



THE CITY COUNCIL WORK SESSION WILL MEET ON  
TUESDAY, OCTOBER 29, 2019 AT 9:00 AM, AUSTIN CITY HALL  
301 W. SECOND STREET  
AUSTIN, TX

Mayor Steve Adler  
Mayor Pro Tem Delia Garza  
Council Member Natasha Harper-Madison  
Council Member Sabino "Pio" Renteria  
Council Member Gregorio Casar  
Council Member Ann Kitchen  
Council Member Jimmy Flannigan  
Council Member Leslie Pool  
Council Member Paige Ellis  
Council Member Kathie Tovo  
Council Member Alison Alter

*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.**

**A. Pre-Selected Agenda Items**

**B. Briefings**

- B1. Update on the PARD Long Range Plan adoption.
- B2. Update regarding homelessness issues.

**C. Council Items of Interest**

**D. Council Discussion**

**E. Executive Session**

- E1. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
- E2. Discuss matters related to Austin Energy generation resources (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).

- E3. Discuss legal issues related to the Shoal Creek Slope Failure Repair Project (Private consultation with legal counsel - Section 551.071 of the Government Code).
- E4. Discuss legal issues related to Amy Smith et al. v. City of Austin et al., Cause No. 1-18-cv-505LY, in the United States Federal District Court, Western District of Texas, Austin Division (Private consultation with legal counsel - Section 551.071 of the Government Code).

## **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.*



*For assistance, please call 512-974-2210 or TTY users route through 711.*

## Consent Agenda

### Approval of Minutes

1. Approve the minutes of the Austin City Council work session of October 15, 2019 and regular meeting of October 17, 2019.

### Austin Energy

2. Authorize issuance by Austin Energy of energy efficiency program rebates during Fiscal Year 2019-20, in an amount not to exceed \$2,120,000 for multifamily energy efficiency rebates and \$2,335,000 for commercial energy efficiency rebates, for a total combined amount not to exceed \$4,455,000.

District(s): District 4; District 10

3. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire a permanent electric transmission and distribution easement and substation access easement consisting of approximately 7.687 acres or 334,847 square feet of land, a permanent electric transmission and distribution easement consisting of approximately 0.216 acres or 9,930 square feet of land, and a fee simple northeast substation site consisting of approximately 5.575 acres or 242,687 square feet of land, out of the Marquita Castro Survey Number 50, Abstract Number 160, for the relocation of a portion of Austin Energy Transmission Circuit 975 along Howard Lane in Travis County, Texas, and being a portion of that 364.305 acres of land being described in a Warranty Deed to RH Pioneer North, LLC and recorded in Document No. 2017178604, Official Public Records, Travis County, Texas, in an amount not to exceed \$893,000, including standard and customary closing costs.

### Capital Contracting Office

4. Authorize award and execution of a construction contract with Austin Underground, Inc., (MBE) for the Carson Creek Basin Wastewater Line Improvements project in the amount of \$1,512,981 plus a \$151,298.10 contingency, for a total contract amount not to exceed \$1,664,279.10.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 98.57% MBE and 1.39% WBE participation.]

District(s): District 3

5. Authorize award and execution of a construction contract with Gadberry Construction Company, Inc. (MBE) for the Harold Court Nichols Building Renovations project in the amount of \$3,144,000 plus a \$314,400 contingency, for a total contract amount not to exceed \$3,458,400.

[Note: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 63.32% MBE and 11.91% WBE participation.]

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

6. Authorize award and execution of a construction contract with Blastco Texas, Inc., for Davis Lane #1 Reservoir Improvements in the amount of \$4,847,473.00 plus contingency of \$484,747.30 for a total contract amount not to exceed \$5,332,220.30.

[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 achievements of Good Faith Efforts with 5.02% MBE and 8.32% WBE participation.]

**District(s):** District 5

7. Authorize award and execution of a construction contract with Dalrymple Gravel & Contracting Co., Inc., for Airfield Electrical and Pavement Improvements in the amount of \$9,315,069.10 plus a \$2,328,767.28 contingency, for a total contract amount not to exceed \$11,643,836.38.

[Note: This contract will be awarded in compliance with 49 CFR Part 26 (Disadvantaged Business Enterprise Program) by meeting the goals with 34.55% DBE].

**District(s):** District 2

8. Authorize negotiation and execution of an amendment to the design-build agreement with JE Dunn Construction, for design and construction services for the new Fire/EMS Stations in the amount of \$13,500,000, for a total contract amount not to exceed \$25,500,000.

[Note: This amendment will be awarded in compliance with City Code 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 20.74% MBE and 9.82% WBE.]

