



# City of Austin

Austin City Hall, 301 W.  
Second Street, Austin, TX and  
some members may be  
participating via  
videoconference.

## Agenda

### City Council Work Session

*Mayor Kirk Watson*

*Mayor Pro Tem Paige Ellis*

*Council Member Natasha Harper-Madison*

*Council Member Vanessa Fuentes*

*Council Member José Velásquez*

*Council Member José "Chito" Vela*

*Council Member Ryan Alter*

*Council Member Mackenzie Kelly*

*Council Member Leslie Pool*

*Council Member Zohaib "Zo" Qadri*

*Council Member Alison Alter*

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Tuesday, December 12, 2023

9:00 AM

Austin City Hall

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

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

**A. Pre-Selected Agenda Items**

**B. Briefings**

**B1.** Austin population growth and demographic trends.

**B2.** Briefing on the Barton Springs Road Bridge over Barton Creek.

**C. Council Items of Interest**

**D. Council Discussion**

**D1.** Council appointments to intergovernmental entities and Council Committee memberships.

**E. Executive Session**

**E1.** Discuss legal issues related to Dirty Martin's et al. v. Mayor Kirk Watson et al., Cause No. D-1-GN-23-008105 in the 455th Judicial District of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).

**E2.** Discuss legal issues related to Equity Action v. Jesús Garza et al., Cause No. D-1-GN-23-008687 in the 201st Judicial District of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).

**Adjourn**

## **Consent Agenda**

### **Approval of Minutes**

1. Approve the minutes of the Austin City Council work session of November 28, 2023, regular meeting of November 30, 2024, and special called of December 7, 2023.

### **Austin Energy**

2. Authorize negotiation and execution of a membership agreement with the Electric Power Research Institute for research programs related to energy storage and distributed generation, distributed energy resource integration, and electric grid planning and operations for a 12-month term in an amount not to exceed \$400,000, with two additional 12-month terms for a total amount not to exceed \$1,200,000.

### **Aviation**

3. Authorize funding for the Section 481 Service Fee Agreement with U.S. Customs and Border Protection (CBP) for the reimbursement of CBP costs for additional or expanded services outside of CBP's normal operating hours at Austin-Bergstrom International Airport, for an additional five years in an amount not to exceed \$1,500,000.

### **Capital Delivery Services**

4. Approve a resolution appointing members to the Project Connect Community Advisory Committee as recommended by the Nominating Committee.

### **Communications and Technology Management**

5. Authorize negotiation and execution of an amendment to the interlocal agreement with the Texas Department of Transportation, Travis County, and Capital Metropolitan Transportation Authority to allow for early payment for lease of the Combined Transportation, Emergency and Communications Center property located at 5010 Old Manor Road.

### **Community Court**

6. Approve an ordinance amending City Code Chapter 2-10-32 relating to offenses and violations that may be adjudicated by the Downtown Austin Community Court to expand the jurisdiction of that Court to certain Class C misdemeanors occurring within the City limits or on property owned by the City and located in the City's extraterritorial jurisdiction.

### **Economic Development Department**

7. Authorize negotiation and execution of a U.S. Department of Housing and Urban Development Section 108 Family Business Loan agreement with 11E5 LLC for the purchase of equipment, soft costs, and working capital for an event space located at 1121 East 7th Street, Austin, Texas 78702 in an amount not to exceed \$1,521,883.

**District(s):** District 3

8. Authorize the negotiation and execution of an agreement with Reinaldo Correa Studio LLC for artwork for the Austin-Bergstrom International Airport Playscapes Art in Public Places Project in an amount not to exceed \$625,820.

**District(s):** District 2

9. Authorize the use of up to \$4,500,000 of proceeds of bonds approved by voters in 2018 under Proposition B (Libraries, Museums & Cultural Arts Facilities), by the Austin Economic Development Corporation for the Austin Playhouse Arts Center project.

### **Financial Services**

10. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of tax-exempt obligations to be issued for expenditures in the total amount of \$15,445,000.
11. Approve an ordinance terminating Reinvestment Zone Number 18, City of Austin, Texas, related to the Seaholm Redevelopment Project. Related to Item #64.

### **Financial Services- Contracts**

12. Authorize execution of a contract for construction of the Parque Zaragoza Neighborhood Park - Bathhouse Rehabilitation project with Majestic Services, Inc., in the amount of \$1,281,922 plus a \$186,690 contingency for a total contract amount not to exceed \$1,468,612.

[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 2.35% MBE and 4.66% WBE participation].

