

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, DECEMBER 1, 2022**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 1, 2022 at Austin City Hall, 301 W. Second Street, Austin, TX and via videoconference.

Mayor Adler called the Council Meeting to order at 10:14 a.m.

**AUSTIN HOUSING AND FINANCE CORPORATION MEETING**

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 11:43 a.m. See separate minutes.

52. 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.

Mayor Adler reconvened the Council Meeting at 11:47 a.m.

**CONSENT AGENDA**

1. Approve the minutes of the Austin City Council work session of November 1, 2022, regular meeting of November 3, 2022, and special called of November 9, 2022.  
**The motion to approve the minutes of the Austin City Council work session of November 1, 2022, regular meeting of November 3, 2022, and special called meeting of November 9, 2022 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
2. Authorize reimbursement of costs to Waller Creek Owner, LLC, for the purchase and installation of the service pipe connection required to interconnect the Waller building to the Austin Energy downtown district cooling system in an amount not to exceed \$2,424,138. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.  
**The motion to authorize reimbursement of costs to Waller Creek Owner, LLC, was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

3. Approve an ordinance amending Exhibit A to Ordinance No 20220817-005 (City of Austin Fee and Fine Ordinance for Fiscal Year 2022-23) to increase certain fees for the Convention Center garages near the Convention Center. Strategic Outcome(s): Economic Opportunity and Affordability.  
**Ordinance No. 20221201-003 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
4. Approve an ordinance vacating an alley right-of-way of approximately 865 square feet to Ascension Seton, being the remaining portion of a 16-foot-wide alley right-of-way traversing north from West 34th Street, adjoining the parcel located at 1301 West 38th Street, Austin, Texas. District(s) Affected: District 10. Strategic Outcome(s): Government that Works for All.  
**Ordinance No. 20221201-004 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
5. Approve an ordinance vacating a right-of-way of approximately 3,442 square feet to Ascension Seton, being the remainder of a sixty-foot -wide right-of-way commonly known as Bailey Lane; formerly known as Pratt Avenue traversing north from West 34th Street. District(s) Affected: District 10. Strategic Outcome(s): Government that Works for All  
**Ordinance No. 20221201-005 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
6. Approve an ordinance authorizing the issuance of City of Austin, Texas Special Assessment Revenue Bonds, Series 2022 (Whisper Valley Public Improvement District Improvement Area #2) and authorizing all related documents and fees. Related to Item #32. Strategic Outcome(s): Government that Works for All.  
**Ordinance No. 20221201-006 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
7. Approve a resolution authorizing the issuance by Pilot Knob Municipal Utility District No. 2 of Unlimited Tax Bonds, Series 2022A, in a principal amount not to exceed \$5,900,000. Strategic Outcome(s): Government that Works for all.  
**Resolution No. 20221201-007 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
8. Approve a resolution authorizing the issuance by Pilot Knob Municipal Utility District No. 3 of Unlimited Tax Bonds, Series 2022A, in the amount of \$13,000,000. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20221201-008 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
9. Approve a resolution authorizing the defeasance of certain outstanding Water and Wastewater System Revenue Bonds, including authorizing the execution of an escrow agreement and related documents. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20221201-009 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

**Item 10 was pulled for discussion.**

11. Authorize award of a contract with PWR Storage Solutions, LLC d/b/a Power Storage Solutions to provide and install an uninterruptible power supply, stand-alone battery charger, and power conditioning transformer, in an amount not to exceed \$120,000. [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 the award of a contract with PWR Storage Solutions, LLC doing business as Power Storage Solutions was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
12. Authorize award of four contracts for marketing specialty promotional products with American Minority Business Forms, Inc. d/b/a American Diversity, Golf Connections, LLC d/b/a Darling Promo, World of Promotions, and PrintMailPro.com d/b/a PRINTMPRO LTD, each for a term of five years in an amount not to exceed \$6,215,000, divided among the contractors. [Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program.) For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established]. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the award of four contracts for marketing specialty promotional products with American Minority Business Forms, Inc. doing business as American Diversity, Golf Connections, LLC doing business as Darling Promo, World of Promotions, and PrintMailPro.com doing business as PRINTMPRO LTD was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
13. Authorize award and execution of a construction contract with Matous Construction, Ltd., for the Wild Horse Ranch Wastewater Treatment Plant Expansion project in the amount of \$69,530,500 plus a \$6,953,050 contingency, for a total contract amount not to exceed \$76,483,550. [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 9.15% MBE and 1.65% WBE participation.] Related to Item #14. District(s) Affected: District 1. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the award and execution of a construction contract with Matous Construction, Ltd., was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
14. Authorize negotiation and execution of an amendment to the professional services agreement with Carollo Engineers, Inc. for engineering services for the Northeast (Wild Horse Ranch) Wastewater Treatment Plant Expansion project in the amount of \$6,850,077 for a total contract amount not to exceed \$12,048,017. [Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 10.68% MBE and 23.06% WBE]. Related to Item #13. District(s) Affected: District 1. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Carollo Engineers, Inc. was approved on**

**consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

15. Authorize negotiation and execution of five contracts to provide public engagement consulting services with Adisa Public Relations d/b/a Adisa Communications, Austin Community Design And Development Center d/b/a Community Powered Workshop, Concept Development & Planning, LLC, Raftelis Financial Consultants, Inc. d/b/a Raftelis, and Sensis, Inc. d/b/a Sensis Agency, Quijote Corporation, each for a term of five years in an amount not to exceed \$11,820,000, 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) and subcontractor goals were applied to the solicitation. The subcontracting goals were met or exceeded, and the resulting contracts will include at least 4.31% MBE/WBE combined participation]. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of five contracts to provide public engagement consulting services with Adisa Public Relations doing business as Adisa Communications, Austin Community Design And Development Center doing business as Community Powered Workshop, Concept Development & Planning, LLC, Raftelis Financial Consultants, Inc. doing business as Raftelis, and Sensis, Inc. doing business as Sensis Agency, Quijote Corporation was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on a 10-0 vote. Council Member Kelly abstained.**
16. Authorize negotiation and execution of an amendment to the professional services agreement with CDM Smith, Inc., for additional construction phase engineering services for the North Austin Reservoir and Pump Station Improvements project in the amount of \$797,079, for a total contract amount not to exceed \$8,171,176. [Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program.) Current participation to date is 15.27% MBE and 26.60% WBE]. District(s) Affected: District 7. Strategic Outcome(s): Safety, Health and Environment.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with CDM Smith, Inc., was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
17. Authorize negotiation and execution of an amendment to the professional services agreement with K. Friese & Associates, Inc. for design and bid phase engineering services for the South Area and Northwest Area Lift Station Improvements project in the amount of \$550,395, for a total contract amount not to exceed \$4,197,395. [Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 16.72% MBE and 67.80% WBE]. District(s) Affected: District 10. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with K. Friese & Associates, Inc., was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**



18. Authorize negotiation and execution of all documents and instruments necessary or desirable for the acquisition in fee simple of approximately 8,462 square feet of land (0.194-acre), being all of Lot 1, Block A, Community of Fairview, Section Two, a subdivision of record in Volume 29, Page 6 of the Plat Records of Travis County, Texas, located at 0 Heartwood Drive, Austin, Texas, from Jose Salazar and Frances Ortiz-Salazar, for a total amount not to exceed \$209,150, including closing costs. District(s) Affected: District 3. Strategic Outcome(s): Government that Works for All.  
**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the acquisition in fee simple of approximately 8,462 square feet of land (0.194-acre), being all of Lot 1, Block A, Community of Fairview, Section Two, a subdivision of record in Volume 29, Page 6 of the Plat Records of Travis County, Texas, was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
19. Authorize award and execution of a construction contract with JKB Construction Company, LLC, for the Barton Hills Water & Wastewater Pipeline Renewal project in the amount of \$4,824,374 plus a \$482,438 contingency, for a total contract amount not to exceed \$5,306,812. [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 8.19% MBE and 1.24% WBE participation]. District(s) Affected: District 5. Strategic Outcome(s): Health and Environment.  
**The motion authorizing the award and execution of a construction contract with JKB Construction Company, LLC, was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
20. Authorize additional contingency for the construction contract with Pepper Lawson Waterworks, LLC for the Walnut Creek Wastewater Treatment Plant Tertiary Filter Rehabilitation project in the amount of \$252,180, for a total amount not to exceed \$28,049,980. [Note: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program). Current participation to date is 24.54% MBE and 1.82% WBE]. District(s) Affected: District 1. Strategic Outcome(s): Health and Environment.  
**The motion authorizing additional contingency for the construction contract with Pepper Lawson Waterworks, LLC, was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
21. Authorize negotiation and execution of all documents and instruments necessary or desirable for the acquisition in fee simple of a tract of land totaling approximately 7.62 acres of land, more or less, out of the John G. McGehee Survey No. 6, Abstract No. 17, Travis County, Texas, and being the same tract of land described in Deed dated October 4, 1984 from J. B. Roberts to L.R. Briggs, et ux, and recorded in Volume 8856, Page 887, of the Travis County Deed Records, together with an easement for ingress and egress to such property recorded in Volume 12059, Page 2572, Real Property Records of Travis County, Texas from Schoch-Worley Family Partnership, Ltd., a Texas limited partnership for a total amount not to exceed \$1,250,000, including closing costs. This project is located within the City's extra-territorial jurisdiction. Strategic Outcome(s): Health and Environment, Government that Works for All.  
**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the acquisition in fee simple of a tract of land totaling approximately 7.62 acres of land, more or less, out of the John G. McGehee Survey No. 6, Abstract No. 17, Travis County, Texas, and being the same tract of**

land described in Deed dated October 4, 1984 from J. B. Roberts to L.R. Briggs, et ux, and recorded in Volume 8856, Page 887, of the Travis County Deed Records, together with an easement for ingress and egress to such property recorded in Volume 12059, Page 2572, Real Property Records of Travis County, Texas from Schoch-Worley Family Partnership, Ltd., was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.

