



Thursday, February 09, 2017

The Austin City Council will convene at 10:00 AM on
Thursday, February 09, 2017 at Austin City Hall
301 W. Second Street, Austin, TX



Mayor Steve Adler
Mayor Pro Tem Kathie Tovo, District 9
Council Member Ora Houston, District 1
Council Member Delia Garza, District 2
Council Member Sabino "Pio" Renteria, District 3
Council Member Gregorio Casar, District 4
Council Member Ann Kitchen, District 5
Council Member Jimmy Flannigan, District 6
Council Member Leslie Pool, District 7
Council Member Ellen Troxclair, District 8
Council Member Alison Alter, District 10

For meeting information, contact the City Clerk, (512) 974-2210

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

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

9:55 AM □ Invocation

Chaplain Doug VanPelt, Northlake Church, Lago Vista

10:00 AM □ City Council Convenes

Consent

Approval of Minutes

1. Approve the minutes of the Austin City Council work session of January 24, 2017, discussion of January 26, 2017, regular meeting of January 26, 2017, and council discussion of January 28, 2017.

Austin Water

2. Approve an ordinance amending the Fiscal Year 2016-2017 Austin Water Operating Budget (Ordinance No. 20160914-001) to increase appropriations by \$850,000 and decrease the ending balance by the same amount for a settlement related to the City's rates for services provided to the Shady Hollow MUD.
Related to Item # 10

Capital Contracting Office

3. Authorize ratification of a construction contract with NATIONAL POWER RODDING CORP, for the Waller Creek Tunnel Project for total contract amount not to exceed \$1,703,316.40. (District 9).
(Notes: This contract is exempt from City Code Chapter 2-9A Minority Owned and Woman Owned Business Enterprise Procurement Program; therefore no subcontracting goals were established.)
4. Authorize negotiation and execution of a professional services agreement with HDR ENGINEERING, INC., (staff recommendation) or one of the other qualified responders for Request for Qualifications Solicitation No. CLMP211, to provide Engineering Services for the Corridor Improvements Project in an amount not to exceed \$8,000,000. This item implements a component of the 2016 Mobility Bond Program.
(Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 18% MBE and 16% WBE participation.)

City Auditor

5. Approve an ordinance amending City Code Chapters 2-3 and 2-7 relating to the duties and functions of the City Auditor and the Ethics Review Commission, the code of ethics, and financial disclosure; and creating an offense.

Financial Services

6. Approve an ordinance amending the Fiscal Year 2016-2017 Office of Real Estate Services Capital Budget (Ordinance No. 20160914-002) to increase appropriations by \$650,000 for facilities for City office space, parking, and related amenities.
(Related to Items # 7 and # 24)
7. Approve a resolution declaring the City of Austin's official intent to reimburse itself from proceeds of certificates of obligation to be issued for expenditures in the total amount of \$650,000 for facilities for City office space, parking, and related amenities.
(Related to Items # 6 and # 24)

Intergovernmental Relations

8. Approve a resolution adopting a joint resolution related to legislative priorities for the 85th Legislature for Austin-Travis County partners, including Travis County and Central Health.

Law

9. Authorize negotiation and execution of a legal services agreement with Robert Icenhauer Ramirez for legal representation in connection with Kristopher King v. Dane O'Neill et al, Cause No. 1:16-cv-1331, in the Western District of Texas, for a total agreement amount not to exceed \$163,020.
10. Approve a resolution authorizing the city manager to execute a settlement agreement and other documents reasonable and necessary to comply with the settlement agreement related to the wholesale water and wastewater rate challenge raised by Shady Hollow MUD in its petition to the Public Utility Commission of Texas in Docket No. 46483.
Related to Item # 2.

Neighborhood Housing and Community Development

11. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be

called Nightingale at Goodnight Ranch Apartments located southwest of the intersection of Vertex Boulevard and Nuckols Crossing Road (District 2).

12. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called the Travis County-Airport Boulevard Apartments, located at 5325 – 5335 Airport Boulevard (District 4).
13. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Saltillo Apartments, located southeast corner of East 5th and Navasota Streets (District 3).
14. Approve a resolution supporting an application to be submitted by DMA Development Company, LLC, or an affiliated entity, for a proposed multi-family development to be called the Saltillo Apartments located in the Plaza Saltillo Transit-Oriented District at the southeast corner of East 5th and Navasota Streets for an award of low income housing tax credits from the Texas Department of Housing and Community Affairs as the project that contributes most significantly to the concerted revitalization efforts of the City. (District 3)
15. Approve a resolution supporting an application to be submitted by Foundation Communities, Inc., or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called the Mueller Apartments, located at the future corner of Philomena and Tilley Streets in the Robert Mueller Municipal Airport Redevelopment Area (District 9).
16. Approve a resolution acknowledging that the proposed affordable multi-family development to be called the Mueller Apartments, located at the future corner of Philomena and Tilley Streets in the Robert Mueller Municipal Airport Redevelopment Area, is located one mile or less from a development serving the same type of household (District 9).
17. Approve a resolution supporting an application to be submitted by Pathways at Goodrich, LP, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Pathways at Goodrich Apartments, located at 2126 Goodrich Avenue (District 5).
18. Approve a resolution supporting an application to be submitted by

Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Greyshire Village Apartments, located at 3700 Payload Pass (District 3).