**District(s):** District 3

13. Authorize negotiation and execution of three contracts for aviation information technology consultant services with the JW Group, Inc., Barich, Inc., and AECOM Technical Services, Inc., or one of the other qualified offerors, each for up to seven years for total contract amounts not to exceed \$31,500,000, divided among the contractors.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established].

14. Authorize execution of a contract for liquid carbon dioxide with Linde Inc., for a term of five years in an amount not to exceed \$2,680,000.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established].

15. Authorize negotiation and execution of a contract for portable three-phase meter analyzers with Radian Research Inc., for up to two years for a total contract amount not to exceed \$650,000.

[Note: Sole source contracts are exempt from the City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program); therefore, no subcontracting goals were established].

16. Approve a resolution finding that the use of the construction manager at risk method of contracting, as authorized by Subchapter F, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the Concourse B and Tunnel System project as part of the Airport Expansion and Development Program.

(Note: MBE/WBE goals will be established prior to issuance of this solicitation).

17. Authorize execution of a contract for construction for the East Village Substation project with Capital Excavation Company in the amount of \$9,300,602, plus a \$1,000,000 contingency, for a total contract amount not to exceed \$10,300,602.

[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 6.88% MBE and 1.72% WBE participation].

District(s): District 1

18. Authorize negotiation and execution of six contracts for professional engineering services for the 2024 Environmental Services Rotation List with TRC Environmental Corporation, Weston Solutions, Inc., Aptim Corp. d/b/a Aptim Environmental & Infrastructure, LLC, INTERA, Inc., Freese & Nichols, Inc., and AECOM Technical Services, Inc. for total contract amounts not to exceed \$9,000,000, divided among the firms.

[Note: These contracts 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 5.78% MBE and 3.88% WBE participation].

19. Approve a resolution finding that the use of the construction manager at risk method of contracting, as authorized by Subchapter F, Chapter 2269 of the Texas Government Code, is the project delivery method that provides the best value to the City for the West Parking Garage-Lot B project as part of the Airport Expansion and Development Program.

(Note: MBE/WBE goals will be established prior to issuance of this solicitation).

20. Ratify a contract for fueling services during Winter Storm Mara with Sun Coast Resources, LLC, in the amount of \$261,158.

[Note: This contract was exempt from the City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program); therefore, no subcontracting goals were established].

21. Authorize negotiation and execution of a contract for collection services for delinquent Municipal Court cases with Linebarger Goggan Blair & Sampson LLP, for a term of five years.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this solicitation, there were no subcontracting opportunities therefore, no subcontracting goals were established].

22. Authorize negotiation and execution of a contract for cloud website hosting services with Amazon Web Services, Inc., for up to five years for a total contract amount not to exceed \$2,300,000.

[Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (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].

23. Authorize negotiation and execution of a contract for active data storage maintenance and training for mission-critical public safety systems with Freeit Data Solutions Inc., for up to three years for a total contract amount not to exceed \$240,000.

[Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (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].

24. Authorize an amendment to a contract for continued use of network auditor software with Freeit Data Solutions, Inc., to extend the term by one year and to increase the amount by \$377,477 for a revised total contract amount not to exceed \$400,000.

[Note: This contract was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods and services required for this contract, there were insufficient or no subcontracting opportunities; therefore, no subcontracting goals were established].

25. Authorize negotiation and execution of a contract for a data visualization and self-service analytics platform subscription with maintenance and support services with Porter Burgess Company d/b/a Flair Data Systems, for up to three years for a total contract amount not to exceed \$900,000.

[Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (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].

26. Authorize execution of a contract for Troy Products parts and accessories for public safety vehicles with Dana Safety Supply, Inc. d/b/a Fleet Safety Supply Equipment Inc., for a term of five years in an amount not to exceed \$1,000,000.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established].

27. Authorize execution of a contract for a transformer oil purification system and trailer with Baron USA, LLC d/b/a Baron USA in an amount not to exceed \$700,000.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established].

28. Authorize execution of a contract for detectable, cast-iron warning plates with Mar-Bal, Inc., for a term of five years in an amount not to exceed \$450,000.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established].

29. Authorize execution of a contract for concrete materials to be used on City volumetric trucks with Schuler Contracting, LLC, for a term of five years in an amount not to exceed \$2,354,000.

[Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9A (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].

30. Authorize negotiation and execution of a contract for 5th Street Mexican American Heritage Corridor outreach consulting with Mexic-Arte Museum, for a total contract amount not to exceed \$120,000.

[Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (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].

District(s): District 9

31. Authorize an amendment to the contract for the Airport Expansion and Development Program Airfield Infrastructure project with RS&H, Inc., to increase the amount by \$12,700,000, for a revised total contract amount not to exceed \$20,700,000.