22. Authorize additional contingency funding for the construction contract with Cedar Hills Construction, LLC for the Southwest Allandale Neighborhood Water and Wastewater System Renewal in the amount of \$636,055 for a total contract amount not to exceed \$5,846,061. [Note: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program). Current participation to date is 3.38% MBE and 0.73% WBE.] District(s) Affected: District 7. Strategic Outcome(s): Health and Environment.

**The motion authorizing additional contingency funding for the construction contract with Cedar Hills Construction, LLC, was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

23. Authorize negotiation and execution of an interlocal agreement with Travis County to accept a grant from the County and establish responsibilities related to sharing the costs of responding to the COVID-19 pandemic. Strategic Outcome(s): Safety, Health and Environment, Government that Works for All.

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

24. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments, and payment of the related membership fee, in an amount not to exceed \$96,417.70. Strategic Outcome(s): Economic Opportunity and Affordability.

**Resolution No. 20221201-024 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

25. Approve an ordinance amending Exhibit "A" to the Fiscal Year 2022-2023 City of Austin Fee and Fine Ordinance (Ordinance No. 20220817-005) to add the zoning verification letter fee. Strategic Outcome(s): Economic Opportunity and Affordability.

**Ordinance No. 20221201-025 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

26. Authorize a fee in lieu of on-site affordable housing for a proposed commercial development subject to the Plaza Saltillo Transit Oriented Development Regulating Plan and located at or near 1400 E. 4th Street, Austin, Texas 78702. District(s) Affected: District 3. Strategic Outcome(s): Economic Opportunity and Affordability.

**The motion authorizing a fee in lieu of on-site affordable housing for a proposed commercial development subject to the Plaza Saltillo Transit Oriented Development Regulating Plan was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

**Item 27 was pulled for discussion.**

28. Authorize negotiation and execution of an amendment to the legal services agreement with Winstead PC for representation related to the City of Austin v. LoneStar Airport

Holdings, LLC and Texas Capital Bank in the condemnation proceeding in Probate Court No. 1 and the LoneStar Airport Holdings, LLC v. the City of Austin, Texas federal lawsuit in the Western District of Texas, Austin Division, in the amount of \$1,500,000, for a total contract amount not to exceed \$3,097,000. Strategic Outcome(s): Government that Works for All.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Winstead PC was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

29. Authorize negotiation and execution of an amendment to the legal services agreement with McCall Parkhurst & Horton LLP for outside counsel services for the negotiation and drafting of the master development agreement for the property located at 1215 Red River Street and 606 East 12th Street, known as the HealthSouth property, in the amount of \$29,000, for a total contract amount not to exceed \$95,000. Strategic Outcome(s): Government that Works for All.

**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with McCall Parkhurst & Horton LLP was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

30. Approve a settlement in Maria Anita Benitez de Ugarte and Roberto Ugarte Perez v. City of Austin, Cause No. D-1-GN-21-004247, in the 250th Judicial District of Travis County, Texas. Strategic Outcome(s): Government that Works for All.

**The motion approving a settlement in Maria Anita Benitez de Ugarte and Roberto Ugarte Perez v. City of Austin, Cause No. D-1-GN-21-004247, was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

**The settlement was for \$160,000.**

31. Approve an ordinance amending City Code Title 4 by establishing wage theft standards and authorizing the chief procurement officer to take action against contractors who violate the terms of city contracts. Strategic Outcome(s): Government that Works for All.  
**Ordinance No. 20221201-031 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

32. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute an amended and restated Whisper Valley Master Parkland Agreement. Related to item #6. District(s) Affected: District 1. Strategic Outcome(s): Health and Environment, Culture and Lifelong Learning.

**Resolution No. 20221201-032 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

33. Ratify execution of a Cost Recovery Agreement with Austin Community College District for a water quality control improvement located at 901 ½ Reinli Street associated with a Consolidated Administrative Site Plan SP-2016-0580D (Ridge Top Water Quality Pond) in the amount of \$1,920,228. District(s) Affected: District 4. Strategic Outcome(s): Health and Environment; Safety.

**The motion to ratify execution of a Cost Recovery Agreement with Austin Community College District was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

34. Ratify execution of a Cost Recovery Agreement with Austin StadCo LLC for a water quality control improvement located at 10414 McKalla Place associated with a Consolidated Administrative Site Plan SP-2019-0113C.F2 (Austin FC) in the amount of \$2,675,801. Strategic Outcome(s): Health and Environment, Safety.  
**The motion to ratify execution of a Cost Recovery Agreement with Austin StadCo LLC was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

### **ITEMS FROM COUNCIL**

35. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies, and to public facility corporations; removal and replacement of members; and amendments to board and commission bylaws.  
**The following appointments and certain related waivers were approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

#### **Nominations**

<b>Board/Nominee</b>	<b>Nominated by</b>
<b><u>Austin Travis County Food Policy Board</u></b> Sari Vatske	Mayor Adler
<b><u>Early Childhood Council</u></b> Corie Cormie	Travis County
<b><u>Joint Inclusion Committee (Alternate)</u></b> Serita Fontanesi	African American Resource Advisory Commission
<b><u>Joint Sustainability Committee</u></b> Christopher Campbell	Mayor Adler
<b><u>Tourism Commission</u></b> Aileen Bazan	Council Member Harper-Madison

#### **Waivers**

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Sam Angoori on the Resource Management Commission. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Kristen Hassan on the Animal Advisory Commission. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Richard Smith on the Board of Adjustment. The waiver includes absences through today's date.



Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Agustina Rodriguez on the Board of Adjustment. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Henry Van De Putte on the Commission on Aging. The waiver includes absences through today's date.

Approve a waiver under Section 2-1-27(E) of the City Code of the training deadline established by Section 2-1-23(B) of the City Code for the following persons appointed to a City board if the person completes the training required by Section 2-1-23 on or before January 3, 2023:

Isaiah Smith	Human Rights Commission
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**Item 36 was pulled for discussion.**

37. Approve a resolution relating to the need for interlocal collaboration to address potential impacts of Hays County's Transportation Plan on the City of Austin's Water Quality Protection Lands. Council Sponsors: Council Member Ann Kitchen, Mayor Pro Tem Alison Alter, Council Member Paige Ellis, Council Member Leslie Pool, Council Member Kathie Tovo.

**Resolution No. 20221201-037 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on a 10-0 vote. Council Member Kelly voted nay.**

38. Approve a resolution directing the City Manager to develop modifications to certain program requirements in economic development agreements for small businesses under Chapter 380 of the Local Government Code. Council Sponsors: Council Member Kathie Tovo, Council Member Leslie Pool, Mayor Pro Tem Alison Alter, Council Member Ann Kitchen, Mayor Steve Adler.

**Resolution No. 20221201-038 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

39. Approve a resolution approving the recommendations made by the Special Events Task Force and directing the City Manager to implement the recommendations and identify ways to discuss high-capacity venues. Council Sponsors: Council Member Kathie Tovo, Mayor Steve Adler, Council Member Ann Kitchen, Mayor Pro Tem Alison Alter.

**Resolution No. 20221201-039 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

40. Approve a resolution regarding updates to the 2030 Austin Energy Resource, Generation, and Climate Protection Plan. Council Sponsors: Mayor Pro Tem Alison Alter, Council Member Leslie Pool, Council Member José 'Chito' Vela, Mayor Steve Adler, Council Member Kathie Tovo, Council Member Ann Kitchen.