19. Approve a resolution supporting an application to be submitted by Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed senior housing development, to be called Aria Grand Apartments, located at 1800 South Interstate Highway 35 Frontage Road (District 9).
20. Approve a resolution supporting an application to be submitted by Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Elysium Park, located at 3300 Oak Creek Drive (District 7).
21. Approve a resolution supporting an application to be submitted by Saigebrook Development, LLC, or an affiliated entity, for an award of Low Income Housing Tax Credits from the Texas Department of Housing and Community Affairs for a proposed multi-family housing development to be called Elysium Grand Apartments, located at 3300 Oak Creek Drive (District 7).
22. Approve a resolution appointing or reappointing directors to the Board of Directors of the Austin Housing Finance Corporation for terms expiring January 6, 2021.

Office of Real Estate Services

23. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire from Buttross Group San Antonio, Ltd. a wastewater easement consisting of approximately 1,050 square feet of land (0.024-acre) and a temporary staging area and material storage site easement, consisting of approximately 14,996 square feet of land (0.344-acre), for the Gonzales Lift Station Abandonment Project, all easements being situated in the Outlot 31, Division A of the Government Outlots, City of Austin, Travis County, Texas, located at 701 Tillery St., Austin, Texas, for an amount not to exceed \$69,349.00 (District 3).
24. Authorize negotiation and execution of an exclusive negotiation agreement with RedLeaf Properties, LLC, and Ryan Companies US, Inc. for acquisition of 5.164 acres and improvements on the southwest corner of Middle Fiskville Road and Highland Mall Boulevard at the Austin Community College Highland Mall Campus, and earnest money in an amount not to exceed \$650,000. (District 4) (Related to Items # 6 and # 7)

Planning and Zoning

25. Approve an ordinance on first reading adopting the Fourth Amendment to the Agreement Concerning Creation and Operation of Moore's Crossing Municipal Utility District (District 2).

Police

26. Approve execution of an amendment to the interlocal agreement for the Austin Regional Intelligence Center (ARIC) to include the following agencies as new partner agencies in the funding mechanism established to sustain the operations of ARIC: The City of Manor on behalf of its Police Department, the City of Bastrop on behalf of its Police Department, and the City of Sunset Valley on behalf of its Police Department; and authorize the City of Austin to negotiate and execute separate agreements with nongovernmental entities that employ police officers licensed by the State of Texas in order to make such entities ARIC partners. (Related to Item # 27)
27. Approve execution of an amendment to the interlocal agreement for the Austin Regional Intelligence Center (ARIC) to include the following agencies as new partner agencies in the funding mechanism established to sustain the operations of ARIC: The City of Manor on behalf of its Police Department, the City of Bastrop on behalf of its Police Department, and the City of Sunset Valley on behalf of its Police Department; and authorize the City of Austin to negotiate and execute separate agreements with nongovernmental entities that employ police officers licensed by the State of Texas in order to make such entities ARIC partners. (Related to Item # 26)
28. Approve an ordinance amending City Code Chapter 13-3 relating to escort vehicles and processions.

Purchasing Office

29. Authorize negotiation and execution of a contract with RALPH ANDERSEN & ASSOCIATES, GovHR and TRANSEARCH, or RUSSELL REYNOLDS to provide recruiting services for the selection of a new City Manager, in a possible amount not to exceed \$122,800, depending on final firm selection.
(Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

Transportation

30. Approve an ordinance amending City Code Section 12-4-64 (D) to modify

existing speed limits on Lamar Boulevard between Parmer Lane and Morrow Street. (Districts 4 and 7)

31. Approve an ordinance amending City Code Section 12-4-64 (D) to modify existing speed limits on Parmer Lane between Lamar Boulevard and east of Dessau Road. (Districts 1 and 7)

Item(s) from Council

32. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
33. Approve a resolution directing the City Manager to provide information and options to fund and complete work on various landmarks and projects in the eastern area of downtown Austin.
(Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Ora Houston CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Ellen Troxclair)
34. Approve a resolution initiating amendments to the City Code relating to council committees and task forces and directing the City Manager to draft an ordinance incorporating the amendments.
(Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Delia Garza CO 3: Council Member Ann Kitchen)
35. Approve a resolution initiating amendments to the City Code relating to council meeting and agenda procedures and directing the City Manager to draft an ordinance incorporating the amendments.
(Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Alison Alter CO 2: Council Member Jimmy Flannigan CO 3: Council Member Gregorio Casar CO 4: Council Member Ann Kitchen)

Non-Consent

12:00 PM - Citizen Communications: General

Gavino Fernandez Jr. - Vote No on Tamale House 2AM Conditional Use Permit and the Pershing House Conditional Use Permit for a Private/Club lodge next to single family homes.

Joe Quintero - Cesar Chavez Neighborhood Plan and Greater East Austin Neighborhood Association.