[Note: This amendment will be executed in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) and 49 CFR Part 26 Disadvantaged Business Enterprise Program (DBE)].

32. Authorize an amendment to a contract for continued facility space programming and analysis, financial analysis, pre-development, and real estate brokerage services with CBRE Inc., to increase the amount by \$962,000 for a revised total contract amount not to exceed \$2,277,000.

[Note: This contract was not originally reviewed by SMBR for compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) due to the contract award amount. Currently, there are no subcontracting opportunities identified; therefore, no goals have been established].

33. Authorize negotiation and execution of an amendment to the professional services agreement for engineering services for the 2018 Corridor Program Engineering Services Rotation List, with the following 10 firms: Kimley-Horn and Associates, Inc.; Halff Associates, Inc.; Freese and Nichols, Inc.; AECOM Technical Services, Inc.; CDM Smith, Inc.; CP&Y, Inc. dba STV Infrastructure; Binkley & Barfield, Inc.; Alliance Transportation Group, LLC (WBE); Brown & Gay Engineers, Inc.; and DEC - Central Texas, LLC to increase the amount by \$15,000,000 for a revised total contract amount not to exceed \$130,000,000.

[Note: This amendment will be awarded in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 5.32% MBE and 12.30% WBE].

#### **Financial Services - Real Estate**

34. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell and convey approximately 0.295 acres (12,842 square feet) of land located at or near 312 and 400 East Wonsley Drive, Austin, Texas, 78747, to the Austin Housing Finance Corporation, for an amount not to exceed \$10,000, including closing costs.

District(s): District 4

35. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell approximately 0.0834 acre (3,633 square feet) of land out of Lots 11, 12, and 13, Block F, RC Lambie's Resubdivision of Voss Addition, a subdivision of record in Book 3, Page 8, Plat Records, Travis County, Texas, said Lot 11 conveyed to the City deed dated August 5, 1953, as recorded in Volume 1359, Page 127, Deed Records, Travis County, and said Lots 12 and 13 conveyed to the City deed dated July 29, 1953, as recorded in Volume 1358, Page 222, Deed Records, Travis County, Texas located on the southwest corner of Flores Street and Waller Street, to the Texas Department of Transportation for the Interstate Highway 35 South expansion for an amount not less than \$381,465.

District(s): District 3

36. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire in fee simple approximately 0.502 acres (21,862 square feet) of land generally located at 2710 and 2712 Sweeney Lane, Austin, Texas 78723, from Brian Douglas Hatherly for a total amount not to exceed \$699,000, including closing costs.

District(s): District 4

37. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire an extension of a temporary working space easement being approximately 0.016 of an acre (4,614 square feet) of land situated in the Isaac Decker League Survey No. 20, being out of Lot 10, Block 2, Fredericksburg Road Acres subdivision recorded in Volume 3, Page 168, of the Plat Records of Travis County, generally located at 2211 Kinney Road, Austin, Texas 78704, from Carol Sylvia Smith in an amount not to exceed \$29,352.

District(s): District 5

## **Fire**

38. Authorize negotiation and execution of an interlocal agreement with Austin Community College District to provide a program of instruction for Austin Fire Department cadets consistent with educational requirements of the Texas Commission on Fire Protection's basic fire suppression curriculum and to reimburse the City for costs.

## **Homeland Security & Emergency Management**

39. Approve an ordinance accepting Federal Emergency Management Agency Public Assistance grant funds from the Texas Department of Emergency Management and amending the Fiscal Year 2023-2024 Operating Budget Special Revenue Fund (Ordinance No. 20230816-008) to appropriate funding in the amount of \$12,478,487 for COVID-19 expenses.

## **Housing**

40. Authorize negotiation and execution of a contract with Texas RioGrande Legal Aid to administer the Tenants' Rights Assistance Program, for up to three years for a total contract amount not to exceed \$900,000.

## **Law**

41. Authorize negotiation and execution of a legal services agreement with Denton Navarro Rocha Bernal & Zech, P.C. for 2024 labor contract negotiations with the Austin EMS Association in an amount not to exceed \$150,000.
42. Authorize negotiation and execution of an amendment to a legal services agreement with Steptoe & Johnson PLLC for legal services related to negotiation and execution of a master development agreement, closing documents, and associated documents for the property located at 800 E. St. Johns Avenue (formerly 7309 and 7211 N. IH-35), Austin, Texas, and known locally as the St. Johns property, in the amount of \$148,000 for a total contract amount not to exceed \$447,000.
43. Authorize negotiation and execution of an amendment to the legal services agreement with Jackson Walker, LLC for representation in multi-district litigation regarding Winter Storm Uri, Cause No. 2021-41903, in the 281st Judicial District, Harris County, Texas, in the amount of \$720,000 for a total contract amount not to exceed \$1,975,000.
44. Authorize negotiation and execution of a legal services agreement with Norton Rose Fulbright for representation in Dirty Martin's et al. v. Kirk Watson et al., Cause No. D-1-GN-23-008105, in the

466th Judicial District, Travis County, Texas, in an amount not to exceed \$350,000.

