

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, APRIL 8, 2021**

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, April 8, 2021 via Videoconference.

Mayor Adler called the Council Meeting to order at 10:04 a.m.

Mayor Adler recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 10:33 a.m. See separate minutes.

Mayor Adler reconvened the Council Meeting at 10:51 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of March 23, 2021 and regular meeting of March 25, 2021.
The motion to approve the minutes of the Austin City Council work session of March 23, 2021 and regular meeting of March 25, 2021 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
2. Authorize an amendment to the construction contract with Restek, Inc., for the 2018-2021 Bridge Maintenance Indefinite Delivery/Indefinite Quantity contract for additional funding in the amount of \$351,500, for a total contract amount not to exceed \$2,062,500. [Note: This contract was awarded in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 5.83% MBE and 0.69% WBE.] Strategic Outcome(s): Safety; Mobility
The motion authorizing an amendment to the construction contract with Restek, Inc. was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

3. Authorize award and execution of a construction contract with Sayers Construction, LLC (MBE), for the Zilker Metro Park - Maintenance Barn Replacement project in the amount of \$1,951,876 plus a \$195,187.60 contingency, for a total contract amount not to exceed \$2,147,063.60. [Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 99.21% MBE and 0.79% WBE participation.] District(s) Affected: District 8. Strategic Outcome(s): Safety; Culture and Lifelong Learning
The motion authorizing the award and execution of a construction contract with Sayers Construction, LLC was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

Items 4 and 5 were pulled for discussion.

6. Approve a resolution consenting to the issuance of Multi-family Private Activity Bonds in an amount not to exceed \$50,000,000 by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, to finance, in part, the new construction of an affordable rental development located at or near the southwest quadrant of the intersection of North Lamar Boulevard and West Howard Lane, Austin, Texas. District(s) Affected: District 7. Strategic Outcome(s): Economic Opportunity and Affordability.
Resolution No. 20210408-006 was approved on Council Member Kitchen's motion, Council Member Alter's second on a 9-1 vote. Council Member Kelly voted nay. Council Member Renteria was off the dais.
7. Approve a resolution consenting to the issuance of Multi-family Private Activity Bonds in an amount not to exceed \$30,000,000 by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, to finance, in part, the new construction of an affordable rental development located at or near 9100 Brown Lane, Austin, Texas. District(s) Affected: District 1. Strategic Outcome(s): Economic Opportunity and Affordability.
Resolution No. 20210408-007 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 9-1 vote. Council Member Kelly voted nay. Council Member Renteria was off the dais.
8. Approve a resolution consenting to the issuance of Multi-family Private Activity Bonds, in an amount not to exceed \$45,000,000, by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin to finance, in part, the new construction of an affordable rental development located at or near 11320 South Interstate Highway 35 Frontage Road, Austin, Texas. District(s) Affected: District 5. Strategic Outcome(s): Economic Opportunity and Affordability.
Resolution No. 20210408-008 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 9-1 vote. Council Member Kelly voted nay. Council Member Renteria was off the dais.
9. Approve an ordinance amending Ordinance No. 20201203-058 to correct the address for the property described in Zoning Case No. C14-2020-0057, located at 5106 Nixon Lane. District(s) Affected: District 1. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20210408-009 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

Items 10-12 were pulled for discussion.

