



## AUSTIN CITY COUNCIL WORK SESSION

**Tuesday, April 04, 2017**

The Austin City Council will convene at 9:00 AM on  
 Tuesday, April 04, 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.

## 9:00 AM – City Council Convenes

- A. Pre-Selected Agenda Items
- B. Briefings
  - B.1 [85th Legislative session update.](#)
  - B.2 [Bond development program update.](#)
  - B.3 [Briefing on the Mayor's Task Force in Institutional Racism and Systemic Inequities report.](#)
- C. Council Items of Interest
- D. Council Discussion
  - D.1 [Meeting management recommendations.](#)
  - D.2 [City Manager search discussion.](#)
- E. Executive Session
  - E.1 Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
  - E.2 [Discuss legal issues related to Kulisek v. City of Austin et. al., Cause No. D-1-GN-16-003549, in the 261st Judicial District Court of Travis County, Texas \(Private consultation with legal counsel - Section 551.071 of the Government Code\).](#)

## Consent

### Approval of Minutes

1. Approve the minutes of the Austin City Council discussion of March 9, 2017, work session of March 21, 2017, budget work session of March 22, 2017, regular meeting of March 23, 2017, and discussion of March 27, 2017.

### Austin Code Department

2. Approve an ordinance amending City Code Chapter 2-13 related to the administrative hearing process and penalties; and amending the Fiscal Year 2016-2017 City of Austin Fee Schedule Ordinance No. 20160914-003 to add a fee for administrative hearings.

### Austin Energy

3. Authorize issuance of rebates to PSW Real Estate for the installation of solar electric systems on 147 single family residential homes and 48

condominium units located within six of their communities in Austin, for a total amount not to exceed \$351,061. (Districts 1, 2, 5, 9 and 10)

4. Authorize execution of an agreement with Target to provide performance-based incentives for the generation of solar energy at its facilities at 3702 South FM 620 (Travis County), 2300 W. Ben White Blvd. (District 5), 10900 Lakeline Mall Dr. (District 6) and 5300 S. MoPac Expy. (District 8), for an estimated \$112,834.45 per year, for a total amount not to exceed \$1,128,344.47 over a 10-year period.

### **Capital Contracting Office**

5. Authorize negotiation and execution of an amendment to the professional services agreement with OPTICOS DESIGN, INC., for additional architectural, urban design, planning, and engineering services for CodeNEXT, the comprehensive Land Development Code revision to complete Phase IV of the project in an amount of \$1,627,200 for a total contract amount not to exceed \$6,191,520.60.  
( Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.00% MBE and 15.80% WBE participation. )

### **Financial Services**

6. Approve a resolution expressing the City of Austin's approval, as required by Internal Revenue Code Section 147(f), to the New Hope Cultural Education Facilities Finance Corporation's loan to The Travis Association for the Blind in an amount not to exceed \$20,000,000 to finance the cost of facilities located at 4500 South Pleasant Valley Road, Austin, Texas 78744.
7. Authorize negotiation and execution of six interlocal agreements with Travis County for billing and collection of public improvement district assessments.

### **Law**

8. Authorize negotiation and execution of a legal services contract with BoyarMiller for services related to real estate contract negotiations for the acquisition of a Planning and Development Center and municipal courthouse in an amount not to exceed \$200,000.

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

9. Approve an ordinance vacating two segment tracts (of approximately 5,418 square feet and approximately 3,360 square feet) designated as an easement for the construction, use and maintenance of a road right-of-way, located on a flag portion of the parcel at 500 Bastrop Highway, to Chase Equities, Inc. (District 3).
10. Approve an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase five properties at high risk of flooding, located at 11509, 11601, 11603, 11605, and 11607 February Drive, in a total amount not to exceed \$1,900,000,

establishing acquisition and relocation guidelines, and waiving the requirements of City Code Chapter 14-3. (District 1)

11. Approve an ordinance authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase four properties at high risk of flooding, located at 11703 and 11705 Charing Cross Road and 11704 and 11706 DK Ranch Road, in a total amount not to exceed \$2,000,000, establishing acquisition and relocation guidelines, and waiving the requirements of City Code Chapter 14-3. (District 10)

### **Parks and Recreation**

12. Authorize the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) for the City to conduct the SwimATX program, a 12-16 week swim lesson program provided to students of select AISD high schools that includes a 40-hour lifeguard certification course, for a 12-month term with five 12-month renewal options.