**Resolution No. 20221201-040 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on a 10-0 vote. Council Member Kelly abstained.**

**Items 41 through 44 were pulled for discussion.**

45. Approve a resolution directing the City Manager to explore programs relating to solar battery storage, microgrids, and load-shaping technology. Council Sponsors: Council Member Leslie Pool, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, Council Member Paige Ellis, Council Member Natasha Harper-Madison, Council Member Ann Kitchen, Mayor Steve Adler.  
**Resolution No. 20221201-045 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
46. Approve a resolution establishing targets for enrollment of eligible households in Austin Energy's Customer Assistance Program and directing the City Manager to facilitate program expansion. Council Sponsors: Mayor Steve Adler, Council Member Leslie Pool, Council Member Ann Kitchen, Council Member Vanessa Fuentes, Council Member José 'Chito' Vela, Mayor Pro Tem Alison Alter, Council Member Member Sabino 'Pio' Renteria.  
**Resolution No. 20221201-046 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**
47. Approve a resolution directing the City Manager to update the Public School Energy Assistance Fund to direct funds to public schools assisting with students experiencing homelessness. Council Sponsors: Mayor Steve Adler, Council Member Vanessa Fuentes, Council Member Natasha Harper-Madison, Council Member José 'Chito' Vela, Council Member Ann Kitchen, Council Member Sabino 'Pio' Renteria.  
**Resolution No. 20221201-047 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on a 10-0 vote. Council Member Kelly voted nay.**
48. Approve a resolution relating to scaling site plan review requirements appropriately for missing middle housing developments of three to sixteen residential units; and initiating amendments to City Code Title 25. Council Sponsors: Council Member Paige Ellis, Mayor Steve Adler, Council Member Leslie Pool, Council Member Natasha Harper-Madison, Council Member José 'Chito' Vela, Council Member Vanessa Fuentes.  
**Resolution No. 20221201-048 was approved as amended below on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on a 10-0 vote. Mayor Pro Tem Alter abstained.**

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

**The amendment was to add an additional Be It Further Resolved clause to read:**

**“The City Council directs the City Manager to set a goal for average “Site-Plan Lite” review time as follows: In recommending what regulations should apply to missing middle projects, the Manager should ensure that applications can be reviewed within 90 business days. If the Manager determines that a 90-day target is not a feasible goal, the Manager will report back to council on why a 90-day goal is not feasible and develop a goal that is:**

**1) In line with development review times for 5-16 unit projects in nearby and peer Texas cities; and**

**2) Closer to the City's average time for residential review than average time for full site plan review."**

49. Approve a resolution directing the City Manager to participate in efforts to support and adopt a technical solution that will improve data sharing and care coordination for individuals experiencing homelessness in Austin. Council Sponsors: Council Member Ann Kitchen, Mayor Steve Adler, Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member José 'Chito' Vela.

**Resolution No. 20221201-049 was approved on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

#### **ITEMS TO SET PUBLIC HEARINGS**

50. Set a public hearing related to an application by FC Juniper Housing, LP, or an affiliated entity, for housing tax credits for a multi-family development to be financed through the private activity bond program and to be known as Juniper Creek, located at or near 11630 North Lamar Boulevard, Austin, Texas 78753, within the City. (Suggested date: Thursday, December 8, 2022, Austin City Hall, 301 West 2nd Street, Austin, Texas 78701). District(s) Affected: District 7. Strategic Outcome(s): Economic Opportunity and Affordability.

**The public hearing was set for Thursday, December 8, 2022, Austin City Hall, 301 W. 2nd Street, Austin, Texas on consent on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

#### **CONSENT ADDENDUM ITEMS**

#### **ITEMS FROM COUNCIL CONTINUED**

86. Approve a resolution recommending adoption of amendments to the articles of incorporation of the Austin Transit Partnership to add additional community-at-large members, and to make changes to increase nomination process transparency for board members; and recommending to the CapMetro Board that they also amend the Austin Transit Partnership documents as recommended by Council. Council Sponsors: Council Member Ann Kitchen, Mayor Steve Adler, Council Member Leslie Pool, Council Member Vanessa Fuentes.

**This item was postponed to December 8, 2022 on Council Member Harper-Madison's motion, Council Member Ellis' second on an 11-0 vote.**

#### **EMINENT DOMAIN**

51. Approve a resolution authorizing the filing of eminent domain proceedings and payment to acquire the property interest needed for the Slaughter Lane Corridor Project for the public use of reducing delay, improving the effectiveness of transit, and creating continuous American with Disabilities Act-compliant sidewalks, bicycle facilities, and either separate paths or a shared-use path which will enhance safety for pedestrians and cyclists along the entire length of the project, the acquisition of a Sidewalk, Trail and Recreational Easement comprising approximately 0.0173 of an acre of land (approximately 755 square feet), being out of and a portion of the Theodore Bissell League, Survey Number 18, Abstract Number 3 in the City of Austin, Travis County, Texas, being a portion of the remainder of Lot 1, The Lane at Riddle Road, a subdivision recorded on January 8, 1980 in Book 79, Page 61 of the Plat Records of Travis County,

Texas, currently appraised at \$39,077 and subject to an increase in value based on updated appraisals or a Special Commissioner's award. The owner of the needed property is Skipper Beverage Company, LLC. The property is located at 3419 W Slaughter Ln., Austin, Texas 78748. The general route of the project is along Slaughter Lane between RM-1826 and Vertex Blvd. District(s) Affected: District 5. Strategic Outcome(s): Mobility, Safety.

**Resolution No. 20221201-051 was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

#### **PUBLIC COMMUNICATION: GENERAL**

Charles Wimbrow - The statue of illegal car repair services at a residence has major loopholes to avoid receiving a violation. Regarding that the violator can say that the vehicle he's working on in the driveway is a relatives vehicle of a friends vehicle & that is the major loophole to avoid receiving a violation. Makes no sense to allow violators to not be ticketed & cost s the COA much time, effort & tax payers money. I want to submit a horror story of having to live next door to enormous noise pollution FOR EIGHT YEARS from a potential violator of the ordinance. § 25-2-900 - HOME OCCUPATIONS. – **Not present.**

Mary Aguilar - There is a Commercial building behind my home. The business (Slackers Brewery) recently was granted a SITE plan by the COA development center/group to expand behind the Building which is feet away from my backyard. This allows their customers to drink alcohol and hang around during their business hours (11am - 10pm weekdays and 11am -12am weekends) feet away from my backyard. This has created a Nuisance to my family. I live in fear every day, since they have put their tables in the area. Also, this affects the value of my home, I have called 311 and had City enforcement come out but they said that cannot do anything as the business is in compliance, as the city approved the site plan. I would like to visit with the City council to help me. – **Present.**

Paul Robbins - City and budget issues. – **Present.**

Ethan Smith - play guitar for council day – **Present.**

Krista Umscheid-Ramirez - Topic: Extensive Development Review Time for residential landowners who are not developers, but who, instead, are trying to subdivide their own land as a means to afford staying in their homes. The extensive time taken to review development applications causes a substantial strain on the financial resources of individuals who are not in the business of development, real estate or construction and don't have the financial resources to support waiting six-plus months on the review of small projects that involve only a couple of lots. There should be a way of expediting the process for homeowners/landowners whose development applications are submitted on behalf of themselves for small 2-4 housing developments. The process should not be prohibitive to homeowners who do not have the financial support of large companies, but who, instead are footing the bill for their own application process via personal loans/lines of credit. – **Present.**

John Coffman - Austin Energy Rate Review Joint Consumer Alternative. – **Present.**



**LIVE MUSIC**

Brand New Key

Mayor Adler recessed the meeting to go into Executive Session at 12:51 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.

57. Discuss legal issues related to City of Austin 2022 labor negotiations (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**Withdrawn.**
58. Discuss legal issues related to short-term rental regulations. (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**Withdrawn.**
59. Discuss the performance of, and consider compensation and benefits for, the City Manager (Personnel matters - Section 551.074 of the Government Code).  
**Conducted.**

Mayor Adler reconvened the Council Meeting at 2:51 p.m.

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

61. C14H-2022-0073 - 1122 Colorado Street - Westgate Tower - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1122 Colorado Street (Lady Bird Lake Watershed). Applicant's request: To rezone from central business district (CBD) combining district zoning to central business district-historic landmark-neighborhood plan (CBD-H-NP) combining district zoning. Staff Recommendation and Historic Landmark Commission Recommendation: To grant central business district-historic landmark (CBD-H) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation due to lack of an affirmative vote. Owner: Westgate Condominium Association. Applicant: Brian Evans. City Staff: Kalan Contreras, Housing & Planning Department, 512-974-2727. District(s) Affected: District 9.  
**A motion to approve the ordinance on first reading only to grant central business district-historic landmark-neighborhood plan (CBD-H-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**
62. C14-2022-0070 - Springdale Commercial (Tract 2) Amended - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1005 Springdale Road (Boggy Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-conditional overlay-neighborhood plan

(GR-MU-CO-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-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To be reviewed December 20, 2022. Owner/Applicant: 809 Vargas LC. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

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

63. C14-2022-0015 - Springdale Commercial Tract 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1113 Airport Boulevard (Boggy Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and Rural Residence-Neighborhood Plan (RR-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-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To be reviewed December 20, 2022. Owner/Applicant: 809 Vargas LC. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

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

64. NPA-2022-0022.01- 406 and 428 East Alpine Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City 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 properties locally known as 406 and 428 East Alpine Road (Blunn Creek Watershed) from Office to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on January 10, 2023. Owner/Applicant: Austin Memorial Home of Austin, a Texas non-profit corporation. Agent: David Hartman, DeBois, Bryant & Campbell. City Staff: Jerry Rusthoven, Housing and Planning Department, 512-974-3207. District(s) Affected: District 3.

**This item was postponed to February 9, 2023 at the request of Staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

65. C14-2022-0101 - 406 and 428 East Alpine Road Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 406 and 428 East Alpine Road (Blunn Creek Watershed). Applicant's Request: To rezone from general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on January 10, 2023. Owner/Applicant: Austin Memorial Home of Austin, Texas (Donald P. Dorsey). Agent: DuBois, Bryant & Campbell, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 3.