13. Authorize negotiation and execution of a second amendment to the lease agreement with Cookbook, LLC, a restaurant tenant that operates the approximately 3,786 square-foot Cookbook Café inside the Central Library located at 710 West Cesar Chavez Street. District(s) Affected: District 9. Strategic Outcome(s): Culture and Lifelong Learning.
The motion authorizing the award and execution of a second amendment to the lease agreement with Cookbook, LLC was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
14. Authorize negotiation and execution of a subaward agreement with the Capital Area Private Defender Service in the amount of \$122,979 under the Austin Postconviction DNA Review and Testing Project. Strategic Outcome(s): Safety
The motion authorizing the negotiation and execution of a subaward agreement with the Capital Area Private Defender Service was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
15. Approve an ordinance amending the Fiscal Year 2020-2021 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept and appropriate \$995,674 in additional grant funds from the Texas Health and Human Services Commission for the Special Supplemental Nutrition Program for Women, Infants, and Children. Strategic Outcome(s): Health and Environment.
Ordinance No. 20210408-015 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
16. Approve an ordinance amending the Fiscal Year 2020-2021 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20200812-001) to accept and appropriate an additional \$169,941 in grant funds from the Texas Commission on Environmental Quality for the support of whole air monitoring efforts. Strategic Outcome(s): Health and Environment; Safety.
Ordinance No. 20210408-016 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
17. Ratify Amendment No. 10 with Austin Travis County Mental Health and Mental Retardation Center, d/b/a Integral Care, for the expansion of behavioral health services and basic needs for individuals at COVID-19 Protective Lodging and Isolation Facilities to increase funding in an amount not to exceed \$79,484 in one-time funds for the current term and one extension option

through September 30, 2022 in an amount not to exceed \$2,148,591, for a revised total agreement amount not to exceed \$12,939,204. Strategic Outcome(s): Health and Environment.

The motion ratifying Amendment No. 10 with Austin Travis County Mental Health and Mental Retardation Center, doing business as Integral Care was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 9-1 vote. Council Member Kelly voted nay. Council Member Renteria was off the dais.

18. Authorize award of a multi-term contract with KBS Electrical Distributors Inc., for network protectors, for up to five years for a total contract amount not to exceed \$10,000,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities, therefore, no subcontracting goals were established). Strategic Outcome(s): Government That Works for All.
The motion authorizing the award of a multi-term contract with KBS Electrical Distributors Inc. was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
19. Authorize an amendment to an existing contract with MasTec North America Inc., for continued underground transmission and distribution electrical services, for an increase in the amount of \$12,000,000, for a revised total contract amount not to exceed \$72,000,000. (Note: This contract was awarded in accordance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program. Current participation to date is 28.45% MBE and 1.37% WBE participation). Strategic Outcome(s): Government that Works for All.
The motion authorizing an amendment to an existing contract with MasTec North America Inc. was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
20. Authorize negotiation and execution of a multi-term contract with Asplundh Tree Expert LLC, or the other qualified offeror to Request for Proposals 1100 EAL3013, to provide vegetation management services on transmission energized lines, for up to five years for a total contract amount not to exceed \$17,500,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program and subcontractor goals were applied to the solicitation. The recommended contractor provided sufficient evidence of Good Faith Efforts and the resulting contract will include 0.61% MBE/WBE combined participation). Strategic Outcome(s): Government That Works for All.
The motion authorizing the negotiation and execution of a multi-term contract with Asplundh Tree Expert LLC, or the other qualified offeror was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
21. Authorize amendments to existing cooperative contracts with AT&T Mobility, T-Mobile USA, Inc., and Cellco Partnership d/b/a Verizon, for continued wireless data network connectivity and related services and equipment, for an increase in the amount of \$8,094,000 and to extend each term by one year for revised contract amounts not to exceed \$25,625,000, divided among the

contractors. (Note: These cooperative contracts were awarded in compliance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for these contracts). Strategic Outcome(s): Government That Works for All. Recommended by the Water and Wastewater Commission on a 9-0 vote with Commissioner Michel absent.

The motion authorizing amendments to existing cooperative contracts with AT&T Mobility, T-Mobile USA, Inc., and Celco Partnership doing business as Verizon was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

22. Authorize negotiation and execution of a multi-term contract with KBS Electrical Distributors Inc., or another qualified offeror to Request for Proposals 1100 DTB3001, to provide circuit breakers, for up to five years for a total contract amount not to exceed \$7,000,000. (Note: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established). Strategic Outcome(s): Government That Works for All.