Leon Hernandez - Vote "No" on the Pershing House Conditional Permit for a Private Club/Lodge who wants to host concerts and The Tamale House 2AM

conditional request to sell beer and alcohol.

Gloria Moreno - Deny Conditional Use Permit to Tamale House to sell alcohol and liquor til 2AM Mondays thru Saturdays next to single family homes and apartments. Deny permit to Pershing House, who wants to hold concerts with no parking.

Rosalinda Soto - Vote "No" on Pershing House Conditional Use Permit.

Tracy Ekstrand - Vote "No" on Pershing House Conditional Use Permit.

Sara Black - Sanctuary City.

Executive Session

36. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
37. Discuss the lease or acquisition of an interest in real property and improvements located at (1) 425 Riverside Drive, (2) the northeast corner of Philomena Street and Mueller Street, and (3) the southwest corner of Middle Fiskville Road and Highland Mall Boulevard (Real property - Section 551.072 of the Government Code).
38. Discuss legal issues related to the lease or acquisition of an interest in real property and improvements located at (1) 425 Riverside Drive, (2) the northeast corner of Philomena Street and Mueller Street, and (3) the southwest corner of Middle Fiskville Road and Highland Mall Boulevard (Private consultation with legal counsel - Section 551.071 of the Government Code).
39. Discuss legal issues related to Ketty Sully v. City of Austin et al, Cause No. 1:16-CV-00818, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel-Section 551.071 of the Government Code) (Related to February 8, 2016 officer-involved shooting).
40. Discuss legal issues related to Navarro v. City of Austin, Cause No. D-1-GN-15-003514 in the 201st Judicial District Court of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).

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

41. NPA-2016-0013.01 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-32, 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 908, 1000, & 1002 South 2nd Street (East Bouldin Watershed) from Single Family to Higher Density Single Family land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To grant Higher Density Single Family land use. Owner/Applicant: PSW Homes, LLC (Jarrod Corbell). City Staff: Maureen Meredith, (512) 974-2695.

42. C14-2016-0077 - Bouldin Courts - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 900, 904, 908, 1000 & 1002 South 2nd Street and 705 Christopher Street (East Bouldin Creek Watershed) community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning and family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Agent: PSW Homes (Jarred Corbell). Owner: 1st Street Highlands LP (PSW Homes). City Staff: Andrew Moore, 512-974-7604.
43. C14-2016-0050 - Plaza Saltillo Tract 1/2/3 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 901, 1011, and 1109 E. 5th Street (Waller Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.
44. C14-2016-0049 - Plaza Saltillo Tract 4/5 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1211 and 1301 E. 5th Street (Waller Creek Watershed; Lady Bird Lake Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district

zoning. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.

45. C14-2016-0051 - Plaza Saltillo Tract 6 - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 413 Navasota Street (Lady Bird Lake Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Staff Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Planning Commission Recommendation: To grant transit oriented development-central urban redevelopment-neighborhood plan (TOD-CURE-NP) combining district zoning. Owner: Capital Metro Transportation Authority (Shanea Davis). Applicant: Land Use Solutions, LLC (Michele Haussmann). City Staff: Heather Chaffin, 512-974-2122.
46. C14-2016-0063.SH - Villas at Vinson Oak Rezone - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 4507 and 4511 Vinson Drive (Williamson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. This case involves a S.M.A.R.T. Housing project. Owner/Applicant: Notigius LLC - Series Vinson (Antonio Giustino). Agent: Perales Engineering, LLC (Jerry Perales, P.E.). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.
47. C14-2016-0065 - Pioneer Bank on W. 38th St. - District 9 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 623 West 38th Street (Waller Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To deny grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, to change a condition of zoning. Owner: Pioneer Bank, SSB (Brian May). Applicant: Doucet & Associates (Ted McConaghy). City Staff: Heather Chaffin, 512- 974-2122.

48. C14-2016-0071 - 1301 West Koenig Rezoning - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1301 West Koenig Lane (Shoal Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Staff Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Planning Commission Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Owner: Hardeman Family Joint Venture, Ltd. (Bryan Hardeman). Applicant: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719.

3:00 PM - Austin Housing and Finance Corporation Meeting

49. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (The AHFC agenda is temporarily located at <https://austin.siretechnologies.com/sirepub/mtgviewer.aspx?meetid=1399&doctype=Agenda>)

4:00 PM - Public Hearings and Possible Actions

50. Conduct a public hearing and consider a resolution regarding an application to be submitted to the Texas Department of Housing and Community Affairs by Govalle Affordable Housing, L.P., or an affiliated entity, for low income housing tax credits in connection with the new construction of an affordable multi-family development to be located on Shady Lane within the thinkEAST Planned Unit Development. (District 3)

5:30 PM - Live Music


5:30 PM - Proclamations


Proclamation – Austin Energy Regional Science Festival Days – To be presented by Mayor Steve Adler and to be accepted by Jackie Sargent, General Manager for Austin Energy

Recognition – Luis Jauregui, 2016 Custom Home Builder of the Year – To be

presented by Mayor Steve Adler and to be accepted by the honoree

Adjourn

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Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al (512) 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.