**This item was postponed to February 9, 2023 at the request of Staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

66. NPA-2022-0029.02.SH - St. Johns Site - Conduct a public hearing and approve an ordinance amending Ordinance No. 20120426-100 the St. John/Coronado Hills (St. John) Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 7211, 7309, 7313 ½ North IH 35 Northbound Service Road, 819 ½ Blackson Avenue and 910 ½ East St. Johns Avenue (Buttermilk Branch Watershed) from Civic and Neighborhood Mixed Use to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To grant the applicant's request for Mixed Use land use. Owner: City of Austin (Michael Gates, Office of Real Estate). Applicant: City of Austin, Economic Development Office (Christine Freundl). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 4.  
**A motion to approve the ordinance on first reading only to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**
67. C14-2022-0118 - St. Johns Site - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7211, 7309, and 7313 ½ North IH 35 Northbound Service Road, 819 ½ Blackson Avenue and 910 ½ East St. Johns Avenue (Buttermilk Creek Watershed). Applicant's Request: To rezone from public-neighborhood plan (P-NP) combining district zoning, limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building- neighborhood plan (CS-MU-V -NP) combining district zoning. Owner/Applicant: City of Austin Finance Department Real Estate Services (Michael Gates). Agent: City of Austin Economic Development Office (Christine Freundl). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 4.  
**A motion to approve the ordinance on first reading only to grant general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**
68. NPA-2022-0010.03 - Holly Mixed Use - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-43 the Holly 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 2309 East 2nd Street; 2320 East Cesar Chavez Street; 2315 East 2nd Street; 2403 East 2nd Street; 2405 East 2nd Street; 2409 East 2nd Street; 2411 East 2nd Street (Lady Bird Lake Watershed) from Single Family and Civic to Mixed Use land use. Staff Recommendation: To support applicant's request for Mixed Use land use. Planning Commission Recommendation: To be reviewed on January 24, 2023. Owners/Applicants: 2309 2nd Street/2320 East Cesar Chavez Street: 2324 ECC-Arc LLC, a Delaware limited liability company; 2315 East 2nd Street.: 2400 ECC-Arc LLC, a Delaware limited liability company; 2403 East 2nd Street: Steven Yarak, Larry Yarak, Brenda Blair; 2405 East 2nd Street: Danielle Murray; 2409 East 2nd Street: Eleanore Bacon; 2411 East 2nd Street: Ricardo David Rojo. Agent: Armbrust and Brown, PLLC (Ferris Clements), (512) 435-2337. City Staff: Maureen

Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 3.

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

69. NPA-2019-0013.01 - Copeland South - Conduct a public hearing and approve an ordinance amending Ordinance No. 20020523-32 the Bouldin Creek 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 909, 911, 915, 1001, 1003 South 2nd Street and 604, 606 Copeland Street (East Bouldin Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation and Planning Commission Recommendation: To support applicant's request for Mixed Use land use. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City Staff: Maureen Meredith, Housing and Planning Department, (512) 974-2695. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-069 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Tovo recused.**

70. C14-2022-0082 - Copeland - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1002, 1004, and 1006 South First Street (East Bouldin Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-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 and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-070 for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning zoning was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Tovo recused.**

71. C14-2021-0185 - Copeland South - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 909, 911, 915, 1001 and 1003 South Second Street; 604 and 606 Copeland Street (East Bouldin Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-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 and Planning Commission recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City



Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-071 for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Tovo recused.**

72. C14-2022-0081 - Frank South - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1108 and 1110 South First Street (East Bouldin Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-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 and Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner/Applicant: SB-Frank South, LLC. Agent: StoryBuilt (Mike Melson). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 9.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-072 for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on a 10-0 vote. Council Member Tovo recused.**

73. C14-2022-0085 - 10600 Jonwood Way - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 10600 Jonwood Way (Walnut Creek Watershed). Applicant's Request: To rezone from single-family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation and Planning Commission Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Owner/Applicant: 33D Dessau Rd Austin, LLC. Agent: H. D. Brown Consulting, LLC (Amanda Brown). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 1.

**This item was postponed to December 8, 2022 at the request of Staff on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

74. C814-2021-0099 - Brodie Oaks Redevelopment PUD - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning and rezoning property locally known as 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound (Barton Creek Watershed-Barton Springs Zone). Applicant's Request: To zone from unzoned and to rezone from community commercial (GR) district zoning, general commercial services (CS) district zoning, and commercial-liquor sales (CS-1) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Planning Commission Recommendation: Grant planned unit development (PUD) district zoning,

with additional conditions. Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer). Agent: Lionheart Places (Rebecca Leonard). City Staff: Wendy Rhoades, 512-974-7719. This action concerns land located in the Barton Springs Zone. District(s) Affected: District 5.

**This item was postponed to December 8, 2022 at the request of Council Member Kitchen on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

75. C14R-81-033(RCA) - Brodie Oaks Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound (Barton Creek Watershed-Barton Springs Zone). Applicant's Request: To amend a public Restrictive Covenant. Staff Recommendation and Planning Commission Recommendation: To amend a public Restrictive Covenant. Owner/Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer). Agent: Armbrust & Brown, PLLC (Jewels Cain). City Staff: Wendy Rhoades, 512-974-7719. This action concerns land located in the Barton Springs Zone. District(s) Affected: District 5.

**This item was postponed to December 8, 2022 at the request of Council Member Kitchen on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

76. C14H-2022-0139 - Felts-Moss House - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2311 Woodlawn Boulevard (Shoal Creek Watershed). Applicant's request: To rezone from family residence (SF-3) base district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation, Historic Landmark Commission Recommendation, and Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Owner/Applicant: Ann M. Pieratt. Agent: J. Pieratt. City Staff: Kalan Contreras, 512-974-2727. District(s) Affected: District 10.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-076 for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

77. C14-2022-0077 - 220 Ralph Ablanado Rezoning - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 220 Ralph Ablanado Drive (South Boggy Creek Watershed; Onion Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, as amended, with conditions. First Reading approved on November 3, 2022. Vote: 9-0, Council Members Renteria and Tovo were off the dais. Owner/Applicant: KVG Investments, LLC (Kevin Goradia). Agent: H.D. Brown Consulting, LLC (Amanda Brown). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 2.

**Ordinance No. 20221201-077 for general commercial services-conditional overlay (CS-CO) combining district zoning, as amended below, with conditions was**

approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.

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

**"Add the following conditional overlay to Part 2 as follows and renumber the remaining:**

**D. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 1,000 trips per day"**

78. C14-2020-0143 - 12121 North IH 35 Rezoning- Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12121 North IH 35 Service Road Northbound (Walnut Creek Watershed). Applicant's Request: To rezone from community commercial-conditional overlay (GR-CO) combining district zoning to multifamily residence-moderate high density (MF-4) district zoning. Staff and Zoning and Platting Commission Recommendation: To grant multifamily residence-moderate high density (MF-4) district zoning. Owner/Applicant: Dupius Investments, Ltd. (Daniel McCormack) Agent: Coats Rose (Racy Haddad). City Staff: Heather Chaffin, 512-974-2122. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 1.

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

79. C14-2021-0161 - West William Cannon Housing - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3101 West William Cannon Drive (Williamson Creek Watershed-Barton Springs Zone). Applicant's Request: To rezone from limited office-conditional overlay (LO-CO) combining district zoning to multifamily residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multifamily residence-moderate-high density (MF-4) district zoning. Zoning and Platting Commission Recommendation: To forward to Council without a recommendation due to lack of an affirmative vote. Owner / Applicant: Jubilee Christian Center (Jimmy R. Seal). City Staff: Wendy Rhoades, 512-974-7719. This action concerns land located in the Barton Springs Zone. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 5.

**This item withdrawn on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

80. C14-2021-0189 - 4833 Spicewood Springs - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 4833 Spicewood Springs Road (Bull Creek Watershed). Applicant Request: To rezone from family residence (SF-3) district zoning to limited office (LO) district zoning, as amended. First Reading approved limited office-conditional overlay (LO-CO) combining district zoning, with additional conditions on November 3, 2022. Vote: 11-0. Owner/Applicant: Spicewood Canyon, LP (Juan Creixell). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.

