



**Thursday, October 19, 2017**

The City Council will convene at 10:00 AM on  
Thursday, October 19, 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**

Reverend Madeline Hawley, St. Christopher's Episcopal Church

**10:00 AM – City Council Convenes**

**Consent Agenda**

**Approval of Minutes**

1. Approve the minutes of the Austin City Council work session of October 10, 2017, and regular meeting of October 12, 2017.

**Austin Water**

2. Authorize the negotiation and execution of a cost participation agreement with the Austin Community College District for the City to reimburse the Austin Community College District for an amount not to exceed \$1,460,660 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3145 that will provide wastewater service to a proposed mixed-use development located at 5900 Airport Boulevard.

**Capital Contracting Office**

3. Authorize award and execution of a construction contract with AAR, INC. for the Flood Hazard Mitigation Buyouts Indefinite Delivery/Indefinite Quantity in the amount of \$2,000,000 for an initial two-year term, with two one-year extension options of \$500,000, for a total contract amount not to exceed \$3,000,000.

(Note: This contract will be awarded in compliance with 49 CFR Part 26 (Disadvantaged Business Enterprise Program) by meeting the goals with 10.00% DBE participation.).

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

4. Authorize the use of the design-build method of contracting in accordance with Texas Government Code Chapter 2269 for design and construction services for the Austin Fire Departments Locker Room Project Phase 6: Stations 2, 9, 10, 11, 12 and 16.

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

**District(s):** District 3; District 5; District 7; District 9; District 10

5. Authorize additional contingency funding for the construction contract with Spawglass Contractors

Inc., for the Animal Center Kennel Addition and Campus Infrastructure Improvements Project in the amount of \$50,000 for a total amount not to exceed \$6,808,000.

(Note: This change order will be awarded in compliance with City Code Chapter 2-9A (Minority and Women Owned Business Enterprise Procurement Program). Current participation to date is 4.96% MBE and 5.80% WBE.).

District(s): District 3

### **Development Services**

6. Approve first reading of an ordinance relating to the 2015 International Property Maintenance Code and local amendments.

### **Economic Development Department**

7. Approve an ordinance relating to the use of sound equipment by certain businesses located on Red River Street.

District(s): District 9

8. Authorize negotiation and execution of an amendment to a parking agreement with UP Schneider, L.P., related to parking privileges for retail patrons and employees of 401 West 2nd Street parking in the City Hall garage.

District(s): District 9

9. Authorize negotiation and execution of a parking agreement with AMLI Austin Retail, L.P., AMLI Downtown Austin, L.P., and PPF AMLI 421 West 3rd Street, L.P. related to parking privileges for retail patrons, employees, and valet operations connected with 2nd Street retail businesses, in parking garages owned by the City and AMLI entities.

District(s): District 9

### **Human Resources**

10. Approve a resolution confirming the appointment of Jolsna Thomas to the Firefighters', Police Officers', and Emergency Medical Services Personnel's Civil Service Commission.

### **Intergovernmental Relations**

11. Approve a resolution authorizing negotiation and execution of contracts for state agency and legislative representation services for a total combined amount not to exceed \$570,000.
12. Approve a resolution authorizing negotiation and execution of contracts for federal agency and legislative representation services for a total combined amount not to exceed \$174,000.

### **Law**

13. Authorize negotiation and execution of an amendment to the legal services agreement with Max Renea Hicks for legal services related to Reagan National Advertising, Inc. v. City of Austin, Cause No. 03-15-00370-CV in the Third Court of Appeals, Austin in an amount of \$44,000 for a total contract amount not to exceed \$102,000.

## **Neighborhood Housing and Community Development**

14. Approve a resolution to be submitted to the Texas Department of Housing and Community Affairs by the Austin Geriatric Center, Inc., or an affiliated entity, supporting an allocation of low income housing tax credits for the rehabilitation and new construction of senior housing units at the Rebekah Baines Johnson Center, and acknowledging that the City has more than twice the state average of units per capita supported by low income housing tax credits or private activity bonds at the time of application.

District(s): District 3

## **Office of Real Estate Services**

15. Authorize negotiation and execution of an encroachment agreement with 405 Colorado Holdings, L.P., a Delaware limited partnership for the aerial encroachment of right-of-way by a proposed canopy and building structure at the intersection of West 4th Street and Colorado Street, located at 405 Colorado Street.

District(s): District 9

## **Purchasing Office**

16. Authorize negotiation and execution of a contract with GateKeeper Systems, Inc., to provide a ground transportation management system, for a term of three years in an amount not to exceed \$310,000.

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

17. Authorize negotiation and execution of a contract with The Trustees of the University of Pennsylvania, to provide deoxyribonucleic acid (DNA) consulting services, for a term of one year in an amount not to exceed \$400,000.

(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 no subcontracting opportunities; therefore, no subcontracting goals were established.).