### **Parks and Recreation**

- 45. Approve an ordinance amending City Code Title 8 (Parks and Recreation) related to activities that occur on parkland; correcting the name of certain parkland; and creating offenses and penalties.
- 46. Approve an ordinance amending City Code Chapter 14-1 relating to the naming or renaming facilities, features, and properties that are part of the City's park system.
- 47. Approve an ordinance amending Exhibit A to the Fiscal Year 2023-2024 City Fee and Fine Ordinance (Ordinance No. 20230816-007) to amend parkland dedication fees to comply with House Bill 1526 (88th Regular Session).
- 48. Authorize negotiation and execution of an agreement with Huston-Tillotson University for the use of Downs Field, located at 2816 East 12th Street.

District(s): District 1

- 49. Approve an ordinance amending the Fiscal Year 2023-2024 Parks and Recreation Department Special Revenue Fund (Ordinance No. 20230816-008) to accept and appropriate \$3,125,000 in grant funds from the National Park Service and Texas Parks and Wildlife Department's Outdoor Recreation Legacy Partnership program for the Montopolis Pool replacement project and amending the Fiscal Year 2023-2024 Parks and Recreation Department Capital Budget (Ordinance No. 20230816-008) to transfer in and appropriate \$3,125,000.

### **Planning**

- 50. Approve a resolution appointing a member to the Pilot Knob Municipal Utility District No. 1 board of directors as provided for in the consent agreement with Pilot Knob Municipal Utility District No. 1.

### **Police**

- 51. Approve an ordinance amending the Fiscal Year 2023-2024 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20230816-008) to accept and appropriate \$175,000 in grant funds from the U.S. Department of Justice, Office of Community Oriented Policing Services for the City of Austin Officer Recruitment, Retention and Workforce Diversification Project.

### **Public Health**

- 52. Ratify an interlocal agreement with Travis County for the City's provision of food shopping and delivery services to Women, Infants, and Children families in Travis County for an initial 15-month term ending on September 30, 2023, with one 12-month renewal option ending on September 30, 2024, each in an estimated total amount of \$180,755 to be paid to the City.
- 53. Authorize negotiation and execution of Amendment No. 3 to the interlocal agreement with Travis

County for job readiness training and summer employment for youth ages 14 to 21, to add one-time funding in an estimated amount of \$435,108 to be paid to the City, for a revised total agreement amount not to exceed \$2,933,318.

54. Authorize negotiation and execution of Amendment No. 2 to the interlocal agreement with Austin Independent School District to provide service coordination, support, and training to parents, to add funding in an amount not to exceed \$613,942, for a revised total agreement amount not to exceed \$7,386,442.
55. Authorize negotiation and execution of an agreement with Urban Alchemy to operate the Austin Resource Center for the Homeless shelter facility for a nine-month term beginning January 1, 2024, in an amount not to exceed \$2,648,958, with up to four 12-month extension options each in an amount not to exceed \$3,531,944, for a total agreement amount not to exceed \$16,776,734.
56. Authorize negotiation and execution of an interlocal agreement with the University of Texas at Austin for health communication strategy and media placement services to prevent opioid overdose deaths for the term of December 15, 2023, through September 29, 2024, in the amount of \$300,000, with one 12-month renewal option in the amount of \$300,000, for a total agreement amount not to exceed \$600,000.
57. Approve an ordinance amending City Code Chapter 10-3 (Food and Food Handlers) relating to food managers to ensure consistency with Senate Bill 577, adopted during the 88th Regular Session of the Texas Legislature.
58. Authorize the negotiation and execution of an agreement with Foundation Communities Inc. to provide funding for a community tax center, for a 12-month term beginning January 1, 2024, in an amount not to exceed \$137,547.
59. Authorize negotiation and execution of Amendment No. 3 to the agreement with Austin Area Urban League to operate the Southbridge Bridge Shelter program, to add three months to the term ending on January 1, 2024, in an amount not to exceed \$1,334,967, for a total agreement amount not to exceed \$5,432,310.