#### **City Auditor**

9. Consider amendments to the fiscal year 2020 Proposed Audit Plan.

#### **Economic Development Department**

10. Authorize negotiation and execution of an interlocal agreement with Austin Community College to provide matching funds for the Austin Community College's Innovative Manufacturing Prototype Acceleration Central Texas Lab i6 challenge grant awarded by the U.S. Economic Development Authority in partnership with the Austin Technology Incubator with the University of Texas at Austin to foster and incubate economic development in priority target industries and promote job creation in an amount not to exceed \$50,000 annually for three years.
11. Authorize negotiation and execution of a one-year contract with Business Investment Growth to provide training, technical assistance, and small business coaching services to creative businesses in an amount not to exceed \$200,000.

#### **Fire**

12. Approve an ordinance authorizing acceptance of \$274,360 in grant funds from Federal Emergency Management Agency Assistance to Firefighters Grant; and amending the Fiscal Year 2019-2020

Austin Fire Department Operating Budget Special Revenue Fund (Ordinance No. 20190910-001) to appropriate \$274,360 in grant funds for training.

13. Approve negotiation and execution of an automatic aid agreement with Travis County Emergency Service Districts (ESDs), Williamson County ESDs, and the cities of Leander, Cedar Park, Round Rock, and Georgetown to provide services that are mutually beneficial to the fire service agencies and residents in their respective jurisdictions, for an initial term of one year with up to nine additional one-year terms.

#### **Law**

14. Authorize negotiation and execution of an amendment to the legal services agreement with Foley & Lardner, LLP for legal services regarding the Shoal Creek Slope Failure Repair Project in an amount not to exceed \$57,000, for a total contract amount not to exceed \$107,000.
15. Authorize negotiation and execution of a legal services contract with the law firm of Bickerstaff Heath Delgado Acosta, LLP, in an amount not to exceed \$119,000.00, to represent the City in City of McAllen, et al v. State of Texas, Cause No. D-1-GN-17-004766, in the 353rd Judicial District of Travis County, Texas.

#### **Neighborhood Housing and Community Development**

16. Approve a resolution consenting to the issuance of Multi-Family Private Activity Bonds by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, in an amount not to exceed \$35,000,000 to finance, in part, the new construction of an affordable rental development located at or near 916 and 918 Norwood Park Boulevard.

District(s): District 4

17. Approve a resolution consenting to the issuance of Multi-Family Private Activity Bonds by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, in an amount not to exceed \$30,000,000 to finance, in part, the new construction of an affordable rental development located at or near 6420 Loyola Lane.

District(s): District 1

18. Approve a resolution consenting to the issuance by Austin Affordable PFC, Inc., an affiliate of the Housing Authority of the City of Austin, in an amount not to exceed \$15,000,000 in Multi-family Private Activity Bonds to finance, in part, the acquisition and rehabilitation of an affordable rental development located at or near 9125 North Plaza.

District(s): District 4

#### **Office of Real Estate Services**

19. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire three drainage easements and one temporary working space easement; drainage easement, (1) being 0.011 of an acre of land, drainage easement (2) being 0.011 of an acre of land, and drainage easement (3) being 0.050 of an acre of land, and a temporary working space easement being 0.033 of an acre of land; all easements being situated in the Isaac Decker League Survey No.20, in the City of Austin, Travis County, Texas, being out of that certain tract of land the East

59 feet of Lot 16, Block 1, Fredericksburg Road Acres, a Subdivision of Record in Volume 3, Page 168, Plat Records of Travis County, Texas, said certain tract of land out of said Lot 16, Block 1, being described in a Warranty Deed to Heath Marr recorded in Document No. 2009123905, Official Public Records, Travis County, Texas; located at 2111 Thornton Road, Austin, Texas 78704, from Heath Marr, in an amount not to exceed \$92,110.

**District(s):** District 5

20. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire the fee simple title to approximately 1.426 acres of land (62,117sq.ft.) being Lot 1, Block A, Oak Hill Technology Park Subdivision, a subdivision in Travis County Texas, recorded in Document No. 200000208 of the Official Public Records of Travis County, Texas at 5408 US Highway 290 West, Austin, Texas 78735 from AAW Oak Hill LTD., in an amount not to exceed \$2,545,000 including closing costs.

**District(s):** District 8

21. Authorize negotiation and execution of a 60-month lease renewal with 724 Bastrop Hwy LLC, to commence on November 1, 2019 and terminate October 31, 2024, for 1,000 square feet of office/warehouse space for the Environmental Resource Management Division of the Watershed Protection Department, located at 720 Bastrop Highway, Suite 218, Austin, Texas, for a total amount not to exceed \$72,000.