**Ordinance No. 20221201-080 for limited office-conditional overlay (LO-CO) combining district zoning, with additional conditions was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

81. C14-2022-0049 - 500 VFW Road - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 500 VFW Road (Walnut Creek Watershed). Applicant's Request: To rezone from general office-conditional overlay (GO-CO) combining district zoning to general office-mixed use (GO-MU) combining district zoning. First Reading approved on October 27, 2022. Vote: 11-0. Owner/Applicant: Capital City VFW Post #8787. Agent: Drenner Group, PC (Amanda Swor). City Staff: Heather Chaffin, Housing and Planning Department, 512-974-2122. District(s) Affected: District 1.  
**This item was postponed to January 26, 2023 at the request of the Applicant on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

82. C14-2022-0044 - The Zimmerman - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 11400 Zimmerman Lane (Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to multifamily residence-medium density (MF-3) district zoning. First Reading approved multifamily residence-low density-conditional overlay (MF-2-CO) combining district zoning, with additional conditions on November 3, 2022. Vote: 11-0. Second Reading approved multifamily residence-low density-conditional overlay (MF-2-CO) combining district zoning on November 15, 2022. Vote: 7-0. Owner/Applicant: Udaya and Uma Kumar. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 512-974-3057. District(s) Affected: District 10.  
**Ordinance No. 20221201-082 for multifamily residence-low density-conditional overlay (MF-2-CO) combining district zoning, with additional conditions, was approved on Council Member Pool's motion, Council Member Renteria's second on an 11-0 vote.**

**Items 83 through 85 were pulled for discussion.**

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

60. Conduct a public hearing and consider an ordinance adopting the Palm District Plan as an element of the Imagine Austin Comprehensive Plan, Case # CPA-2022-001. Strategic Outcome(s): Government that Works for All.  
**This item was postponed to February 23, 2023 on Council Member Tovo's motion, Council Member Renteria's second on an 11-0 vote.**

#### **DISCUSSION ITEMS**

42. Approve a resolution directing the City Manager to develop and recommend a centralized parking management policy for City facilities and authorizing the use of an outside consultant. Council Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, Council Member Ann Kitchen.  
**A motion to approve the resolution was made by Council Member and seconded by Council Member Kitchen.**

**The following amendment to the Be It Resolved clause was made by Mayor Adler and included without objection:**



**“The City Manager is directed to draft and recommend a parking management strategy that deploys a centralized management system or strategy to support the overall financial health of our City departments and enterprises, to encourage easy, affordable access for residents using City amenities, and to align with parking-related goals in the City Council approved policies such as the Austin Climate Equity Plan and Austin Strategic Mobility Plan”**

**Resolution No. 20221201-042 was approved as amended above on Council Member Tovo’s motion, Council Member Kitchen’s second on an 11-0 vote.**

27. Approve a resolution adopting the City’s Federal Legislative Agenda for the 118th Congress. Strategic Outcome(s): Government that Works for All.  
**Resolution No. 20221201-027 was approved as amended below on Council Member Ellis’ motion, Council Member Pool’s second on an 11-0 vote.**

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

**“Amend the Exhibit A (the City’s Federal Legislative Agenda for the 118th Congress) as follows:**

- **Under Mobility and Infrastructure, add the following to the list of principles (on page 4):**
  - Add pedestrian safety metrics to federal vehicle safety ratings.
  - Create federal incentives for electric bike purchases.
  - Support expansion of passenger rail service on the Amtrak Texas Eagle corridor from San Antonio to Fort Worth.
- **Under Public Health, add the following (on page 11):**
  - The City supports legislation to codify an individual’s right to make their own reproductive health decisions, restoring the right to lawful abortion, and protecting access to contraception.”

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

**“Amend the following in Exhibit A, the City’s Federal Legislative Agenda for the 118<sup>th</sup> Congress:**

- **The City of Austin supports legislation that advances workplace equity for family building support, including paid parental leave and family caregiving leave, and increases the number of people with access to health insurance that covers infertility medical treatment, specifically In Vitro Fertilization (IVF) and fertility preservation.”**

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

**“Include the following federal legislative priorities:**

1. Provide additional resources to ATF to help facilitate efforts of local governments to establish programs that would make it more difficult for criminals to access weapons and ammunition.
2. Support enhanced programs to arrest gun traffickers and shut down the illegal sale and distribution of firearms.
3. Urge the federal government to continue to gather information on hate crimes, family status, education level, and income as well as race in its crime statistics on perpetrators and victims and give the reporting of those variables equal prominence.
4. Congressional action that will provide adequate funding for the Trafficking Victims Protection Reauthorization Act, which gives law enforcement additional tools and resources to prevent human trafficking, investigate human trafficking crimes, and promote increased cooperation among federal agencies, between the U.S. and other countries, and between federal, state and local law enforcement.
5. Urge Congress to improve legislative privacy protections for first responders seeking assistance from peer crisis lines and other peer-support programs.”

Item 43 was tabled.

Item 41 was tabled.

Mayor Adler recessed the meeting at 6:04 p.m. without objection.

### **PROCLAMATIONS**

Proclamation – Support of Iranian Protesters – To be presented by Council Member Fuentes

Distinguished Service Awards – Selected Artists – To be presented by Mayor Adler and to be accepted by selected artists of the Homeland Security and Emergency Management’s 2023 Community Preparedness Calendar

Proclamation – AISD Solar-Powered Facilities Day – To be presented by Mayor Adler and to be accepted by Austin ISD Representatives

Proclamation – “Rock the Ribbon” Day – To be presented by Mayor Adler and to be accepted by Christopher Hamilton, CEO of Texas Health Action will be accepting the proclamation as well as members of Texas Health Action's testing and outreach team

Proclamation – World AIDS Day – To be presented by Mayor Adler and Council Member Tovo and to be accepted by Austin Public Health staff

Proclamation – Austin Police Operation Blue Santa Day – To be presented by Mayor Adler and Council Member Tovo

Mayor Adler reconvened the Council Meeting at 7:44 p.m.

### **DISCUSSION ITEMS CONTINUED**

43. Approve a resolution concerning policies for leasing of City-controlled facilities. Council Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, Council Member Ann Kitchen.

**A motion to approve the resolution as amended below was made by Council Member Tovo and seconded by Council Member Vela.**

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

**“BE IT RESOVLED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**That the City Manager is directed to draft and recommend for City Council consideration and approval a fair, transparent, and open-competitive process for the leasing of City-controlled facilities. New leases at a discounted or subsidized rate should incorporate metrics to ensure that City objectives are being achieved. This policy does not apply to:**

- long-term leases already approved by the City Council, or**
- properties put under the management or control of the Austin Economic Development Corporation or the Austin Housing Finance Corporation**
- projects undertaken for critical public health infrastructure such as hotels used as non-congregate shelter**
- infrastructure projects and enterprise-specific facilities such as power plants, airport runways, and water treatment facilities (excluding administrative offices)**
- projects in process prior to the date of this Resolution, including the Colony Park, St. John’s Avenue, Ryan Drive, and Health South development and redevelopments”**

**Resolution No. 20221201-043 was approved as amended above on Council Member Tovo’s motion, Council Member Vela’s second on a 10-1 vote. Council Member Kelly voted nay.**

**Items 41 and 44 were tabled.**

**Items 54 and 10 were acted on with one combined motion.**

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

54. Conduct a public hearing and consider an ordinance amending Ordinance No 20211220-002 related to Tax Increment Reinvestment Zone No. 19 by amending the boundaries of the zone, amending the participation rate of the zone, and amending the preliminary financing plan and related matters. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning. **The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-054 was approved on Mayor Adler’s motion, Council Member Renteria’s second on a 7-3 vote. Those voting aye: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Members Kelly and Tovo. Council Member Kitchen abstained.**

**DISCUSSION ITEMS CONTINUED**

10. Approve an ordinance amending Ordinance No. 20211220-002 related to Tax Increment Reinvestment Zone No. 19 by amending the boundaries of the zone, amending the participation rate of the zone, and amending the preliminary financing plan and related matters. Strategic Outcome(s): Government that Works for All, Economic Opportunity and Affordability, Mobility, Culture and Lifelong Learning.

**Ordinance No. 20221201-010 was approved on Mayor Adler's motion, Council Member Renteria's second on a 7-3 vote. Those voting aye: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Members Kelly and Tovo. Council Member Kitchen abstained.**

44. Approve a resolution directing the City Manager to bring to Council for consideration and approval a consistent, transparent process that includes an early opportunity for Council to set priorities, determine partners, and receive community input for the proposed development and redevelopment of City-owned land. Council Sponsors: Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Ann Kitchen, Mayor Pro Tem Alison Alter.

**A motion to approve the resolution as amended below was made by Council Member Tovo.**

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

**"BE IT FURTHER RESOLVED:**

**The City Manager shall conduct a review of prior redevelopment, acquisition, sale, or lease of City-owned properties to identify opportunities for process improvements that would have maximized community benefits and efficient delivery. This review should be conducted in collaboration with the Austin Economic Development Corporation and other current or past development partners and other organizations specializing and providing research regarding public land use and development such as the Urban Land Institute. The City Manager shall present City Council with any recommendations for process improvements based on this review.**

**BE IT FURTHER RESOLVED:**

**This policy does not apply to:**

- long-term leases already approved by the City Council,
- properties put under the management or control of the Austin Economic Development Corporation or Austin Housing Finance Corporation
- projects undertaken for critical public health infrastructure such as hotels used as non-congregate shelter
- infrastructure projects and enterprise-specific facilities such as power plants, airport runways, and water treatment facilities
- projects in process prior to the date of this Resolution including the Colony Park, St. John's Avenue, Ryan Drive, and Health South.

**The City Manager shall engage with the City Council as concerns living wages and better builder or equivalent construction labor requirements as a part of the Convention Center re-development.”**

**The following amendment was made by Mayor Adler:**

**“Goal #5. Affordable housing. Public land presents an unmatched opportunity to create affordable housing in parts of town where land costs are high. The City seeks to maximize the amount of housing as well as the depth of their affordability of those units rather than using a percentage target and will pursue partnerships to generate a significant number of affordable units that could not otherwise be achieved without partnership.”**

**The above amendment was included on an 8-1 vote. Council Member Tovo voted nay. Mayor Pro Tem Alter and Council Member Kelly abstained.**

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

**“Insert at line 77:**

**The project should incorporate the City’s standard source of income and tenant protections, as well as a preference policy for current and former residents with generational ties to the City. To the extent possible, the City should also reserve or affirmatively market affordable units to City employees who qualify for those units.”**

**Resolution No. 20221201-044 was approved as amended above on Council Member Tovo’s motion on a 10-0 vote. Council Member Kelly was off the dais.**

41. Approve a resolution directing the City Manager to establish certain procedural policies to enhance the collaboration between the City and the Austin Economic Development Corporation (AEDC) and directing the City Manager to enter into negotiations with AEDC to amend the Interlocal Agreement between the City and the AEDC related to the potential redevelopment of the following City-owned properties: 505 Barton Springs Road (One Texas Center), 124 W. 8th Street, 3002 Guadalupe, and 411 Chicon. Council Sponsors: Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Ann Kitchen, Mayor Pro Tem Alison Alter.

