



Thursday, March 1, 2018

The City Council will convene at 10:00 AM on
Thursday, March 1, 2018 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

Pastor Cynthia Kepler-Karrer, Memorial United Methodist Church

10:00 AM – City Council Convenes

Consent Agenda

Approval of Minutes

1. Approve the minutes of the Austin City Council special called of February 2, 2018, work session of February 7, 2018, work session of February 13, 2018, and regular meeting of February 15, 2018.

Austin Code Department

2. Approve an ordinance amending the Fiscal Year 2017-2018 Austin Code Department Operating Fund (Ordinance No. 20170913-001) to increase the transfer out by \$150,000 to the Neighborhood Housing Trust Fund and increase the transfer into the Neighborhood Housing Trust Fund by \$150,000 from the Austin Code Department Operating Fund.

Austin Water

3. Authorize negotiation and execution of a 12-month interlocal agreement with The University of Texas at Austin for water technology innovation under the Austin Technology Incubator's "Texas Smart Water Innovation Cluster" (or "Water RIOT") grant, in an amount not to exceed \$50,000, with two 12-month extension options, for a total amount not to exceed \$150,000.

Capital Contracting Office

4. Authorize award and execution of a construction contract with Peabody General Contractors Inc. (WBE), for the 2018 Waterline On-Call Services Indefinite Delivery/Indefinite Quantity project in the amount of \$2,000,000 for an initial one-year term and a two one-year extension options in the amount of \$2,000,000 each, for a total contract amount not to exceed \$6,000,000.

[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 minimum goals with 6.37% MBE and 1.00% WBE participation.]

District(s): District 1; District 2; District 3; District 4; District 5; District 6; District 7; District 8; District 9; District 10

Development Services

5. Approve an ordinance waiving or reimbursing certain development fees in the amount of \$413,989.31 for construction of Phase II of Community First! Village by Mobile Loaves & Fishes.

Fleet Services

6. Authorize award and execution of a 60-month interlocal agreement with the Lower Colorado River Authority to perform maintenance, repairs, and dielectric testing on electric utility equipment on vehicles in an amount not to exceed \$1,750,000, with one 60-month extension option in an amount not to exceed \$1,750,000, for a total contract amount not to exceed \$3,500,000.

Law

7. Authorize negotiation and execution of multi-term contracts with McCall, Parkhurst, & Horton L.L.P., Bracewell L.L.P., and Norton Rose Fulbright U.S. L.L.P., or one or more of the other qualified offerors to Request for Qualification Statements 5700 SLW0701, to provide bond counsel legal services for up to eight years.

Police

8. Approve a resolution authorizing the extension of line of duty injury leave of absence for Austin Police Department Sergeant Zachary La Hood.

Purchasing Office

9. Authorize an amendment to an existing contract with Wastewater Transport Services, LLC, to provide continued sludge and sewage pumping, hauling, and disposal, increasing the amount by \$136,903, for a revised contract amount not to exceed \$979,515.

(Note: This contract was awarded in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. There were insufficient subcontracting opportunities and an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established).

10. Authorize award and execution of a multi-term contract with Polydyne, Inc., to provide liquid emulsion flocculating polymer for up to five years, for a total contract amount not to exceed \$2,479,130.

(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).

11. Authorize award and execution of a multi-term contract with Brenntag Southwest, Inc., to provide liquid ammonium sulfate for up to five years, for a total contract amount not to exceed \$336,525.

(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).

12. Authorize award and execution of a multi-term contract with Pencco, Inc., to provide fluorosilicic acid for up to five years, for a total contract amount not to exceed \$1,025,780.

(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).

13. Authorize an amendment to an existing contract with W W Grainger Inc., to provide additional industrial supplies, equipment, tools, and services, for an increase in the amount of \$600,000 for a revised contract amount not to exceed \$21,600,000.

(Note: This contract was awarded in accordance with City Code Chapter 2-D Minority Owned and Women Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no subcontracting goals were established).

14. Approve ratification of a contract with Pro Kleen Industrial Services, Inc. D/B/A Porta Kleen, to provide mobile shower and laundry trailer rentals related to Hurricane Harvey, in the amount of \$140,000.

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

15. Authorize negotiation and execution of a contract with Community Technology Network, or the other qualified offeror to Request For Proposals JRH0104, to provide community technology access lab management services, for up to five years for a total contract amount not to exceed \$860,000.

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

Item(s) from Council

16. 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.

17. Approve a resolution directing the City Manager to update earned sick leave policies for City employees and to repurpose funds to implement Ordinance No. 20180215-049, relating to paid sick time.