### **Public Health**

13. Authorize negotiation and execution of Amendment No. 2 to the Quality Child Care Collaborative (QC3) agreement with WORKSOURCE GREATER AUSTIN AREA WORKFORCE BOARD dba WORKFORCE SOLUTIONS - CAPITAL AREA WORKFORCE BOARD to add the Child Care Local Match Contribution agreement to the QC3 agreement, and to increase funding for this new combined agreement in an amount not to exceed \$359,831 for the period October 1, 2016 through September 30, 2017, with four remaining 12-month renewal options in an amount not to exceed \$909,114 per renewal option, for a total contract amount not to exceed \$4,545,570.
14. Authorize negotiation and execution of an agreement with JUSTICE BENEFITS, INCORPORATED (JBI) for assistance in obtaining federal Medicaid reimbursements for a 24-month period in an amount not to exceed 18% of all revenue paid to Austin Public Health as a result of Medicaid reimbursements obtained with assistance from JBI.

### **Purchasing Office**

15. Authorize award and execution of a 12-month contract with DOUBLE R FENCING, to provide fencing and fencing related products, in an estimated amount of \$841,785, with five 12-month extension options in an estimated amount of \$809,643 per extension option, for a total contract amount not to exceed \$4,890,000.  
( Notes: 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 goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established. )
16. Authorize negotiation and execution of a 24-month contract with SAFETEC COMPLIANCE SYSTEMS, INC., or one of the other qualified

offerors to Request for Proposals JRD0315, to provide safety data sheet management system and chemical inventory services, in an estimated amount of \$320,000, with three 12-month extension options in an estimated amount of \$160,000 per extension option, for a total contract amount not to exceed \$800,000.

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

17. Authorize negotiation and execution of a 12-month contract with BRUEL & KJAER EMS, INC., to provide maintenance and support for the noise and operations monitoring system, in an amount of \$84,640, with four 12-month extension options in an amount of \$87,176 for the first extension option, \$89,788 for the second extension option, \$92,480 for the third extension option, and \$95,252 for the fourth extension option, for a total contract amount not to exceed \$449,336.

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

18. Authorize negotiation and execution of a 36-month contract with JP MORGAN CHASE BANK, N.A., or one of the other qualified offerors to Request for Proposals SMB0302, to provide bank depository services, in an estimated amount of \$953,392, with two 12-month extension options in an estimated amount of \$394,159 for the first extension option and \$413,867 for the second extension option, for a total contract amount not to exceed \$1,761,418.

( Notes: 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, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established. )

19. Authorize negotiation and execution of a 36-month contract with TEXAN WASTE EQUIPMENT DBA HEIL OF TEXAS, to provide parts and repair services for refuse collection bodies, in an estimated amount of \$1,636,500 with two 12-month extension options in an estimated amount of \$545,500 per extension option, for a total contract amount not to exceed \$2,727,500.

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

20. Authorize negotiation and execution of a 24-month contract with BRACE INTEGRATED SERVICES, INC., or the other qualified offeror to Request For Proposals CAK0012, to provide industrial surface preparation and coating services, in an estimated amount of \$960,000, with three 12-month extension options in an estimated amount of \$480,000 per extension option, for a total contract amount not to exceed \$2,400,000.