**District(s):** District 3

## **Parks and Recreation**

22. Approve an ordinance waiving up to \$6,885 in rental fees for Austin Community College; and authorize negotiation and execution of an interlocal agreement with Austin Community College District to provide classrooms at the Asian American Resource Center for English as a Second Language classes, and potentially other adult education programs, free of charge.
23. Authorize negotiation and execution of an interlocal agreement with the University of Texas Health Science Center to conduct a grant-funded study of green schoolyards as a tool for urban heat island adaptation and health promotion in underserved communities.

## **Planning and Zoning**

24. Approve second and third readings of an ordinance for the full purpose annexation of approximately 42.064 acres in Travis County, located approximately four-tenths of a mile east of the intersection of River Place Boulevard and Milky Way Drive. Related to Item #44.

## **Public Works**

25. Authorize negotiation and execution of a Multiple Use Agreement with the Texas Department of Transportation for placement of trash receptacles in the State right-of-way beneath overpasses and under bridges.

## **Transportation**

26. Approve an ordinance amending City Code Section 12-4-64 (D) (Table of Speed Limits) to

establish a maximum speed limit of 35 miles per hour on a portion of Neenah Avenue from Parmer Lane (FM 734) to 85 feet west of Pearson Ranch Road (Austin City Limit).

District(s): District 6

### **Transportation - Mobility Bond**

27. Authorize award and execution of a construction contract with Muniz Concrete & Contracting, Inc., (MBE) for Local Mobility ADA Sidewalk & Ramp Improvements Group 24 Citywide Indefinite Delivery/Indefinite Quantity contract in the amount of \$750,000 for an initial 2-year term with one 1-year extension option of \$750,000 and one 1-year extension option of \$500,000 for a total contract amount not to exceed \$2,000,000.

[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 goals with 9.37% MBE and 1.63% WBE participation.]

### **Watershed Protection Department**

28. Authorize the negotiation and execution of a community facilities agreement with Cityline at MLK Station, LLC for public storm drain infrastructure improvements to be constructed by the City on or around the intersection of E. MLK Boulevard and Alexander Avenue, for a contract amount not to exceed \$1,000,000.

District(s): District 1

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

29. 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.

30. Approve an ordinance waiving or reimbursing certain fees for the “Affordable Homes Change Lives” event, sponsored by Ron Morelli, which was held on Wednesday, September 25, 2019 at 7225 Boyle Drive.

Sponsors: Council Member Natasha Harper-Madison, Council Member Jimmy Flannigan, Council Member Gregorio Casar, and Council Member Sabino "Pio" Renteria

31. Approve an ordinance waiving or reimbursing certain fees for the “An Evening to Empower” event, sponsored by the Lone Star Victims Advocacy Project, to be held on Friday, October 18, 2019, at the Asian American Resource Center.

Sponsors: Council Member Natasha Harper-Madison, Mayor Pro Tem Delia Garza, Council Member Kathie Tovo, and Council Member Sabino "Pio" Renteria

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

32. Set a public hearing to consider an ordinance regarding floodplain variances for the construction of a new single-family residence and secondary apartment at 1130 Spur Street within the 100-year floodplain of Tannehill Branch. (Suggested date: November 14, 2019 at Austin City Hall, 301 W. Second Street, Austin, TX)

**District(s):** District 3

33. Set a public hearing to consider an ordinance amending Ordinance No. 20101104-046 to recognize other local incentives and economic development tools available to qualifying enterprise zone projects. (Suggested date: December 5th, 2019, at Austin City Hall, 301 W. Second Street, Austin, TX.)
34. Set a public hearing to consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the Parks and Recreation Long Range Plan for Land, Facilities and Programs. (Suggested date: November 14, 2019, at Austin City Hall, 301 W. Second Street, Austin, Texas.)

## **Non-Consent**

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

35. Approve the reappointment of Maram Museitif to the Central Health Board of Managers.

**Sponsors:** Health and Human Services Committee

### **Austin Housing and Finance Corporation Meeting**

36. 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/departments/city-council/2019/20191031-ahfc.htm>).

### **Public Hearings and Possible Actions**

37. Conduct a public hearing and consider an ordinance amending City Code Section 25-2-586 (Downtown Density Bonus Program) to modify the downtown density bonus maps.
38. Conduct a public hearing related to an application by Oaks on North Plaza, LP or an affiliated entity, for housing tax credits for a multi-family development that will be financed through the private activity bond program, to be known as Oaks on North Plaza, located at or near 9125 North Plaza; and consider a resolution that relates to the proposed development, the application, and the allocation of housing tax credits and private activity bonds in the City and near the proposed development.

**District(s):** District 4

## **Executive Session**

39. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
40. Discuss matters related to Austin Energy generation resources (Certain Public Power Utilities: Competitive Matters - Section 551.086 of the Government Code).
41. Discuss legal issues related to the Shoal Creek Slope Failure Repair Project (Private consultation with legal counsel - Section 551.071).
42. Discuss legal issues related to Amy Smith et al. v. City of Austin et al., Cause No.