#### **Transportation and Public Works**

60. Approve a resolution authorizing negotiation and execution of an advance funding agreement with the Texas Department of Transportation for engineering and design study for cap and stitch improvements on the IH-35 Capital Express project for a total estimated cost of \$1,818,334 with the City's share of the costs estimated to be \$166,667 plus any cost overruns.
61. Approve a resolution authorizing negotiation and execution of an advance funding agreement with the Texas Department of Transportation for the City to contribute \$15,445,000, for 30% of the design and other associated costs of cap and stitch structures to be integrated into the IH-35 Capital Express Central Project. Related to Item #62.
62. Approve an ordinance amending the Fiscal Year 2023-2024 Transportation and Public Works Capital Budget (Ordinance No. 20230816-008) to increase appropriations by \$15,445,000 for the

integration of cap and stitch structures into the design of IH-35 Capital Express Central Project. Related to Item #61.

63. Approve a resolution authorizing the amendment of an advance funding agreement with the Texas Department of Transportation for the Highway Safety Improvement Program lighting projects on Bluff Springs Road from William Cannon Drive to Slaughter Lane and McNeil Drive from US 183 to Parmer Lane for a total estimated revised cost of \$1,244,794 with the City's share of the revised costs estimated to be \$357,992 plus any cost overruns.

District(s): District 2; District 6

64. Approve an ordinance amending the Fiscal Year 2023-2024 Seaholm Tax Increment Financing Fund (Ordinance No. 20230816-008) to increase transfers out by \$4,411,173 to transfer to the Transportation and Public Works Capital Budget; amending the Fiscal Year 2023-2024 Economic Development Department Capital Budget (Ordinance No. 20230816-008) to decrease appropriations by \$8,177,293; and amending the Fiscal Year 2023-24 Transportation and Public Works Capital Budget (Ordinance No. 20230816-008) to increase appropriations by \$12,588,466 for Seaholm area mobility and other improvements. Related to Item #11.

#### **Watershed Protection Department**

65. Approve amendments to the Waller Creek Local Government Corporation's bylaws.
66. Approve a resolution authorizing the City Manager to apply for low-interest loans in a total amount not to exceed \$22,160,000 from the Texas Water Development Board's Clean Water State Revolving Fund for the Buttermilk Creek Water Quality Improvements Project.

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

67. 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.
68. Approve a resolution directing the City Manager to bring an ordinance to Council to amend the fee and fine ordinance (Ordinance No. 20230816-007) to remove the non-resident library card fee for residents of the City's limited purpose and extraterritorial jurisdictions from the fee schedule.

Sponsors: Council Member Vanessa Fuentes, Council Member Natasha Harper-Madison, Council Member José Velásquez, Council Member Ryan Alter, and Mayor Pro Tem Paige Ellis

69. Approve a resolution authorizing the City Manager to terminate a restrictive (protective) covenant that applies to the City-owned property located on Wagon Bend in Austin, Texas.

Sponsors: Council Member Vanessa Fuentes, Mayor Pro Tem Paige Ellis, Council Member Zohaib "Zo" Qadri, Council Member José Velásquez, and Council Member José "Chito" Vela

70. Approve a resolution directing the City Manager to include in the City's State and Federal Legislative Agenda support for legislation related to drone use that enhances public safety, security, and quality of life.

**Sponsors:** Council Member Mackenzie Kelly, Mayor Pro Tem Paige Ellis, Council Member Ryan Alter, and Council Member José Velásquez

71. Approve a resolution relating to financial assistance for residential property owners who want to add an additional housing unit on their homesteaded property, to include an outreach and education campaign and assistance with infrastructure fees.

**Sponsors:** Council Member José Velásquez, Council Member Natasha Harper-Madison, Council Member Vanessa Fuentes, and Council Member José "Chito" Vela

72. Approve a resolution initiating site-specific variances and amendments to City Code Title 25 (Land Development), including Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as minimally required to allow for the completion of a proposed affordable housing development at 7610 Old Bee Caves Road, located within the Barton Springs Zone.

**Sponsors:** Mayor Pro Tem Paige Ellis, Council Member Ryan Alter, Council Member Leslie Pool, Council Member Vanessa Fuentes, and Council Member Alison Alter

73. Approve an ordinance waiving or reimbursing certain fees for Forklift Danceworks' Way of Water Performance held on September 21, 2023.

**Sponsors:** Council Member Vanessa Fuentes, Council Member Ryan Alter, Council Member José "Chito" Vela, Council Member Natasha Harper-Madison, and Council Member Zohaib "Zo" Qadri

74. Approve a resolution casting the City's votes in the Williamson Central Appraisal District Board of Directors election.