**A motion to approve the resolution as amended below was made by Council Member Tovo:**

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

**“Add at line 57:**

**That the City Manager is directed to enter into negotiations with the AEDC to amend or modify the Interlocal Agreement to provide authority to the AEDC to provide authority to the AEDC to conduct preliminary evaluation of and partner with the City on the strategic reutilization and redevelopment of the following City-owned properties:**



**Add at line 65:**

**The Council may bring forward other properties to consider in future meetings.**

**Add:**

**Be it Further Resolved:**

**That the City Manager shall work with the AEDC in assessing the total costs of the scope of work contemplated by this Resolution and to prepare for Council action potential budget amendments as necessary.”**

**Resolution No. 20221201-041 was approved as amended above on Council Member Tovo’s motion on an 8-1 vote. Council Member Pool voted nay. Council Member Ellis abstained. Council Member Kelly was off the dais.**

#### **DISCUSSION ITEMS CONTINUED**

**Items 83 through 85 were tabled.**

**A motion to recess the meeting at 10:13 p.m. and reconvene the meeting at 10 a.m. on December 2, 2022 was made by Mayor Adler and accepted without objection.**

**Mayor Adler reconvened the Council Meeting at 10:33 a.m. on December 2, 2022.**

#### **DISCUSSION ITEMS CONTINUED**

**Items 84, 83, and 85 were acted on with one combined motion.**

84. C814-89-0003.02 - 305 S. Congress - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 305 South Congress Avenue (Lady Bird Lake Watershed). Applicant’s Request: To rezone from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved with additional conditions on April 7, 2022. Vote: 10-0, Council Member Harper-Madison was off the dais. Second Reading approved with additional conditions on November 3, 2022. Vote: 7-1, Council Member Alter voted nay. Council Members Kelly and Kitchen abstained. Council Member Tovo was off the dais. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207. District(s) Affected: District 9.  
**A motion to approve the ordinance as amended below was made by Mayor Adler.**

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

**“Remove the code modification to the reflectivity requirements, so that the project would be complying with current Code”**

**“The area of parkland dedication fee paid by the applicant for transit use on what would have otherwise been parkland is limited to no more than 25,000 square feet. Careful consideration will be given to the area used to balance the need for land for transit, and the city's desire for parkland. No more area shall be used than is absolutely necessary for transit.”**

**“The exception for tree light installation is allowed subject to City approval and after city consultation with Merland Tuttle’s Bat Conservation”**

**The following amendment was proposed by Staff and included without objection:**

**“The applicant will be allowed no more than three temporary COs for buildings until the road is constructed.”**

**The following amendments were made by Mayor Pro Tem Alter and included without objection:**

**“Add a new subsection (H) to Part 10 to read as follows:**

- (H) The Landowner shall pay a minimum amount of \$6.9 million dollars to satisfy any fee in-lieu of parkland dedication and parkland development fee that will be required for site plan approval. When the landowner submits a site plan that will require dedication of parkland for Phase 3 as outlined in Part 10, Section C, the City will determine the amount the Landowner has paid. If the landowner has not yet paid the minimum \$6.9 million dollars, then the Landowner must pay the remaining amount owed before any additional site plans can be approved. The Landowner will still be required to pay any additional amount above \$6.9 million of fee in-lieu of parkland dedication and parkland development fees necessary to satisfy any parkland dedication code requirements for site plan approval.”**

**“Amend Part 8 (Land Use) to add:**

- Type 1 and Type 2 Short-term rental (STR) use is prohibited on the Property.**
- Type 3 Short-term rental (STR) use may not exceed 10% of the of the total number of dwelling units within any building on the Property.”**

**The following amendment was made by Mayor Adler:**

**“Amend Part 12, Section C on page 15 to read as follows:**

- (C) The Landowner shall pay 23.2 million dollars upon the earlier of: (i) within 12 months of the Landowner executing an agreement with the City, in a form acceptable to the City Attorney, to construct the Barton Spring Road Extension, any related Barton Spring Road and Congress Road intersection improvements identified in the TIA memo dated December 13, 2021, or as amended, and associated utilities necessary for these road improvements; or (ii) the City dedicate funds to reimburse the construction costs for these improvements. These improvements may include any related road, utilities, or related infrastructure.”**

Mayor Adler's amendment was included on a 9-2 vote. Those voting aye: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Kelly, Kitchen, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Member Tovo.

The following amendment was made by Council Member Kitchen:

"The 23 million floor would be allocated offsite within the parameters in the Mayor's motions. Anything above that amount, the staff would work to include at 422."

The following amendment to the Council Member Kitchen's amendment was made by Council Member Tovo and seconded by Mayor Pro Tem Alter:

"Amend Part C of Section 14.

The landowner may satisfy the on-site affordable housing requirement, or the landowner may satisfy the requirement with the sections on the lake. The director of Housing and Planning shall make that decision."

Council Member Tovo's amendment above failed on a 2-8 vote. Those voting aye: Mayor Pro Tem Alter and Council Member Tovo. Those voting nay: Mayor Adler, Council Members Fuentes, Harper-Madison, Kelly, Kitchen, Pool, Renteria, and Vela. Council Member Ellis abstained.

Council Member Kitchen's amendment above was included on a 9-1 vote. Council Member Tovo voted nay. Mayor Pro Tem Alter abstained.

The following amendment was made by Council Member Pool and seconded by Council Member Fuentes:

"PART 12 (C). Landowner shall satisfy the onsite affordable housing requirements for affordable rental units and affordable owner-occupied units by paying the sum of twenty-three million two hundred thousand dollars (\$23,200,000.00) to the City's Housing Trust Fund as fee-in-lieu. The fee-in-lieu may be utilized within a one and a half mile distance of the project boundaries on a major transit corridor with MetroRapid transit infrastructure in partnership with a an organization that has a track record of providing deeply affordable housing

PART 12 (E). The Landowner shall pay 23.2 million dollars upon the earlier of: (i) within 12 months of the Landowner executing an agreement with the City, in a form acceptable to the City Attorney, to construct the Barton Spring Road Extension, any related Barton Spring Road and Congress Road intersection improvements identified in the TIA memo dated December 13, 2021, or as amended, and associated utilities necessary for these road improvements; or (ii) the City dedicate funds to reimburse the construction costs for these improvements. These improvements shall include any related road, utilities, or related infrastructure.

Delete Subsection (A), (B), and (D) of Part 12 and renumber accordingly."

The following amendment to the above amendment was made by Mayor Adler and included without objection:

“Add a third bullet point to section Part 12 (E) as follows:

(iii) The city commences construction thereof.”

Council Member Fuentes’ amendment was included on a 10-1 vote. Council Member Tovo voted nay.

The following amendment was made by Mayor Adler and seconded by Council Member Renteria:

“PART 20. Bonus Area. Development in the Statesman PUD may exceed 3.5 million square feet, to a maximum floor-to-area ratio of 6:1 of the 18.86 acre parent tract, and exceed the height limitations in Exhibit D up to an additional 200 feet in height as follows:

10% of the built area above 3.5 million square feet, or any residential units above 1378 units, may be provided for on-site affordable housing according to the affordability requirements below. Alternatively, a fee-in-lieu may be paid for the same, as per the fee schedule at the time of the issuance of the Certificate of Occupancy.

*Affordability Requirements.* For purposes of this section, a unit is affordable for purchase or rental if, in addition to the other requirements of this section, the household is required to spend no more than 30 percent of its gross monthly income on mortgage or rental payments for the unit.

(1) *Affordability requirements for owner-occupied units.*

(a) On-site for sale affordable housing units shall be reserved, sold and transferred to an income eligible buyer subject to a resale restricted, shared equity agreement approved by the director of Neighborhood Housing and Community Development, for not less than 99 years from the date a certificate of occupancy is issued.

(b) The units shall be made available for ownership and occupancy by households earning no more than 120 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the director of Neighborhood Housing and Community Development.

(2) *Affordability requirements for rental units.*

(a) On-site rental affordability housing units shall be reserved as affordable for a minimum of 40 years following the issuance of the certificate of occupancy.

(b) The units shall be made available for rental by households earning no more than 80 percent of the annual median family income for the City of Austin metropolitan statistical area as determined by the director of Neighborhood Housing and Community Development.