1-18-cv-505LY, in the United States Federal District Court, Western District of Texas, Austin Division (Private consultation with legal counsel - Section 551.071).

43. Discuss legal issues related to the proposed South Austin Housing Center located at 1112 Ben White Boulevard. (Private consultation with legal counsel - Section 551.071 of the Government Code).

#### **Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

44. C14-2018-0124 - River Place - Conduct a public hearing and approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as Milky Way Drive (West Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning on August 8, 2019. Vote: 9-2, Council members Alter and Pool voted nay. Second reading approved townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions, on October 3, 2019. Vote: 9-1, Council members Pool voted nay, Council member Harper-Madison off the dais. Owner/Applicant: Milky Way Holdings GP, LLC (Garrett S. Martin). Agent: McLean & Howard, LLP (Jeff Howard). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 6; District 10

45. C814-96-0003.15 - Pioneer Crossing PUD Amendment #15 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 10930 Defender Trail, Sprinkle Cut Off Road and Samsung Boulevard, Samsung Boulevard and East Braker Lane (Harris Branch Watershed). Applicant Request: To rezone from Planned Unit Development (PUD) district zoning to Planned Unit Development (PUD) district zoning, to change a condition of zoning. This ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant Planned Unit Development (PUD) district zoning, with conditions. Owner/Applicant: Continental Homes of Texas, L.P. (Matt Tenner). Agent: McLean & Howard LLP (Jeffrey Howard). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 1

46. C14-2019-0116 -11586 Jollyville Road - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 11586 Jollyville Road (Bull Creek Watershed). Applicant Request: To zone from interim-single-family residence-standard lot (I-SF-2) district zoning to general office-conditional overlay combining (GO-CO) district zoning. Staff Recommendation: and Zoning and Platting Commission Recommendation: To grant general office-conditional overlay combining (GO-CO) district zoning. Applicant/Owner: Jollyville HQ, LLC (Kevin Lange). Agent: Armbrust & Brown, PLLC (Michael Gaudini). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 10

47. C14-2019-0113 - 11408 Antler Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11408 Antler Lane (Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to single-family residence-large lot (SF-1) district zoning. Staff Recommendation and Zoning and

Platting Commission Recommendation: To grant single-family residence-large lot (SF-1) district zoning. Applicant/Owner: Daniel Murphy. Agent: Coats Rose (John M. Joseph). City Staff: Sherri Sirwaitis, 512-974-3057.

District(s): District 6

48. C14-2019-0117 - The Coffeehouse at Slaughter Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 648 East Slaughter Lane (Onion Creek Watershed). Applicant's Request: To zone from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Najib Wehbe and Charles F. Wehbe. Agent: South Llano Strategies (Josiah Stevenson). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 2

49. C14-2019-0100 - 7505 Cooper Lane - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7501, 7503, 7505, 7507, 7509, and 7511 Cooper Lane (South Boggy Creek Watershed). Applicant's Request: To rezone from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation and Zoning and Platting Commission Recommendation: To grant townhouse and condominium residence (SF-6) district zoning, with conditions. Owner/Applicant: Estate of Nelma Mueller (Donnie Carter and Darlene Graber, Independent Executors); Donnie Carter. Agent: David Weekley Homes (Evan Caso). City Staff: Wendy Rhoades, 512-974-7719.

District(s): District 2

## Addendum

### Consent Agenda

#### Law

50. Authorize negotiation and execution of a legal services contract with BoyarMiller for services related to the development and negotiation of conservation easements in an amount not to exceed \$75,000.

#### Item(s) from Council

51. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the “Texas Book Festival” event, to be held from Saturday, October 26, 2019 to Sunday, October 27, 2019 on Congress Avenue.

**Sponsors:** Council Member Kathie Tovo, Council Member Leslie Pool, Council Member Ann Kitchen, Council Member Paige Ellis, and Council Member Alison Alter

53. Approve an ordinance waiving or reimbursing certain fees for the “Dia de los Muertos” event, sponsored by the Austin Independent School District, to be held on Friday, November 1, 2019 at the Oswaldo A.B. Cantu/Pan American Recreation Center.

**Sponsors:** Council Member Sabino "Pio" Renteria, Council Member Gregorio Casar, Mayor Pro Tem Delia Garza, and Council Member Natasha Harper-Madison

54. Approve an ordinance waiving or reimbursing certain fees for the “Artly World Community Arts” event, sponsored by Artly World, to be held on Saturday, November 23, 2019 at the Asian American Resource Center.

**Sponsors:** Council Member Natasha Harper-Madison, Council Member Kathie Tovo, Council Member Jimmy Flannigan, and Council Member Ann Kitchen