18. Approve an ordinance amending City Code Chapter 2-7, Article 6 relating to anti-lobbying and procurement.

## **Telecommunications and Regulatory Affairs**

19. Approve the third reading of an ordinance granting a franchise agreement to Oncor Electric Delivery Company LLC for use of the City's rights of way for placing facilities or equipment to provide electric utility services within Oncor's certificated area.
20. Approve the third reading of an ordinance granting a franchise agreement to Oncor Electric Delivery Company LLC for use of the City's rights of way for placing facilities or equipment to

provide electric utility services within Oncor's certificated area.

## **Transportation**

21. Approve issuance of a street closure permit and waiver of the signature requirements under Code Sections 14-8-3 and 14-8-15(B) for the Austin Marathon, to be held on Sunday, February 18, 2018, from 7:00 am to 2:00 pm.

**District(s):** District 1; District 3; District 9; District 10

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

22. 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.

23. Approve a resolution initiating a code amendment relating to the Central Urban Redevelopment (CURE) combining district to improve its alignment with Imagine Austin and eliminate its applicability east of IH-35 and East Avenue.

**Sponsors:** Council Member Ora Houston, Council Member Ann Kitchen, Council Member Leslie Pool, and Mayor Pro Tem Kathie Tovo

24. Approve an ordinance amending City Code Chapter 2-1 relating to the Joint Inclusion Committee.

**Sponsors:** Council Member Jimmy Flannigan, Council Member Sabino "Pio" Renteria, Council Member Ellen Troxclair, and Council Member Ann Kitchen

25. Approve a resolution relating to the compensation and benefits for the City Manager.

**Sponsors:** Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, and Council Member Ora Houston

26. Approve a resolution relating to the compensation and benefits for the City Auditor.

**Sponsors:** Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, and Council Member Ora Houston

27. Approve a resolution relating to the compensation and benefits for the City Clerk.

**Sponsors:** Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, and Council Member Ora Houston

28. Approve an ordinance relating to the compensation and benefits for the Municipal Court Clerk.

**Sponsors:** Mayor Steve Adler, Mayor Pro Tem Kathie Tovo, Council Member Leslie Pool, and Council Member Ora Houston

29. Approve a resolution relating to Austin Energy's credit security policy.

**Sponsors:** Mayor Pro Tem Kathie Tovo, Council Member Ora Houston, Council Member Delia Garza, and Council Member Leslie Pool

30. Approve an ordinance waiving or reimbursing certain fees for the Archer's Downtown Austin Challenge, sponsored by Archer's Challenge, which will be held on Friday October 20, 2017 at Republic Square.

**Sponsors:**

Council Member Ellen Troxclair, Mayor Steve Adler, Council Member Alison Alter, and Council Member Jimmy Flannigan

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

31. Set a public hearing to consider an ordinance adopting the tenth modification to the East 11th and 12th Streets Urban Renewal Plan, to amend site development standards for properties located on the south side of East 12th Street between Comal Street and Poquito Street and the property located at 1425 East 12th Street. (Suggested date and time: November 2, 2017, 2:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

32. Set a public hearing regarding an application to be submitted to the Texas Department of Housing and Community Affairs by Pathways at Chalmers Courts South, LP, or an affiliated entity, for the new construction of an affordable multi-family development to be known as the Pathways at Chalmers Courts South, located at the Southwest Corner of East 3rd Street and Chalmers Avenue. (Suggested date and time: November 9, 2017 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.).

**District(s):**

District 3

33. Set a public hearing to consider for approval the proposed amendments to the Citizen Participation Plan for public input required for reports to the US Department of Housing and Urban Development (Suggested date and time: November 9, 2017, 4:00 pm, at Austin City Hall, 301 W. Second Street, Austin, Texas).

34. Set a public hearing regarding an application to be submitted to the Texas Department of Housing and Community Affairs by Elysium Grand, LP, or an affiliated entity, for the new construction of an affordable multi-family development to be known as the Elysium Grand, located at 3300 Oak Creek Drive. (Suggested date and time: November 9, 2017 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.).

**District(s):**

District 7

**Non-Consent**

**10:30 AM - Austin Housing and Finance Corporation Meeting**

35. 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://www.austintexas.gov/department/city-council/2017/20171019-ahfc.htm>)

**12:00 PM - Citizen Communications: General**

Shirlene Justice – National Lights on after school day on behalf of Learn All the Time Network.

Olivia Overturf – Cultural art funding, Art in Public Places funding, and equity in both programs.

Frank Harren – CodeNEXT.