(c) An applicant may not deny a prospective tenant affordable rental housing based solely on the prospective tenant's participation in the

**Housing Choice Voucher Program or in any other housing voucher program that provides rental assistance.**

**(3) Rules. The Neighborhood Housing and Community Development Office shall conduct compliance and monitoring of the affordability requirements of this ordinance. The director of Neighborhood Housing and Community Development shall establish compliance and monitoring rules and criteria for implementing the affordability requirements of this ordinance.**

- **Delete Subsection (B), (C), (D), (E) and (F) of Part 20 and renumber accordingly.”**

**The following direction related to the amendment was made by Mayor Adler and included without objection.**

**“Come up with a square footage formula.”**

**The amendment was included on a 9-0 vote. Mayor Pro Tem Alter and Council Member Tovo abstained.**

**The following amendment to add additional language to Part 21 was made by Mayor Adler and included without objection:**

**“Landowner-funded infrastructure shown in Exhibit “R” is solely the landowners responsibility.”**

**Mayor Adler recessed the meeting at 1:10 p.m. without objection.**

**Mayor Adler reconvened the Council Meeting at 1:23 p.m.**

#### **DISCUSSION ITEMS CONTINUED**

84. C814-89-0003.02 - 305 S. Congress - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 305 South Congress Avenue (Lady Bird Lake Watershed). Applicant’s Request: To rezone from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved with additional conditions on April 7, 2022. Vote: 10-0, Council Member Harper-Madison was off the dais. Second Reading approved with additional conditions on November 3, 2022. Vote: 7-1, Council Member Alter voted nay. Council Members Kelly and Kitchen abstained. Council Member Tovo was off the dais. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207. District(s) Affected: District 9.

**The following amendment was proposed by Staff and included without objection:**

**“Remove the word “Public” from the legend of the map in Exhibit R”**

**The following amendment was made by Council Member Harper-Madison and seconded by Council Member Pool:**



**“Amend PART 8. Land Use.**

**~~Hotel-Motel use is a prohibited use on the Property.”~~**

**A substitute amendment was made by Council Member Fuentes and seconded by Council Member Kitchen.**

**“Amend Part 8. to read as follows:**

- **Hotel-Motel use is a conditional use on the Property.**
- **When an application for a conditional use permit for hotel use is filed, the Landowner shall provide written notice to Unite Here or successor organization.**
- **At least 10 days before the public hearing by the Planning Commission on the application for a conditional use permit for hotel use, the Landowner shall provide written notice to Unite Here or successor organization.”**

**Council Member Fuentes’ substitute amendment failed on a 5-5 vote. Those voting aye: Mayor Pro Tem Alter, Council Members Fuentes, Kitchen, Tovo, and Vela. Those voting nay: Mayor Adler, Council Members Harper-Madison, Kelly, Pool, and Renteria. Council Member Ellis abstained.**

**An amendment to Council Member Harper-Madison’s amendment was made by Council Member Tovo and included without objection:**

- **“When an application for a conditional use permit for hotel use is filed, the Landowner shall provide written notice to the City of Austin. The City of Austin shall provide the notice to Unite Here or successor organization.**
- **At least 10 days before the public hearing by the Planning Commission on the application for a conditional use permit for hotel use, the City of Austin shall provide written notice to Unite Here or successor organization.”**

**The following amendment to Council Member Harper-Madison’s amendment was made by Mayor Adler and included without objection:**

**“The Applicant will let the City know of the hotelier as soon as it is able to without a prohibiting nondisclosure agreement.”**

**Council Member Harper-Madison’s amendment as amended was approved on an 11-0 vote.**

**Ordinance No. 20221201-084 for planned unit development-neighborhood plan (PUD-NP) combining district zoning was approved on Mayor Adler’s motion on an 8-2 vote. Those voting aye: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Kitchen, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Member Tovo. Council Member Kelly abstained.**

83. NPA-2019-0022.02- 305 South Congress PUD - Approve third reading an ordinance amending Ordinance No. 20050929-Z001 the Greater South River City 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 305 South Congress Ave. (Lady Bird Lake Watershed) from Industry to Mixed Use land use. First Reading approved on April 7, 2022. Vote: 10-0, Council Member Harper-Madison was off the dais. Second Reading approved on November 3, 2022. Vote: 7-1, Council Member Alter voted nay. Council Members Kelly and Kitchen abstained. Council Member Tovo was off the dais. Owner/Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, Housing and Planning Department, 512-974-3207. District(s) Affected: District 9.  
**Ordinance No. 20221201-083 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on Mayor Adler's motion on an 8-2 vote. Those voting aye: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Kitchen, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Member Tovo. Council Member Kelly abstained.**
85. C14-78-189(RCT) - 305 S. Congress RC - Conduct a public hearing and approve a restrictive covenant termination on a portion of the property locally known as 305 South Congress Avenue (Lady Bird Lake Watershed). Applicant's Request: To terminate a public Restrictive Covenant. Staff Recommendation and Planning Commission Recommendation: To grant termination of a public Restrictive Covenant. Owner / Applicant: Richard T. Suttle, Jr., Trustee. Agent: Armbrust & Brown PLLC (Richard T. Suttle, Jr.). City Staff: Jerry Rusthoven, 512-974-3207. District(s) Affected: District 9.  
**The public hearing was conducted and a motion to close the public hearing and approve the Restrictive Covenant Termination was approved on Mayor Adler's motion on an 8-2 vote. Those voting aye: Mayor Adler, Council Members Ellis, Fuentes, Harper-Madison, Kitchen, Pool, Renteria, and Vela. Those voting nay: Mayor Pro Tem Alter, Council Member Tovo. Council Member Kelly abstained.**

Mayor Adler recessed the meeting to go into Executive Session at 12:51 p.m. without objection.

#### **EXECUTIVE SESSION CONTINUED**

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

56. Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways. Strategic Outcome(s): Government that Works for All.  
**Conducted.**

Mayor Adler reconvened the Council Meeting at 3:24 p.m.

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

55. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow residential uses on commercially zoned property under certain conditions. Strategic Outcome(s): Government that Works for All.

**A motion to close the public hearing and approve the Planning Commission Recommendation version of the ordinance with the following amendments was made by Mayor Pro Tem Alter and seconded by Council Member Pool.**

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

**“Delete § 25-2-519 (D) (4) and renumber accordingly.**

**Delete § 25-1-752 (A) (6) and renumber accordingly.**

**Amend § 25-2-519 (D) (7) to read:**

**A commercial-residential development that includes commercial uses on the ground floor may exceed the height restrictions applicable to the base zoning district by five feet provided the ground floor uses are not part of a live/work unit.**

**Amend § 25-2-519 (D) (1) (b) (i) to read:**

**up to a ratio of 2.0 in the CS, CS-1, GR, and GO base zoning districts; and**

**Amend § 25-2-519 (D) (1) (b) (ii) to read:**

**up to a ratio of 1.5 in the LR and LO base zoning districts.**

**Amend § 25-2-519 (D) (1) (c) to read:**

**maximum building coverage, except in the LR and LO base zoning districts;**

**Amend § 25-2-519 (F) (3) to read:**

**If a commercial-residential development is also eligible to utilize the Corridor Overlay (COR) District, then the total number of affordable dwelling units provided on-site must equal or exceed the number of on-site affordable dwelling units required by the Residential in Commercial Development Program alone.**

**Amend § 25-2-519 (F) (2) to read:**

**The total number of affordable dwelling units provided on-site must equal or exceed the number of on-site affordable dwelling units required by the Residential in Commercial Development Program plus the number of on-site units required by the other density bonus program, except as provided in § 25- 2-519 (F) (3) for the Corridor Overlay (COR) district.**

**Include the following direction:**

**The City Manager is directed to analyze participation in this program, including assessing its impact on expanding housing capacity and creating affordable housing units, and report to Council on an annual basis.**

**Amend § 25-2-519 (D) (2) to read:**

**Except as provided in (D)(3), the minimum off-street parking requirement for a commercial-residential development is 60 percent of that prescribed by Appendix A (Tables of Off-Street Parking and Loading Requirements). This reduction may not be used in combination with any other parking reduction, except for provisions in the Corridor Overlay (COR) District.**

**Amend § 25-1-753 (A) (5) to read:**

**has no more than 25 percent of the proposed development's gross floor area dedicated towards commercial uses."**

**The following amendment was made by Council Member Ellis, seconded by Council Member Renteria.**

**"Amend Section 25-2-519 (E) as follows:**

**(E) Short-term rental (STR) use is prohibited within an affordable unit in a commercial-residential development."**

**The following amendment to Council Member Ellis' amendment was made by Mayor Adler:**

**"(E) Short-term rental (STR) use is prohibited within affordable units and limited to no more than 15% of overall units in a commercial-residential development."**

**Council Member Ellis' amendment as amended was included on a 10-1 vote. Council Member Tovo voted nay.**

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

**"Include direction to staff to create stakeholder process on this issue and other Short Term Rental issues and come back to council."**

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-055 as amended above was approved on Mayor Pro Tem Alter's motion, Council Member Pool's second on a 10-1 vote. Council Member Kelly voted nay.**

56. Conduct a public hearing and consider an ordinance amending City Code Title 25 to create a new overlay that modifies compatibility and parking requirements along certain roadways. Strategic Outcome(s): Government that Works for All.

**A motion to approve the ordinance as amended below was made by Mayor Pro Tem Alter and seconded by Council Member Pool.**

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

“Delete § 25-2-769.06 (H) (c)

Amend § 25-2-769.06 (G) (3) as follows:

For a site located on a medium corridor, the maximum height for a structure is:

- (a) 65 feet if the structure is located at least 150 feet from a triggering property; or
- (b) 90 feet if the structure is located at least 250 feet from a triggering property.