**Sponsors:** Council Member Mackenzie Kelly, Council Member José "Chito" Vela, Council Member Natasha Harper-Madison, and Council Member Leslie Pool

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

75. Set a public hearing to consider an ordinance regarding floodplain variances for the construction of a single-family dwelling with a detached garage at 1121 Ebert Avenue that is within the 100-year floodplain of Tannehill Branch Creek. (Suggested date: January 18, 2024, at Austin City Hall, 301 W. 2nd Street, Austin, Texas 78701).
76. Set a public hearing to consider an ordinance granting additional floor-to-area ratio entitlements to the project at 301 and 303 West 14th Street and 1304 and 1308 Lavaca Street in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6). (Suggested date: January 18, 2024, at Austin City Hall, 301 W. 2nd Street, Austin, Texas, 78701).

#### **Non-Consent**

#### **Austin Housing and Finance Corporation Meeting**

77. 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.

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

78. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow applicants to apply for amendments to Station Area Plans at any time.
79. Conduct a public hearing and approve the recommended alternative in the Preliminary Engineering Report to replace the Barton Springs Road Bridge over Barton Creek.

#### **Executive Session**

80. Discuss legal issues related to Dirty Martin's et al. v. Mayor Kirk Watson et al., Cause No. D-1-GN-23-008105 in the 455th Judicial District of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).

#### **Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

81. C14-2023-0026 - Life Storage #231 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 8227 North Lamar Boulevard (Little Walnut Creek Watershed). Applicant Request: To rezone from limited industrial service-neighborhood plan (LI-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To deny general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Applicant: Life Storage, LP (Robert McGregor). Agent: Bleyl Engineering (Jason Rodgers, P.E.). City Staff: Sherri Sirwaitis, 512-974-3057.
82. NPA-2023-0030.01.SH - Mission South - Conduct a public hearing and approve an ordinance amending Ordinance No. 20141106-085 the South Austin Combined Neighborhood Plan (Garrison Park), 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 711 Eberhart Lane (Williamson Creek Watershed) from Neighborhood Node to Mixed Use Activity/Hub Corridor land use. Staff and Planning Commission recommendation: To grant Mixed Use Activity Hub/Corridor land use. Owner/Applicant: SVAG Amazon, LLC. Agent: Drenner Group, PC (Leah Bojo). City Staff: Maureen Meredith, Planning Dept. (512) 974-2695.  
  
District(s): District 2
83. C14-2023-0007.SH - Mission South - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 711 Eberhart Lane (Williamson Creek Watershed). Applicant Request: To rezone from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning. Staff and Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. Owner/Applicant: SVAG Amazon, LLC (Pavan Narra). Agent: Drenner Group, PC (Leah Bojo). City Staff: Nancy Estrada, Planning Department, 512-974-7617.  
  
District(s): District 2

84. NPA-2022-0017.01 - Crestview Village - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-086 the Lamar/Justin TOD Station Area Plan and Ordinance No. 040401-Z-2 the Crestview/Wooten Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to allow a maximum building height of 160 feet on property locally known as 6916, 6926, 6928 North Lamar Boulevard and 808, 810, 812, and 906 Justin Lane (Waller Creek Watershed). Applicant Request: To grant a maximum building height of 160 feet. Staff Recommendation and Planning Commission Recommendation: To grant a maximum building height of 160 feet with the density bonus. Owner/Applicant: 3423 Holdings, LLC (Manager: Peter Barlin). Agent: Armbrust and Brown, PLLC (Michael J. Whellan). City Staff: Maureen Meredith, Planning Department (512) 974-2695.

District(s): District 7

85. C14-2022-0035 - Crestview Village - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6916, 6926 and 6928 North Lamar Boulevard. and 808, 810, 812 and 906 Justin Lane (Waller Creek Watershed). Applicant Request: To rezone from transit-oriented development-neighborhood plan (TOD-NP) combining district zoning to transit-oriented development-neighborhood plan (TOD-NP), 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: 3423 Holdings LLC (Peter Barlin). Agent: Armbrust & Brown PLLC (Michael Whellan). City Staff: Jonathan Tomko, 512-974-1057.

District(s): District 7

86. C14H-2023-0115 - 1193 San Bernard Street, Mitchell House - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1193 San Bernard Street (Boggy Creek Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff, Historic Landmark, and Planning Commission Recommendations: To grant family residence- historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Owner/Applicant: Trace Tankersley. City Staff: Kalan Contreras, 512-974-2727.