The motion authorizing the negotiation and execution of a multi-term contract with KBS Electrical Distributors Inc., or another qualified offeror was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

23. Authorize negotiation and execution of a contract with GCR, Inc. d/b/a Civix, to provide maintenance, support, and system upgrades for AirportIQ security operations, compliance, and safety management system, for a term of three years for a total contract amount not to exceed \$234,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Mobility; Safety.

The motion authorizing the negotiation and execution of a contract with GCR, Inc. doing business as Civix was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

24. Authorize negotiation and execution of a contract with Bentley Systems Inc., to provide an enterprise license for engineering and design software maintenance and support, for a term of three years for a total contract amount not to exceed \$872,000. (Note: Sole source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established). Strategic Outcome(s): Government That Works for All.

The motion authorizing the negotiation and execution of a contract with Bentley Systems Inc. was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 9-0 vote. Council Member Kelly abstained. Council Member Renteria was off the dais.

25. Approve an ordinance to suspend a Gas Reliability Infrastructure Program interim customer surcharge proposed by Texas Gas Service Company. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20210408-025 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
26. 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 waivers were approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais:
27. Approve a resolution directing the City Manager to initiate a rezoning of the property located at 8500 Bluegrass Drive from LR (Community Commercial) to SF-2 (Single Family Standard Lot) zoning. Council Sponsors: Council Member Alison Alter, Mayor Steve Adler, Council Member Vanessa Fuentes, Council Member Kathie Tovo, Council Member Mackenzie Kelly.
Resolution No. 20210408-027 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 9-1 vote. Council Member Harper-Madison voted nay. Council Member Renteria was off the dais.

Item 28 was pulled for discussion.

29. Set a public hearing to consider an ordinance that modifies the Urban Renewal Plan for the East 11th and 12th Street Urban Renewal Area. (Suggested date: May 20, 2021, at Austin City Hall, 301 W. Second Street, Austin, Texas).
The public hearing was set for May 20, 2021, at Austin City Hall, 301 W. Second Street, Austin, Texas on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.
44. Approve an ordinance amending Ordinance Nos. 20210209-001, 20210209-002, 20210209-003, and 20210209-005 ordering the May 1, 2021 special municipal elections, to add Exhibits B, C, D, E, F, G, and H that adopt English and Spanish versions of the ordinances calling the elections and establishing ballot language, adopt election day and early voting polling places, attach executed contracts for election services and executed joint election agreements, and list election day judges, central counting station staff, and early voting ballot board members; correcting information regarding publication of the notice of the elections; and declaring an emergency. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20210408-044 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

45. Approve an ordinance extending the 2021 deadline for filing financial disclosures contained in City Code Section 2-7-72 relating to ethics and financial disclosure. Strategic Outcome(s): Government that Works for All.

Ordinance No. 20210408-045 was approved on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

Item 46 was approved on consent and later reconsidered.

DISCUSSION ITEMS

5. Approve an ordinance amending the Fiscal Year 2020-2021 Economic Development Department Operating Budget Special Revenue Iconic Venue Fund (Ordinance No. 20200812-001) to transfer in and appropriate \$2,400,000.00 from the Fiscal Year 2020-2021 Austin Convention Center Capital Fund (Ordinance No. 20200812-001) to provide relief funds to stabilize Austin's tourist economy and address the loss of iconic venues and businesses that promote tourism and the hotel and convention industry. Strategic Outcome(s): Economic Opportunity and Affordability.

Ordinance No. 20210408-005 was approved on Council Member Kitchen's motion, Council Member Tovo's second on a 10-0 vote. Council Member Renteria was off the dais.