Amend § 25-2-769.04 (B) (4) as follows:

a structure or a portion of a structure on a site on a light rail line or larger corridor is constructed within 200 feet of a triggering property;

Amend § 25-2-769.04 (B) (5) as follows:

a structure or a portion of a structure on a site on a medium corridor is constructed within 300 feet of a triggering property; and

Amend § 25-2-769.04 (B)(5)(d), (C)(4), (C)(5)(d), (D), and (F)(3) accordingly

Amend 25-2-769.04 (E) as follows:

For a corridor site with at least one residential use and no short-term rental uses, a setback required by Section 25-2-1062 (Height Limitations And Setbacks For Small Sites) and Section 25-2-1063 (Height Limitations And Setbacks For Large Sites) may include a structure if the structure complies with this subsection.

- (1) The structure cannot exceed 35 feet in height.
- (2) The structure cannot be used as a dwelling, multi-level parking facility or for refuse collection.
- (3) The structure cannot include enclosed walls or a roof except for screening and walls that are part of stormwater or other critical infrastructure.
- (4) The structure cannot include industrial or large commercial HVAC systems.

Amend § 25-6-471 (L) as follows:

This subsection applies to a corridor development that is located on a light rail line and consists of a development where at least 75 percent of uses are residential uses.

Delete § 25-2-769.06 (E) (7) (g) (i) and § 25-2-769.06 (E) (7) (g) (ii) and renumber accordingly.

Amend § 25-2-769.06 (I) as follows:



If a Corridor Overlay (COR) District development is also eligible to utilize a separate density bonus program that grants density bonuses for the provision of on-site affordable dwelling units or for the payment of a fee-in lieu for affordable housing, then the Corridor Overlay (COR) District development may comply with the least restrictive site development requirements, provided it meets the higher affordability requirement from among the two programs.

Include the following direction:

The City Manager is directed to analyze participation in this program, including assessing its impact on expanding housing capacity and creating affordable housing units, and report to Council on an annual basis”

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

“AMEND: § 25-2-769.06 (F) (2) and (3) and § 25-2-769.04 (B) (2)

This standard, for this combined category, should be the following:

- A structure can reach allowable height if the structure is located at least 100 feet from a triggering property if it is participating in an affordable housing program.
- A structure can reach allowable height, if the structure is located at least 150 feet from a triggering property, the corridor property both shares a portion of a rear and side lot line of a triggering property, and is participating in an affordable housing program.
- A structure can reach allowable height if the structure is located at least 200 feet from a triggering property if it is not participating in an affordable housing program.”

The following direction was made by Council Member Kitchen and it was included without objection:

“The City Manager is directed to identify strategies for affordable housing programs to mitigate displacement risks due to disparities in income levels across the city in areas at risk of gentrification in which the local MFI is lower than the Travis County-wide MFI.”

The following direction was made by Council Member Vela:

“The City Council directs the City Manager to do a city-wide analysis of the impact of current compatibility standards and potential changes to those standards, especially in high opportunity areas and to help meet strategic housing blueprint goals.

The City Manager is directed to provide these findings no later than May 1st, 2023, and shall provide an update to Council regarding the approach and methodology being used to perform the analysis no later than 90 days before presenting the findings to Council.”

The following amendment to section one of the above direction was made by Council Member Kitchen and included without objection:

**“The City Council directs the City Manager to do a city-wide analysis of the impact of current compatibility standards and potential changes to those standards, especially in high opportunity areas to help meet strategic housing blueprint and Project Connect equity tool goals.”**

The above direction as amended above was included without objection.

The following amendment was made by Council Member Vela and failed due to lack of a second:

**“Remove Section 25-2-769.06 (Affordable Housing Bonuses); and replace Subsection (F) in Section 25-2-769.04 with the following:**

**(F) The following height limitations apply in this division.**

- (1) Two stories and 35 feet, if the structure is 50 feet or less from a triggering property.**
- (2) Three stories and 45 feet, if the structure is more than 50 feet and not more than 100 feet from a triggering property.**
- (3) For a site located on a light rail line, the maximum height for a structure located at least 100 feet of a triggering property is the height allowed by the base zoning district or other applicable limit.**
- (4) For a site located on a larger corridor, the maximum height for a structure is**
  - (a) 65 feet if the structure is located at least 100 feet from a triggering property; or**
  - (b) 90 feet if the structure is located at least 200 feet from a triggering property.**
- (5) For a site located on a medium corridor, the maximum height for a structure is:**
  - (a) 65 feet if the structure is located at least 150 feet from a triggering property; or**
  - (b) 90 feet if the structure is located at least 250 feet from a triggering property.”**

The following amendment was made by Council Member Vela and failed due to lack of a second:

**“Amend § 25-2-769.04 to add the following**

(G) The director or the Land Use Commission may waive the height limitation for a corridor site for a structure or a portion of the structure up to the maximum building height allowed by the base zoning district if the director or the Land Use Commission determines that a waiver is appropriate and will not harm the surrounding area. The director's or the Land Use Commission's determination will consider the following factors:

- (1) Whether owners of the triggering properties for a corridor site would object to waiving height limitations;
- (2) Whether owners of the triggering properties for a corridor site have or seek to enter into an agreement with a corridor site owner for community benefits in exchange for waiver of height limitations;
- (3) The impact of additional building height on a triggering property if only a portion of the property is situated within the triggering distance of a corridor site;
- (4) The impact of additional building height on a triggering property with unique site conditions;
- (5) The impact of additional building height on triggering properties if the corridor site has unique site conditions;
- (6) The impact of height limitations on the number of affordable housing units that can be built on a corridor site; and
- (7) Any other unique or atypical characteristics of the corridor site, the triggering properties, and the surrounding area that would materially affect the impact of waiving height limitations for a structure or portion of the structure on a corridor site."

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

"Amend Sections 25-2-769.04(B) and (C) as follows:

(B)(5)(b) the site includes 17 or more residential units;

(C)(5)(b) the site includes 17 or more residential units;"

The following amendment was made by Council Member Ellis:

"Amend Section 25-2-769.04(E) as follows:

For a corridor site with at least one residential use and no short-term rental uses in an affordable unit, a setback required...

Amend Section 25-2-769.04(F) as follows:

For a corridor site with at least one residential use and no short-term rental uses in an affordable unit, the height limitation for a structure is...

Amend Section 25-2-769.05 as follows:

In this division, residential use does not include short-term rental (STR) use in an affordable unit.

Strike Section 25-2-769.06(D)(11) as follows:

(11) Short-term rental use is a prohibited use in an affordable unit on a corridor site that is certified under Subsection (E).

Amend Section 25-6-471(I)(2) as follows:

**CORRIDOR DEVELOPMENT** means a development subject to Division 13 (Corridor Overlay) of Chapter 25-2, Subchapter C that does not include a short-term rental use in an affordable unit;"

The following amendment to the amendment was made by Mayor Adler and included without objection.

"Amend Section 25-2-769.04(E) as follows:

For a corridor site with at least one residential use, no more than 15% short-term rental uses, and no short term rental use in an affordable unit, a setback required...

Amend Section 25-2-769.04(F) as follows:

For a corridor site with at least one residential use, no more than 15% short-term rental uses, and no short term rental use in an affordable unit, the height limitation for a structure is...

Strike Section 25-2-769.06(D)(11):

(11) Short-term rental use is a prohibited use in an affordable unit on a corridor site that is certified under Subsection (E).

Amend Section 25-6-471(I)(2) as follows:

**CORRIDOR DEVELOPMENT** means a development subject to Division 13 (Corridor Overlay) of Chapter 25-2, Subchapter C that does not include more than 15% short-term rental uses, and no short-term rental use in an affordable unit;"

The amendment as amended above was included with Council Member Tovo voting nay.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20221201-056 as amended above was approved on Mayor Pro Tem Alter's motion, Council Member Pool's second on a 9-0 vote. Council Member Tovo abstained. Council Member Fuentes was off the dais.

#### **DISCUSSION ITEMS CONTINUED**

36. Approve a resolution relating to Council policies and directives to the City Manager for City-owned real estate, including requirements for construction projects, living wage, minority and women-owned business requirements and other Council priorities related to City-owned real estate and City-owned parking facilities; and recommendations for

future use of same. Council Sponsors: Council Member Kathie Tovo, Mayor Pro Tem Alison Alter, Council Member Vanessa Fuentes, Council Member Ann Kitchen.

**This item was postponed to December 8, 2022 on Council Member Tovo's motion, Council Member Pool's second without objection.**

**PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED**

53. Conduct a public hearing to receive public comment and consider an ordinance establishing revised electric rates and charges for Austin Energy customers. Strategic Outcome(s): Government that Works for All.

**The public hearing was conducted and a motion to close the public hearing was approved on Council Member Ellis' motion, Council Member Renteria's second on a 10-0 vote. Council Member Kelly was off the dais.**

**The item was postponed to December 8, 2022 on Council Member Pool's motion, Council Member Kelly's second without objection.**

**Mayor Adler adjourned the meeting at 5:26 p.m. without objection.**

**The minutes were approved on this the 9<sup>th</sup> day of February 2023 on consent without objection.**