( Notes: 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 goods and

services required for this solicitation, there were an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established. )

21. Authorize negotiation and execution of a 60-month contract through the LOCAL GOVERNMENT PURCHASING COOPERATIVE, administered by TEXAS ASSOCIATION OF SCHOOL BOARDS (BuyBoard) with TASER INTERNATIONAL, to provide body worn cameras including software, cloud storage, licenses, and equipment maintenance and support, for a total contract amount not to exceed \$4,000,000.  
( Notes: This procurement 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 and services required for this procurement, there were insufficient subcontracting opportunities and an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established. )
22. Approve an ordinance waiving Chapter 2-7, Article 6 (Anti-lobbying and Procurement) of the City Code regarding solicitations for organics processing services and refuse, recycling, organics, and special waste collections for City facilities.
23. Approve an ordinance waiving Chapter 2-7, Article 6 (Anti-lobbying and Procurement) of the City Code for solicitations for the collection, disposal and processing of municipal solid waste, recyclables, compostables, special waste collections for City facilities, and other solid waste matters related to these items.

### **Transportation**

24. Approve issuance of a street closure permit under City Code Chapter 14-8 for the Handbuilt Motorcycle Show, a fee-paid event in the 1000 and 1100 blocks of East 5th Street, which will be held from Friday, April 21 through Sunday April 23, 2017. (District 3)

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

25. 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.
26. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Queerbomb event sponsored by Queerbomb which will be held June 3, 2017 at Fair Market, located at 1100 E 5th Street.  
( Notes: SPONSOR: Council Member Jimmy Flannigan CO 1: Council Member Gregorio Casar CO 2: Mayor Steve Adler CO 3: Council Member Sabino "Pio" Renteria )
27. Approve a resolution adding the honorary name "Richard Overton Avenue" to the existing Hamilton Avenue.  
( Notes: SPONSOR: Council Member Ora Houston CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Ellen Troxclair CO 3: Council Member Jimmy Flannigan Co 4: Council Member Alison Alter )

28. Approve an ordinance waiving or reimbursing certain fees for the Pista Sa Nasyon event sponsored by the Austin Filipino-American Association which will be held July 29, 2017 at the Asian American Resource Center. ( Notes: SPONSOR: Council Member Jimmy Flannigan CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Delia Garza )
29. Approve a resolution receiving the report and recommendations from the Mayor's Task Force on Institutional Racism & Systemic Inequities and directing the City Manager to review the report and recommendations and to return actionable items back to council for approval. ( Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Ora Houston CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Gregorio Casar )
30. Approve a resolution directing the City Manager to include labor peace agreement requirements in the terminal concessions solicitation and contracts at Austin-Bergstrom International Airport, and identify other City solicitations and contracts which may include labor peace agreement requirements. ( Notes: SPONSOR: Council Member Delia Garza CO 1: Council Member Gregorio Casar CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Leslie Pool CO 4: Council Member Ann Kitchen )
31. Approve a resolution directing the City Manager to identify funding options for connectivity improvements on La Loma Trail and conduct a community-driven planning process regarding the preservation of the City-owned Red Bluff Tract for public use. (District 3) ( Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Ora Houston CO 4: Council Member Ann Kitchen )

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

32. Set a public hearing to receive citizen input on community needs concerning the City's Fiscal Year 2017-2018 Action Plan and Community Development Program, as required by the U.S. Department of Housing and Urban Development and Texas Local Government Code, Chapter 373. (Suggested date and time: April 20, 2017, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).
33. Set a public hearing to consider an ordinance amending Ordinance No. 020829-58, authorizing the addition of one new neighborhood association to "Exhibit A" of the ordinance pursuant to Section 12-5-29 of the City Code. (Suggested date and time: May 4, 2017, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin TX).
34. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an economic development agreement with Merck Sharp & Dohme Corporation (Suggested date and time: April 13, 2017, 1:30 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

## Non-Consent

35. Staff presentation regarding a proposal to create an economic development program for Merck Sharp & Dohme Corporation. (Public comment is permitted on this staff presentation).

### 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 legal issues related to Kulisek v. City of Austin et. al, Cause No. D-1-GN-16-003549, in the 261st Judicial District Court of Travis County, Texas (Private consultation with legal counsel - Section 551.071 of the Government Code).

### Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

38. C14-2016-0132 - Property adjacent to 1311 S. Lamar - District 5 -District 5 - Approve second and third readings of an ordinance amending City Code Title 25-2 by rezoning property locally known as 1311 South Lamar Boulevard (West Bouldin Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant general commercial services-vertical mixed use building-conditional overlay (CS-V-CO) combining district zoning. First Reading approved on March 2, 2017. Vote: 10-0, Council Member Kitchen was off the dais. Owner/Applicant: Seamless GCW, LTD (Bernard Barrett). Agent: Drenner Group (Leah Bojo). City Staff: Andrew Moore, 512-974-7604.

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

39. NPA-2016-0016.01 - 3212 E. Cesar Chavez Street - District 3 -Conduct a public hearing and 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 as 3212 East Cesar Chavez Street (Colorado River Watershed) from Commercial and Industry land uses to Mixed Use land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on May 9, 2017. Owner/Applicant: Painter Enterprises, a Texas Corporation. Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, 512-974-2695.
40. 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 (Colorado River Watershed) 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 general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on May 9, 2017. Owner: Painter Enterprises Inc. (Donald E. Painter). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122.

41. C14-2016-0020 - Lantana IV - District 8 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7717 Southwest Parkway (Williamson Creek Watershed-Barton Springs Zone) from neighborhood commercial-neighborhood plan (LR-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Owner/Applicant: JDI Holding LLC (Douglas Ivey). Agent: Sprouse Shrader Smith PLLC (Terry Irion). City Staff: Andrew Moore, 512-974-7604.
42. C14-85-288.8 (RCA4) - Lantana IV - District 8 - Conduct a public hearing to amend a restrictive covenant on property locally known as 7717 Southwest Parkway (Williamson Creek Watershed). Staff Recommendation: To grant the amendment to remove net leasable square footage and reduce the allowable impervious cover. Planning Commission Recommendation: To grant the amendment to remove net leasable square footage and reduce the allowable impervious cover. Applicant: Sprouse, Shrader, Smith/Terry Irion. Owner: JDI Holdings, LLC (Douglas Ivey). City Staff: Andrew Moore, 512-974-7604.
43. C14-2016-0124 - Parmer Business Park - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as the Southwest Corner of East Howard Lane and Harris Ridge Boulevard (Harris Branch Watershed) from limited industrial services-planned development area (LI-PDA) combining district zoning to limited industrial services-planned development area (LI-PDA) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant limited industrial services-planned development area (LI-PDA) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant limited industrial services-planned development area (LI-PDA) combining district zoning, with conditions. Owner/Applicant: Karlin McCallen Pass, LLC (Matthew Schwab). Agent: Armbrust & Brown, PLLC (Richard T. Suttle). City Staff: Sherri Sirwaitis, 512-974-3057.
44. C14-2016-0130 - 11410 Manchaca Road - District 5 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 11410 Manchaca Road (Slaughter Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-

conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning.

Owner/Applicant: Manchaca Partners, Inc. (Sufian Emmar). Agent: Lenworth Consulting LLC (Nash Gonzales). City Staff: Wendy Rhoades, 512-974-7719.

45. C14-2016-0134 - Pioneer at Walnut Creek - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning property locally known as 11126 Sprinkle Cutoff Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to multifamily residence-low density (MF-2) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on April 4, 2017. Owner/Applicant: Nirav Amin. Agent: Vincent Gerard & Associates (Vincent G. Huebinger). City Staff: Sherri Sirwaitis, 512-974-3057.
46. C14-85-149.100.02 (RCA) - Scofield Apartments - District 7 - Conduct a public hearing to amend a public restrictive covenant on a property locally known as 13121, 13125, 13133, 13139, 13145, 13147 FM 1325 and 3001 Scofield Ridge Parkway (Walnut Creek Watershed). Staff Recommendation: To grant the Restrictive Covenant Amendment. Zoning and Platting Commission Recommendation: To grant the Restrictive Covenant Amendment. Owner/Applicant: Ringgold Partners II, L.P. (John Bultman, III). Agent: Drenner Group (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.


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


47. 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=1415&doctype=Agenda>)

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

48. Conduct a public hearing and consider an ordinance adopting the 2015 International Residential Code with specific amendments.
49. Conduct a public hearing to amend the Imagine Austin Comprehensive Plan by adopting the Austin Strategic Housing Plan.

### **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.