28. Approve a resolution directing the City Manager to engage city departments, the Austin Independent School District, Travis County, and the community to conduct an assessment of potential resilience hub locations to serve as emergency shelters and community spaces; to study and plan for providing these critical facilities with redundant power and water capability; and report back to the Council with necessary budget recommendations, funding strategies, and intergovernmental agreements to accomplish these goals. Council Sponsors: Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Leslie Pool, Mayor Pro Tem Natasha Harper-Madison, Council Member Alison Alter, Council Member Paige Ellis, Mayor Steve Adler, Council Member Gregorio Casar, Council Member Sabino Renteria.

Resolution No. 20210408-028 was approved as amended below on Council Member Tovo's motion, Council Member Alter's second on an 11-0 vote.

Council Member Tovo moved to amend Revised Draft Resolution version 2 as follows:

Edit the WHEREAS clause after line 58 to read:

"As stated in the Urban Sustainability Director's Network report, "Resilience Hubs: Shifting Power to Communities and Increasing Community Capacity," much community resilience work relies on top-down approaches that often "fail to meaningfully include equity-centered strategies considering the most vulnerable populations"; and"

Insert after line 128 on Revised Draft Resolution version 2:

"BE IT FURTHER RESOLVED

The City's effort should include not only the necessary facilities planning but also engagement with each community to ensure adequate around communications, personnel, transportation, and supplies and resources. Such engagement should also ensure that the

process and the hubs themselves embody the principles articulated by the Urban Sustainability Director Network's Resilience Hubs Guidance and Analysis Tools to center the needs of the most vulnerable and affected community members, including ensuring communities successfully receive communications in their native languages"

Council Member Casar moved to amend Revised Draft Resolution version 2 as follows:

"The City's effort should include not only the necessary facilities planning but also engagement with each community to ensure adequate communications, personnel, transportation, and supplies and resources. Such engagement should also ensure that the process and the hubs themselves embody the principles articulated by the Urban Sustainability Director Network's Resilience Hubs Guidance and Analysis Tools to center the needs of the most vulnerable and affected community members, including ensuring communities successfully receive communications in their native language."

Council Member Alter moved to amend line 32 to read:

"WHEREAS, in August 2019 City Council adopted a resolution declaring a climate emergency and calling for an immediate emergency mobilization to restore a safe climate, and that resolution called for the creation of community resilience hubs to serve as "shelters, evacuation centers, and disaster response hubs during climate emergencies"; and"

Council Member Kitchen moved to amend Council Member Cesar's amendment to read:

"The City's effort should include not only the necessary facilities planning but also engagement with each community to ensure adequate around response planning, communications, personnel, transportation, and supplies and resources. Such engagement should also ensure that the process and the hubs themselves embody the principles articulated by the Urban Sustainability Director Network's Resilience Hubs Guidance and Analysis Tools to center the needs of the most vulnerable and affected community members, including ensuring communities successfully receive communications in their native languages."

Council Member Tovo moved to amend Council Member Kitchen's amendment by inserting "in response planning" and removing "around":

"The City's effort should include not only the necessary facilities planning but also engagement with each community in response planning to ensure adequate communications, personnel, transportation, and supplies and resources. Such engagement should also ensure that the process and the hubs themselves embody the principles articulated by the Urban Sustainability Director Network's Resilience Hubs Guidance and Analysis Tools to center the needs of the most vulnerable and affected community members, including ensuring communities successfully receive communications in their native languages"

All amendments were accepted without objection.

Council Member Alter provided direction to the City Manager to report back to council by May 7, 2021, an update on the implementation of the climate emergency declaration resolution passed by council on August 8, 2019. Once that report is complete, the City Manager should provide to council a review of which pieces of the climate emergency declaration resolution if fully implemented might have made a difference in our preparedness and/or response to Winter Storm Uri. This review can be offered as part of the after action report(s) for Storm Uri if the City Manager prefers.

CITIZEN COMMUNICATIONS

Kiai Weidemann – Insurance Companies miss-labeling claims so they can deny the claim

Julie OConner – Concern for public safety

Joshua Sanchez – New Rainey St towers – **Not Present**

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 12:21 p.m. See separate minutes.

33. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene.