District(s): District 1

87. C814-00-2063.10 - Wildhorse Ranch Planned Unit Development Amendment #10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9936 1/2 Lindell Lane including approximately 132 acres of the Wildhorse Planned Unit Development in the vicinity of Lindell Lane and Spanish Mustang Boulevard (Decker Creek and Gilleland Watershed). Applicant Request: To rezone from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Owner/Applicant: Forestar USA Real Estate Group Inc. Agent: McLean and Howard LLP (Jeffrey Howard). City Staff: Jonathan Tomko, 512-974-1057.

District(s): District 1

88. C814-2018-0122.01 - Circuit of the Americas planned unit development Amendment #1 -Conduct

a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9201 Circuit of the Americas Boulevard and McAngus Road (Dry Creek and Maha Watersheds). Applicant Request: To rezone from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Owner/ Applicant: Circuit of the Americas, Inc. (Alyssa Epstein, Secretary). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 2

89. C14-2023-0097 - Protech 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 12225 Roxie Drive (Lake Creek Watershed). Applicant Request: To zone from interim-single family residence standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant general commercial services (CS) district zoning. Owner/Applicant: Alameddine, LLC (Marwan Alameddine). Agent: RYO, LLC (Hue Nquyen). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 6

90. C14-2023-0075 - Circle K NTI -Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 2475 East State Highway 71 Service Road West Bound (Colorado River Watershed). Applicant's Request: To zone from interim-single-family residence standard lot (I-SF-2) combining district zoning to general commercial services (CS) district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Ford Smith Jr. Agent: Morris & Associates (Michael Abele). City Staff: Cynthia Hadri, Planning Department, 512-974-7620.

District(s): District 2

91. C14-2023-0086 - Bluff Springs Multifamily - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 7614 Bluff Springs Road (South Boggy Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to multifamily residence moderate-high density (MF-4) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant multifamily residence moderate-high density (MF-4) district zoning. Owner/Applicant: Michael and Elena Woolstrum. Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Cynthia Hadri, Planning Department, 512-974-7620.

District(s): District 2

92. C14-2023-0104 - North Burnet/Gateway CMU-M Rezoning -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property bounded by Loop 1/Mopac Expressway.; US Highway 183; Capital of Texas Highway; Stonelake Boulevard; York Boulevard; and Tudor Boulevard. (Shoal Creek Watershed). Request: To rezone from North Burnet/Gateway-neighborhood plan (NBG-NP) combining district zoning (commercial mixed use-gateway zone subdistrict) to North Burnet/Gateway-neighborhood plan (NBG-NP) combining district zoning (commercial mixed use-midway zone subdistrict). Applicant: City of Austin. City

Staff: Jorge E. Rousselin, Planning Department, 512-974-2975.

District(s): District 7

93. C14-2023-0058 - 11540, 11600, and 11602 Menchaca Road - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 11540, 11600, and 11602 Menchaca Road (Slaughter Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to multifamily residence high density (MF-5) district zoning. First Reading approved multifamily residence moderate-high density (MF-4) district zoning on November 9, 2023 on a vote of 10-0. Council Member Harper-Madison absent. Owner/Applicant: DTTW Investments, LP (Matt Sitra), Agent: Drenner Group PC, (David Anderson). City Staff: Cynthia Hadri, Planning Department, 512-974-7620.

District(s): District 5

94. NPA-2023-0020.02 - 106 and 118 Red Bird Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050818-Z001 the South Congress 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 106 and 118 Red Bird Lane (Williamson Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation: To grant the applicant's request for Mixed Use land use. Planning Commission Recommendation: To be reviewed on December 12, 2023. Owner/Applicant: RPC 106 Red Bird Ln, LLC. Agent: Drenner Group, PC (Amanda Swor). City Staff: Maureen Meredith, Planning Department, (512) 974-2695.

District(s): District 3

95. C14-2023-0034 - 5402 S. Congress Avenue - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 106, 116, and 118 Red Bird Lane, 5402, 5408, and 5412 South Congress Avenue, and 111 West Mockingbird Lane (Williamson Creek Watershed). Applicant Request: To rezone from single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning, and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed December 12, 2023. Owner/Applicant: RPC 106 Red Bird Ln LLC; RPC 5402 South Congress LLC; 5412 South Congress LLC (Rastegar). Agent: Drenner Group, PC (Amanda Swor). City Staff: Nancy Estrada, Planning Department, 512-974-7617.

