sherri Sirwaitis, Planning Department, 512-974-3057.

District(s): District 10

- 40.** C14-2023-0006 - Wynne Lane Single Family - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7500 Wynne Lane. Applicant Request: To rezone from mobile home residence (MH) district zoning to family residence (SF-3) district zoning. Staff and Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Applicant: Jon Conner. Agent: Thrower Design, LLC (A. Ron Thrower). City Staff: Ricky Barba, Planning Department, 512-974-7740.

District(s): District 5

Adjourn

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For assistance, please call 512-974-2210 or TTY users route through 711.

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call (512) 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar.

Por favor llame al (512) 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.