Mayor Adler reconvened the Council Meeting at 1:36 p.m.

PUBLIC HEARINGS

34. Conduct a public hearing and consider an ordinance on first reading regarding the application submitted by Viking Enterprises, Inc., d/b/a City Ambulance Service, for a non-emergency transfer franchise under City Code Chapter 10-2.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20210408-034 was approved on Mayor Pro Tem Haper-Madison's motion, Council Member Ellis' second on an 8-0 vote. Council Members Casar, Pool and Tovo were off the dais.

EMINENT DOMAIN

Items 30-32 were acted upon in one motion and were later reconsidered.

Mayor Adler recessed the Council Meeting at 1:53 p.m.

Mayor Adler reconvened the Council Meeting at 2:02 p.m.

ZONING ORDINANCES / RESTRICTIVE COVENANTS

36. NPA-2021-0015.04.SH -Lott Avenue - Approve second and third readings of an ordinance amending Ordinance No. 20021107-Z-11 the East MLK 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 a property locally known as 5000, 5001, 5002, 5004, 5005, 5006, 5008, 5009, 5100, 5101, 5102, 5103, 5104, and 5106 Lightfield Lane; and Lightfield Lane (Lot 10, Block B), and 1160, 1162, 1164, and 1166 Mason Avenue (all formerly known as 4908 Lott Avenue) (Fort Branch Watershed) from Single Family to Higher Density Single Family land use. First reading approved Higher Density Single Family land use March 25, 2021. Vote 11-0. Owner/Applicant: 4908 Lott Holdings, LLC (GMJ Real Estate Investments, LLC) (Matt McDonnell) Agent: Armbrust & Brown, PLLC (Michael J. Whellan). City Staff: Jeff Engstrom, (512) 974-1621. District(s) Affected: District 1.

This item was postponed to April 22, 2021 at the request of the applicant on Council Member Renteria's motion, Council Member Ellis' second on a 10-0 vote. Council Member Alter was off the dais.

37. C14-2020-0135.SH Lott Avenue - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 5000, 5001, 5002, 5004, 5005, 5006, 5008, 5009, 5100, 5101, 5102, 5103, 5104, and 5106 Lightfield Lane; and Lightfield Lane (Lot 10, Block B), and 1160, 1162, 1164, and 1166 Mason Avenue (all formerly known as 4908 Lott Avenue) (Fort Branch Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. First reading approved townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning on March 25, 2021. Vote: 11-0. Owner/Applicant: 4908 Lott Holdings, LLC / GMJ Real Estate Investments, LLC (Matt McDonnell). Agent: Armbrust and Brown, PLLC (Michael Whellan). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.

This item was postponed to April 22, 2021 at the request of the applicant on Council Member Renteria's motion, Council Member Ellis' second on a 10-0 vote. Council Member Alter was off the dais.

38. C14-2020-0142 - 401 North Bluff Drive - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 401 North Bluff Drive (Williamson Creek Watershed). Applicant's Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. First Reading approved on March 25, 2021. Vote: 11-0. Owner: Sudharshan Vembutty. Agent: Drenner Group PC (Leah M. Bojo). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

Ordinance No. 20210408-038 for townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning was approved on Council Member Renteria's

motion, Council Member Ellis' second on a 10-0 vote. Council Member Alter was off the dais.

39. C14-2020-0134 - 6311 South 1st Street - Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6311 South 1st Street (Williamson Creek Watershed). Applicant's Request: To rezone from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning. First reading approved on March 25, 2021. Vote: 11-0. Owner: ND South First LP (Haythem Dawlett). Agent: Drenner Group PC (Leah M. Bojo). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.
- A motion to approve the ordinance on second reading was approved on Council Member Renteria's motion, Council Member Ellis' second on a 10-0 vote. Council Member Alter was off the dais.**