District(s): District 3

96. NPA-2023-0029.01 - 6121 N. Interstate Highway 35 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20120426-100 the St. John/Coronado Hills Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6121 and 6121 1/2 North Interstate Highway 35 Service Road Northbound (Tannehill Branch Watershed) from Mixed Use to High Density Mixed Use land use. Staff Recommendation and Planning Commission

Recommendation: To grant High Density Mixed Use land use. Owner/Applicant: ASAP Austin, LLC. Agent: Drenner Group, PC (David J. Anderson). City Staff: Maureen Meredith, Planning Department, (512) 974-2695.

District(s): District 4

97. C14-2023-0063 - 6121 N. IH-35 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6121 and 6121 1/2 North Interstate Highway 35 Service Road Northbound (Tannehill Branch Watershed). Applicant Request: To rezone from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning to commercial highway services-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant commercial highway services-planned development area-neighborhood plan (CH-PDA-NP) combining district zoning. Owner/Applicant: ASAP Austin, LLC. Agent: Drenner Group, PC (David Anderson). City Staff: Jonathan Tomko, Planning Department, (512) 974-1057.

District(s): District 4

98. C14-77-138(RCT) - 10601 N Lamar Blvd. RCT - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 10601 and 10601 1/2 North Lamar Boulevard (Little Walnut Watershed). Applicant Request: To terminate the public restrictive covenant associated with zoning case C14-77-138. Staff Recommendation and Planning Commission Recommendation: To grant the public restrictive covenant termination. Owner/Applicant: CSW 10601 N Lamar, LP. Agent: Drenner Group, PC, Amanda Swor. City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 4

## Consent Agenda

### Law

99. Authorize negotiation and execution of an amendment to a contract with Burgess Law PC for legal services related to Cause No. 23-F-0279, City of San Antonio acting by and through the City Public Service Board of San Antonio, a Texas municipally-owned utility, et al. v. NRG South Texas, LP, et al., in the 130th Judicial District Court of Matagorda County, Texas, in an amount not to exceed \$50,000, for a total contract amount not to exceed \$185,000.

### Item(s) from Council

100. Approve a resolution relating to retention and support of City employees experiencing immigration issues that may affect their employment.

Sponsors: Council Member José "Chito" Vela, Council Member Vanessa Fuentes, Council Member José Velásquez, and Council Member Zohaib "Zo" Qadri

101. Approve an ordinance waiving or reimbursing certain fees for the Housing Authority of the City of Austin for an affordable housing project at Chalmers Courts.

Sponsors: Council Member José Velásquez, Council Member José "Chito" Vela, Council Member Vanessa Fuentes, Council Member Natasha Harper-Madison, and Council Member Ryan Alter

## Non-Consent

### Item(s) Referred from Council Committee(s)

102. Approve a resolution appointing Susana Carbajal to the Austin Convention Enterprises Board.

Sponsors: Audit and Finance Committee

### Executive Session

103. Discuss legal issues related to Equity Action v. Jesús Garza et al., Cause No. D-1-GN-23-008687 in the 201st Judicial District of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Texas Government Code).

### Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

104. C814-00-2063.10 - Wildhorse Ranch Planned Unit Development Amendment #10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9936 1/2 Lindell Lane including approximately 132 acres of the Wildhorse Planned Unit Development in the vicinity of Lindell Lane and Spanish Mustang Boulevard (Decker Creek and Gilleland Watershed). Applicant Request: To rezone from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Owner/Applicant: Forestar USA Real Estate Group Inc. Agent: McLean and

Howard LLP (Jeffrey Howard). City Staff: Jonathan Tomko, 512-974-1057.

**District(s):** District 1

- 105.** C814-2018-0122.01 - Circuit of the Americas PUD Amendment #1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 9201 Circuit of the Americas Boulevard and McAngus Road (Dry Creek and Maha Watersheds). Applicant Request: To rezone from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Owner/ Applicant: Circuit of the Americas, Inc. (Alyssa Epstein, Secretary). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Sherri Sirwaitis, 512-974-3057.

**District(s):** District 2

- 106.** C14-00-2195(RCA) (Formerly known as C14-00-2195 (RCT) - Waterline - Conduct a public hearing and approve an amendment to a public restrictive covenant on a property locally known as 92 Red River Street (Waller Creek Watershed). Applicant Request: To amend the public restrictive covenant associated with zoning case C14-00-2195. Staff Recommendation and Planning Commission Recommendation: To amend the public restrictive covenant associated with zoning case C14-00-2195. Owner/Applicant: Waller Creek Owner, LLC. Agent: Armbrust & Brown PLLC, Richard Suttle, Jr. City Staff: Jonathan Tomko, 512-974-1057.

**District(s):** District 9