Sponsors:

Council Member Gregorio Casar, Council Member Ann Kitchen, Council Member Delia Garza, and Mayor Pro Tem Kathie Tovo

18. Approve an ordinance waiving or reimbursing fees for the 2018 Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin to be held Saturday, April 14, 2018 at Fiesta Gardens.

Sponsors:

Council Member Sabino "Pio" Renteria, Council Member Jimmy Flannigan, Council Member Delia Garza, Council Member Gregorio Casar, and Council Member Ann Kitchen

Item(s) to Set Public Hearing(s)

19. Set a public hearing to consider an ordinance regarding floodplain variances for the remodel of a commercial building at 1200 Barton Springs Road within the 25-year and 100-year floodplains of West Bouldin Creek. (Suggested date and time: March 8, 2018, 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX) (District 5).

District(s): District 5

20. Set a public hearing to consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the North Shoal Creek Neighborhood Plan. The boundaries for the North Shoal Creek Neighborhood Planning Area are Research Boulevard on the north, Burnet Road on the east, Anderson Lane on the south, and Mopac Expressway on the west. (Suggested date and time, April 26th, 2018, 4:00 P.M. at Austin City Hall, 301 W. Second Street, Austin, TX.)

District(s): District 7

21. Set a public hearing to receive public comment and amend Austin Water's rates and fees included in the Fiscal Year 2017-2018 Approved Fee Schedule and Budget (Ordinance No. 20170913-002) to reduce rates for retail customer classes. (Suggested date and time: March 8, 2018 beginning at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX.).
22. Set a public hearing to consider an ordinance on first reading approving an application submitted by American Medical Response of Texas, Inc. for a non-emergency medical transfer franchise under City Code Chapter 10-2. (Suggested date and time: March 22, 2018, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

Non-Consent

Item(s) Referred from Council Committee(s)

23. Approve a resolution directing the City Manager to study and propose potential updates to the City's Tax Increment Financing (TIF) policy and to align the TIF policy with the Strategic Housing Blueprint and mobility bond goals.

Sponsors: Housing and Planning Committee

10:30 AM - Austin Housing and Finance Corporation Meeting

24. 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 <http://austintexas.gov/department/city-council/2018/20180215-ahfc.htm>)

12:00 PM - Citizen Communications: General

William Flowers – TBA

Patrick Ebomwonyi – Loving police officers.

Patt Valls-Trelles – TBA.

Janna Horn – TBA.

Robert Mills – Fair housing.

Malcolm Yeatts – Country Club Creek trail.

Rebecca Kahn – City’s decision on 12/14 to negotiate a contract award with XPresSpa for the massage concession at ABIA.

Karen Sironi – TBA.

Ana Villalobos – No to MLS stadium at Roy Guerrero Park.

Pedro Hernandez Jr. – No to soccer stadium Roy G. Guerrero Colorado River Metropolitan Park.

Executive Session

25. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
26. Evaluate the performance of, and consider compensation and benefits for, the City Clerk (Personnel matters - Section 551.074 of the Government Code).
27. Evaluate the performance of, and consider compensation and benefits for, the City Auditor (Personnel matters - Section 551.074 of the Government Code).
28. Evaluate the performance of, and consider compensation and benefits for, the Municipal Court Clerk (Personnel matters - Section 551.074 of the Government Code).
29. Discuss legal issues related to the City's Minority and Women-Owned Business Enterprise Procurement Program (Private consultation with legal counsel - Section 551.071 of the Government Code).
30. Discuss legal issues related to a potential Pay for Success contract (Private consultation with legal counsel - Section 551.071 of the Government Code).
31. Discuss legal issues related to the Planning Commission (Private consultation with legal counsel - Section 551.071 of the Government Code).

2:00 PM - Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

32. NPA-2016-0016.01 - 3212 E. Cesar Chavez Street & 111 Tillery Street - District 3 - Approve second and third readings of an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace 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 3212 E. Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed) from Commercial and Industry to Multifamily and Mixed Use land use. First reading

approved on December 7, 2017. Vote: 11-0. Owners Owners/Applicants: Painter Enterprises Inc. (Donald E. Painter) and 3212 Cesar Chavez, LP (Timothy Clark). Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, (512) 974-2695.

District(s): District 3

33. C14-2016-0079 - 3212 E. Cesar Chavez Street - District 3 - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 3212 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to multifamily residence highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. First reading approved on December 7, 2017. Vote: 11-0. Owners: Painter Enterprises Inc. (Donald E. Painter) and 3212 Cesar Chavez, LP (Timothy Clark). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512- 974-2122.