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

40. C14-2020-0089 Twelfth and Springdale Residences - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1200, 1202, and 1208 Springdale Road (Tannehill Branch Watershed). Applicant's Request: To rezone from community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-vertical mixed use building-neighborhood plan (GR-MU-V-NP) combining district zoning. Planning Commission Recommendation: To be reviewed April 13, 2021. Owner/Applicant: JJ&B Investments, LLC (Brent Ellinger, Janet Ellinger, and Joseph Malone). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 1.
- This item was postponed to May 6, 2021 at the request of staff on Council Member Renteria's motion, Council Member Ellis' second on a 10-0 vote. Council Member Alter was off the dais.**
41. C14-2020-0145 2700, 2716, 2726 E. 5th Street Rezoning -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2700, 2716, and 2726 East 5th Street (Lady Bird Lake Watershed). Applicant's Request: To rezone from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation 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. Owners/Applicants: 2700 East 5th JV LLC and Burnup Sims of Texas. Agent: Drenner Group PC (Amanda Swor) City Staff: Heather Chaffin, 512-974-2122. District(s) Affected: District 3.

This item was postponed to June 3, 2021 at the request of the applicant on Council Member Renteria's motion, Council Member Ellis' second on a 10-0 vote. Council Member Alter was off the dais.

42. C14-2020-0121 - Holland Stone - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1105 Matthews Lane (South Boggy Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning to urban family residence (SF-5) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant urban family residence (SF-5) district zoning. Owner/Applicant: Bart Van Cromvoirt. Agent: Sandlin Services, LLC, (Nick Sandlin, P.E.). City Staff: Mark Graham, 512-974-3574. District(s) Affected: District 5.

This item was postponed indefinitely at the request of the applicant on Council Member Renteria's motion, Council Member Ellis' second on a 10-0 vote. Council Member Alter was off the dais.

43. C14-2020-0152 - Pearce Gardens Retail - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 12800 Pearce Lane (Dry Creek East Watershed). Applicant's Request: To rezone from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning, to change a condition of zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning, to change a condition of zoning. Owner: GAB Partners, Inc. (Sufian Emmar). Agent: MADC, LLC (Carl McClendon). City Staff: Wendy Rhoades, 512-974-7719. District(s) Affected: District 2.

This item was withdrawn.

48. C14-2021-0007 - Sunrise Mini Mart Rezoning - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning a property locally known as 913 and 915 West Oltorf Street (West Bouldin Creek Watershed). Applicant request: To rezone from neighborhood commercial (LR) district and general commercial services (CS) district to commercial-liquor sales (CS-1) district zoning. Staff Recommendation and Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Owner: 11800 Metric Inc (Abdul K Patel). Agent: Land Answers, Inc (Jim Wittliff). City Staff: Kate Clark, 512-974-1237. A valid petition has been filed in opposition to this rezoning request. District(s) Affected: District 3.

This item was postponed to May 6, 2021 at the request of the applicant on Council Member Renteria's motion, Mayor Pro Tem Harper-Madison's second on a 9-0 vote. Council Member Alter and Tovo were off the dais.

Mayor Adler recessed the Council Meeting at 2:28 p.m.

Mayor Adler reconvened the Council Meeting at 3:56 p.m.

EMINENT DOMAIN

Items 30-32 were acted upon in one motion

30. Approve a resolution authorizing the filing of eminent domain proceedings for the Texas Department of Transportation Oak Hill Parkway project for the public use of accommodating roadway improvements, to adjust wastewater infrastructures in conflict, the acquisition of one Wastewater Easement being approximately an 0.023 acre (1,013 sq. ft.) easement located in the Thomas Anderson Survey No. 90, Abstract 28, Travis County, Texas, being a portion of Lot 1, Block A, Center of the Hills Subdivision Section II, A Subdivision of Record in Volume 95, Page 341, Plat Records of Travis County, Texas, described in a deed to TLC Properties, Inc., recorded May 29, 2002 in Document No. 2002099214, Official Public Records of Travis County, Texas, in the amount of \$25. The owner of the needed property is TLC Properties, Inc., a Louisiana corporation. The property is located within District 8, at 6912 West State Highway 71, Austin, Texas 78735. The general location of the project is SH 71 at Silvermine to US 290 at Circle Drive, beginning at William Cannon, in Travis County, Texas. District(s) Affected: District 8.