**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 personnel issues related to the search for and appointment of a new city manager (Personnel matters - Section 551.074 of the Government Code.)
38. Discuss legal issues related to English v. City of Austin, Cause No. D-1-GN-15-002015 in the 345th Judicial District of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).
39. Consider compensation and benefits for the City Manager (Personnel matters - Section 551.074 of the Government Code).
40. Consider compensation and benefits for the City Clerk (Personnel matters - Section 551.074 of the Government Code).
41. Consider compensation and benefits for the City Auditor (Personnel matters - Section 551.074 of the Government Code).
42. Consider compensation and benefits for the Municipal Court Clerk (Personnel matters - Section 551.074 of the Government Code).
43. Discuss legal issues related to City of Austin 2017 labor negotiations concerning employees in the EMS department (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)**

44. NPA-2017-0026.01 - Georgian Acres Neighborhood Park - District 4 -Conduct a public hearing to approve an ordinance amending Ordinance No. 20100624-110, the North Lamar 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 500 E. Powell Lane (Little Walnut Creek) from Commercial to Recreation and Open Space land use. Staff Recommendation: To grant Recreation and Open Space land use. Planning Commission Recommendation: To grant Recreation and Open Space land Use. Owner/Applicant: City of Austin, Parks and Recreation Department. Agent: Gregory Montes, Parks and Recreation Department. City Staff: Maureen Meredith, 512-974-2695.

**District(s):** District 4

45. C14-2017-0089 - Georgian Acres Neighborhood Park - District 4 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 500 East Powell Lane (Little Walnut Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Owner/Applicant: City of Austin Park & Recreation Department (Gregg Montes). City Staff: Sherri Sirwaitis, 512-974-3057.

**District(s):** District 4

46. NPA-2016-0016.01 - 3212 E. Cesar Chavez Street - District 3 - District 3 - Conduct a public

hearing and approve 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 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed) from Commercial and Industry land uses to Multifamily and Mixed Use land uses. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Painter Enterprises, a Texas Corporation. Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, 512-974-2695.

District(s): District 3

47. C14-2016-0079 - 3212 E. Cesar Chavez Street - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3212 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial services-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. Staff Recommendation: To grant 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. Planning Commission Recommendation: To grant 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. Owner: Painter Enterprises Inc. (Donald E. Painter). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122.

District(s): District 3

48. C14-2017-0022 - Bluff Springs Commercial - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6901 and 7001 Bluff Springs Road (Williamson Creek Watershed; South Boggy Creek Watershed). Applicant's Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on October 17, 2017. Owner/Applicant: Buda Bluff, LLC (Salim Haddad). Agent: South Llano Strategies (Glen Coleman). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 2

49. C14-2017-0042 - 12602 Blackfoot Trail - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6610 McNeil Drive/12602 Blackfoot Trail (Rattan Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to general commercial-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning for Tract 1



and community commercial-mixed use-conditional overlay combining (GR-MU-CO) district zoning for Tract 2. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 6

#### **4:00 PM - Public Hearings and Possible Actions**

- 50. Conduct a public hearing and approve a resolution designating service areas and land use assumptions for street impact fees as required by Chapter 395 of Texas Local Government Code.
- 51. Conduct a public hearing and consider an ordinance authorizing execution of an agreement with Austin Independent School District establishing site development standards and allowing transfers of impervious cover for redevelopment of school campuses within the Barton Springs Zone (This action concerns land located within the Barton Springs Zone).
- 52. Conduct a public hearing for the full-purpose annexation of the River Place Outparcels annexation area (approximately 212 acres in northwestern Travis County adjacent to the boundary of the River Place Municipal Utility District and the city's full-purpose jurisdiction; contiguous to District 6).

District(s): District 6

- 53. Conduct a public hearing for the full-purpose annexation of the Mooreland Addition annexation area (approximately 34 acres in southwestern Travis County east of the intersection of Manchaca Road and Mooreland Drive; contiguous to District 5).

District(s): District 5

- 54. Conduct a public hearing for the full-purpose annexation of the HOLT CAT Subdivision annexation area (approximately 27 acres in southern Travis County along IH-35 approximately three-tenths of a mile south of Slaughter Lane; contiguous to District 5).

District(s): District 5

- 55. Conduct a public hearing and consider a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by Austin DMA Housing III, LLC, or an affiliated entity, for a proposed affordable multi-family development for seniors to be known as The Nightingale and located at 5900 Charles Merle Drive in the Goodnight Ranch Planned Unit Development. (District 2)

- 56. Conduct a public hearing and consider a resolution for an application to be submitted to the Texas Department of Housing and Community Affairs by the Austin Geriatric Center, Inc., or an affiliated entity, for the rehabilitation of the senior housing units in the Rebekah Baines Johnson Center and the development of additional new affordable senior housing at the site, located at 21 Waller Street.

District(s): District 3

- 57. Conduct a public hearing and consider an ordinance on first reading regarding the renewal of a non-emergency transfer franchise to Acadian Ambulance Service, Inc. under City Code Chapter 10-2.

## **5:30 PM – Proclamations**

J.A.M.O.N. - Godfather of Austin House Day – To be presented by Mayor Steve Adler and to be accepted by Apostle John Horne

Roosevelt “Bubba” Stewart Day – To be presented by Council Member Ora Houston and to be accepted by the honoree

Deferred Compensation Day – To be presented by Mayor Steve Adler

National Reuse Day – To be presented by Mayor Steve Adler

Good Food for Austin Day – To be presented by Mayor Steve Adler and to be accepted by Edwin Marty, Food Policy Manager, Office of Sustainability

Feeding the 5,000 Day – To be presented by Mayor Steve Adler

## **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.