District(s): District 3

34. C14-2016-0121 - 7700 Parmer Lane - District 6 - Approve third reading of an ordinance amending City Code Title 25 by zoning property locally known as 7700 West Parmer Lane (Lake Creek Watershed). Applicant Request: To rezone from limited industrial-planned development area (LI-PDA) combining district zoning to limited industrial-planned development area (LI-PDA) combining district zoning, to change a condition of zoning. First Reading approved limited industrial-planned development area (LI-PDA) combining district zoning on November 2, 2017. Vote: 9-0. Council Members Casar and Garza were off the dais. Second Reading approved limited industrial-planned development area (LI-PDA) combining district zoning on February 1, 2018. Vote: 11-0. Owner/Applicant: BRI 1869 Parmer, LLC. Agent: Drenner Group (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 6

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

35. NPA-2017-0016.04 - 4813 Gonzales St. & 4820 E. 7th Street - District 3 -Conduct a public hearing to approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace 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 4813 Gonzales Street and 4820 E. 7th Street (Boggy Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 27, 2018. Owner/Applicant: The Betty Sue Kurtz Trust and The Thelma Ann Zirkelbach Trust. Agent: Husch Blackwell, LLP (Stacey L. Milazzo). City Staff: Maureen Meredith, 512 -974-2695.

District(s): District 3

36. NPA-2017-0021.01 - 4530 E. Ben White Blvd. -District 3-Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as

4530 E. Ben White Blvd. (Country Club Creek Watershed) from Commercial to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on February 27, 2018. Owner/Applicant: Belco Equities, Inc. Agent: Coats Rose (John M. Joseph). City Staff: Maureen Meredith, (512) 974-2695.

District(s): District 3

37. C14-2017-0141 - SOCO South - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 8103 and 8121 South Congress Avenue (South Boggy Creek Watershed). Applicant's Request: To rezone from limited industrial services-conditional overlay (LI-CO) combining district zoning to multi-family residence-moderate-high density (MF-4) district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density (MF-4) district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on March 6, 2018. Owner/Applicant: Trustee for NFP Partnership (James C. Niemann). Agent: Land Use Solutions, LLC (Michele Haussmann). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 2

38. C14-2017-0146 - 2105 West Slaughter Rezoning - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2105 and 2107 West Slaughter Lane; and 2109 Riddle Road (Slaughter Creek Watershed). Applicant's Request: To rezone from neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning to neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: THS LLC (Randall Traywick). Agent Metcalfe Wolff Stuart & Williams, LLP (Michele R. Lynch). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 5

39. C14-2017-0152 - 3904 Medical Parkway - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3904 Medical Parkway (Shoal Creek Watershed). Applicant Request: To rezone from family residential (SF-3) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office - mixed use (LO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 20, 2018. Owner: Bennie Lee Engelke, Bobby Dale Engelke, and Dorothy Ann Crawford. Applicant: Thrower Design (Ron Thrower). City Staff: Scott Grantham, 512-974-3574.

District(s): District 10

40. C14-2017-0067 - Champion Tract 1C - District 10 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6500 FM 2222 Road (West Bull Creek Watershed). Applicant Request: To rezone from neighborhood commercial- conditional overlay (LR-CO) combining district zoning to general commercial services- conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services- conditional overlay (CS-CO) combining district zoning. Zoning and

Platting Commission Recommendation: To deny general commercial services- conditional overlay (CS-CO) combining district zoning. Owner/Applicant: Champion, Meier Assets, Ltd. (Terry Bray). Agent: Ambrust & Brown, L.L.P (Richard T. Suttle, Jr.). City Staff: Scott Grantham, 512-974-3574.

4:00 PM - Public Hearings and Possible Actions

41. Conduct a public hearing and consider an ordinance on first reading regarding the application submitted by Allegiance Mobile Health for a non-emergency transfer franchise under City Code Chapter 10-2.
42. Conduct a public hearing and consider a request by Kyle Hill, agent for Tasty Spoon, located at 1413 South 1st Street, to waive the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

District(s): District 9

5:30 PM - Live Music

Lesly Reynaga

5:30 PM – Proclamations

Distinguished Service Award – Sandra Ortiz, Municipal Court –To be presented by Mayor Steve Adler and to be accepted by the honoree.

Proclamation – Kids Day America - To be presented by Council Member Jimmy Flannigan.

Adjourn

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

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

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