Resolution No. 20210408-030 was approved on Council Member Ellis' motion, Council Member Renteria's second on a 6-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Ellis, Fuentes, and Renteria. Those voting nay were: Council Members Kelly and Tovo. Council Member Kitchen abstained. Council Members Casar and Pool were off the dais.

A motion to reconsider was approved without objection on Council Member Renteria's motion. Resolution No. 20210408-030 was approved on Council Member Ellis' motion, Council Member Renteria's second on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Ellis, Fuentes, and Renteria. Those voting nay were: Council Members Kelly, Pool and Tovo. Council Member Kitchen abstained. Council Members Casar was off the dais.

31. Approve a resolution authorizing the filing of eminent domain proceedings for the Texas Department of Transportation Oak Hill Parkway project for the public use of accommodating roadway improvements to adjust water infrastructures in conflict, the acquisition of one Water Line Easement being approximately an 0.134 acre (5,818 sq. ft.) easement located in the J.P. Johannesen Survey No. 648, Abstract 454, Travis County Texas, being a portion of a 3.5 acre tract of land, described in a deed to Chris Petropoulos, recorded April 15, 1965 in Volume 2941, Page 171, Deed Records of Travis County, Texas in the amount of \$28,363. The owner of the needed property is Chris Petropoulos. The property is located within District 8, at 8160 West U.S. Highway 290, Austin, Texas 78736. The general route of the project is SH 71 at Silvermine to US 290 at Circle Drive, beginning at William Cannon Drive, in Travis County, Texas. District(s) Affected: District 8.

Resolution No. 20210408-031 was approved on Council Member Ellis' motion, Council Member Renteria's second on a 6-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Ellis, Fuentes, and Renteria. Those voting nay were: Council Members Kelly and Tovo. Council Member Kitchen abstained. Council Members Casar and Pool were off the dais.

A motion to reconsider was approved without objection on Council Member Renteria's motion. Resolution No. 20210408-031 was approved on Council Member Ellis' motion, Council Member Renteria's second on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Ellis, Fuentes, and Renteria. Those voting nay were: Council Members Kelly, Pool and Tovo. Council Member Kitchen abstained. Council Members Casar was off the dais.

32. Approve a resolution authorizing the filing of eminent domain proceedings for the Texas Department of Transportation Oak Hill Parkway project for the public use of accommodating roadway improvements to adjust water infrastructures in conflict, the acquisition of one Water Line Easement being approximately an 0.027 acre (1,156 sq. ft.) easement located in the Jesse Williams Survey No. 62, Abstract 788, Travis County, Texas, being a portion of Lot 14, Block 3, Oak Hill Heights, Section 5, A Subdivision of Record in Volume 82, Page 265, Plat records of Travis County, Texas, described as a called 7.449 acre tract of land in a deed to Bell Quarry Hill Apartments, LLC, recorded November 16, 2011 in Document No. 2011168082, Official Public Records of Travis County, Texas, in the amount of \$7,118. The owner of the needed property is Bell Quarry Hill Apartments, LLC. The property is located within District 8, at 7000 Convict Hill Road, Austin, Texas 78749. The general route of the project is SH 71 at Silvermine to US 290 at Circle Drive, beginning at William Cannon, in Travis County, Texas. District(s) Affected: District 8. Strategic Outcome(s): Mobility, Government that Works for All.

Resolution No. 20210408-032 was approved on Council Member Ellis' motion, Council Member Renteria's second on a 6-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Ellis, Fuentes, and Renteria. Those voting nay were: Council Members Kelly and Tovo. Council Member Kitchen abstained. Council Members Casar and Pool were off the dais.

A motion to reconsider was approved without objection on Council Member Renteria's motion. Resolution No. 20210408-032 was approved on Council Member Ellis' motion, Council Member Renteria's second on a 6-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Ellis, Fuentes, and Renteria. Those voting nay were: Council Members Kelly, Pool and Tovo. Council Member Kitchen abstained. Council Members Casar was off the dais.

DISCUSSION ITEMS

10. Approve third reading of an ordinance granting additional floor-to-area ratio entitlements to the project at 82 and 84 North IH-35 Service Road Southbound in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6). District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity and Affordability.
- Ordinance No. 20210408-010 was approved on Council Member Kelly's motion, Council Member Pool's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Casar, Ellis, Fuentes, Kelly, Pool, and Renteria. Those voting nay were: Council Member Kitchen and Tovo.**

Direction was given to develop a mechanism to ensure that on-site units versus a fee in lieu.

4. Approve an ordinance vacating three segments of aerial right-of-way totaling approximately 1,769 square feet, situated in a portion of a 20-foot-wide alley off River Street, between Rainey Street and East Avenue, the first being an approximately 0.021 of an acre tract (± 914 square feet), adjoining the parcel locally known as 60 East Avenue and being vacated to River Street Partners, LLC; the second being an approximately 0.012 of an acre tract (± 502 square feet), adjoining the parcel locally known as 61 Rainey Street and being vacated to 61 Rainey Street, LLC; and the third being an approximately 0.008 of an acre tract (± 353 square feet), adjoining the parcel locally known as 69 Rainey Street and being vacated to 69 Rainey Street, LLC. District(s) Affected: District 9. Strategic Outcome(s): Government that Works for All.
Ordinance No. 20210408-004 was approved on Council Member Tovo's motion, Council Member Ellis' second on an 11-0 vote.
11. Approve second and third readings of an ordinance granting additional floor-to-area entitlements to the project at 60 East Avenue and 61 and 69 Rainey Street in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6). District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity and Affordability.
Ordinance No. 20210408-011 was approved on Council Member Renteria's motion, Council Member Ellis' second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Casar, Ellis, Fuentes, Kelly, Pool, and Renteria. Those voting nay were: Council Member Kitchen and Tovo.
12. Approve second and third readings of an ordinance granting additional floor-to-area ratio entitlements to the project at 90 and 92 Rainey Street in accordance with the Downtown Density Bonus Program under City Code Section 25-2-586(B)(6). District(s) Affected: District 9. Strategic Outcome(s): Economic Opportunity and Affordability.
Ordinance No. 20210408-012 was approved on Council Member Ellis' motion, Mayor Pro Tem Harper-Madison's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Harper-Madison, Council Members Alter, Casar, Ellis, Fuentes, Kelly, Pool, and Renteria. Those voting nay were: Council Member Kitchen and Tovo.
46. Approve a resolution initiating amendments to the Downtown Density Bonus Program and directing the City Manager to propose fee revisions for the Downtown Density Bonus Program and the Rainey Density Bonus Program to be approved by the City Council. Council Sponsors: Council Member Kathie Tovo, Council Member Vanessa Fuentes, Council Member Sabino 'Pio' Renteria, Council Member Alison Alter.
This item was postponed to April 22, 2021 on consent on Council Member Kitchen's motion, Council Member Alter's second on a 10-0 vote. Council Member Renteria was off the dais.

A motion to reconsider this item was approved without objection on Council Member Tovo's motion. This item was withdrawn without objection.

Mayor Adler recessed the meeting to go into Executive Session at 4:56 p.m. without objection.

EXECUTIVE SESSION

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

35. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).

Withdrawn

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

Conducted

Mayor Adler adjourned the meeting at 6:40 p.m. without objection.

The minutes were approved on this the 22nd day of April 2021 on Council Member Alter's motion, Council Member Renteria's second on an 11-0 vote.