



**Thursday, April 13, 2017**

The Austin City Council will convene at 10:00 AM on  
Thursday, April 13, 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**

Rev. Paul Escamilla, Saint John's Methodist Church

**10:00 AM □ City Council Convenes**

**Consent**

**Approval of Minutes**

1. Approve the minutes of the Austin City Council work session of April 4, 2017 and regular meeting of April 6, 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.

**Aviation**

3. Approve the appointment of Assistant City Manager Bert Lumbreras to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc. for a full term.

**Capital Contracting Office**

4. Authorize award and execution of a construction contract with MASTEC NORTH AMERICA, INC., for the Fiscal Year 2016-2017 Traffic Signal Maintenance – Indefinite Delivery/Indefinite Quantity project, in an estimated amount of \$656,250 for 12 months, with four 12-month extension options in an estimated amount of \$600,000 for each extension option, for a total contract amount not to exceed of \$3,056,250, to be allocated among the initial 12-month term and the four extension option periods needed.  
( Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise Procurement Program) by meeting the goals with 4.03% MBE and 2.24% WBE participation. )
5. Authorize negotiation and execution of a professional services agreement with

the following eight staff recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP212: LIMBACHER & GODFREY, INC., MWMDESIGNGROUP, MCKINNEY ARCHITECTS, INC., STANLEY ARCHITECTS & ARTISANS, INC. dba STANLEY-SALAIZ JV, COTERA+REED ARCHITECTS, AUSTIN ARCHITECTURE PLUS, INC., THE LAWRENCE GROUP, INC., JAIME BEAMAN AIA, INC. dba CASABELLA ARCHITECTS, for architectural services for the 2017 General Architectural Services Rotation List for an estimated period of two years or until financial authorization is expended, with the total amount not to exceed \$4,000,000 divided among the eight firms. ( Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80 % WBE participation. )

6. Authorize award and execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC., for the IH-35 Underpass Lighting project in the amount of \$362,724 plus a \$36,272.40 contingency, for a total contract amount not to exceed \$398,996.40. (Districts 1, 3, and 9). ( Notes: This contract will be awarded in compliance with City Code Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 54.82% MBE and 38.08% WBE participation. )
7. Authorize negotiation and execution of a professional services agreement with the following three staff recommended firms (or other qualified responders) for Request for Qualifications Solicitation No. CLMP210: TEXAS ENERGY ENGINEERING SERVICES, INC., ENERGY ENGINEERING ASSOCIATES, INC. (DBA EEA CONSULTING ENGINEERS), and PAGE SOUTHERLAND PAGE, INC., for commissioning services for the 2017 Building Commissioning (Cx) Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the three firms. ( Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). No goals were established for this solicitation. )

#### **Financial Services**

8. Approve an ordinance amending the Fiscal Year 2016-2017 Operating Budget of the Liability Reserve Fund (Ordinance No. 20160914-001) increasing total available funds by \$1,067,829 from funds received to reimburse the City for amounts paid on claims from a prior year, for a total of \$5,128,829; and increasing requirements by \$2,200,000 to a total of \$6,363,000 to cover judgments Council previously approved and to cover remaining estimated expenditures through the end of the Fiscal Year.

#### **Law**

9. Approve a settlement in *Kulisek v. City of Austin et. al*, Cause No. D-1-GN-16-003549, in the 261st Judicial District Court of Travis County, Texas.

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

10. Approve an ordinance adopting the Austin Strategic Housing Plan as an element of the Imagine Austin Comprehensive Plan.

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

11. Authorize negotiation and execution of a 60-month lease renewal with David B. Edelman for approximately 8,000 square feet of office and warehouse space at 4122 Todd Lane, in Austin, Texas, for Austin Energy's Meter Shop, in an amount not to exceed \$380,328.95 (District 2).
12. Authorize negotiation and execution of a 60-month lease renewal for approximately 3,749 square feet of office space for the Economic Development Department, Small Business Development Program, located at 4029 South Capital of Texas Highway, Suite 110, in Austin, Travis County, Texas, from LCFRE AUSTIN BRODIE OAKS, LLC, for a total amount not to exceed \$578,583.17 (District 5).
13. Authorize the negotiation and execution of an amendment to the lease agreement with the LOWER COLORADO RIVER AUTHORITY to add an additional 14,530 square feet of office space for 42 months for the Austin Transportation Department located at 3701 Lake Austin Blvd., in an amount not to exceed \$1,341,119.10. (District 10 ).
14. Authorize the execution of all documents necessary or desirable to provide relocation assistance and authorize the payment of relocation funds to the tenants located at 1127 and 1205 E. 52nd Street in an amount not to exceed \$600,000. (District 4)

#### **Public Health**

15. Authorize negotiation and execution of Amendment No. 1 to the 12-month interlocal agreement with AUSTIN COMMUNITY COLLEGE to increase funding for childcare quality improvement services in an amount not to exceed \$1,121 for the current 12-month agreement period ending September 30, 2017, and the remaining four 12-month renewal options in an amount not to exceed \$1,121 per renewal option, for a total agreement amount not to exceed \$249,405.
16. Authorize negotiation and execution of Amendment No. 5 to the interlocal agreement with AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, dba AUSTIN TRAVIS COUNTY

INTEGRAL CARE to increase funding for the Community Advancement Network Administrative agreement for community coordination, collaboration and data reporting in an amount not to exceed \$2,211 for the current 12-month agreement period ending September 30, 2017, and increase funding for the remaining three 12-month renewal options in an amount not to exceed \$2,211 per extension option, for a total agreement amount not to exceed \$580,171.

17. Approve an ordinance authorizing the transfer of \$170,000 in grant funds from the Austin Public Health Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) and amending the Fiscal Year 2016-2017 Austin Public Health Capital Budget (Ordinance No. 20160914-002) to appropriate \$170,000 in grant funds for the Austin Shelter for Women and Children renovation capital improvement project.
18. Authorize negotiation and execution of amendment no. 3 to the interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT to increase funding for a mentoring project in an amount not to exceed \$366 for the current 12-month period ending September 30, 2017, with four 12-month renewal options in an amount not to exceed \$366 per renewal option, for a total agreement amount not to exceed \$97,230.

#### **Purchasing Office**

19. 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. (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.)

#### **Telecommunications and Regulatory Affairs**

20. Approve an ordinance suspending a rate increase proposed by Oncor Electric Delivery Company, LLC; requiring reimbursement of municipal rate case expenses by the regulated utility; and providing notice of this ordinance to Oncor Electric Delivery Company, LLC.

#### **Watershed Protection Department**

21. Approve a resolution authorizing the negotiation and execution of a Multiple Use Agreement with the Texas Department of Transportation to permit the construction, maintenance, and operation of a Flood Early Warning System

beacon in the SH130 right-of-way approaching Fallwell Lane. (District 2)

**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 directing the City Manager to allocate funding and pursue the acquisition of flood-damaged properties in the vicinity of Pinehurst Drive and Wild Dunes in the Onion Creek subdivision of the Upper Onion Creek watershed.  
( Notes: SPONSOR: Council Member Ann Kitchen CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Sabino "Pio" Renteria )
24. Approve a resolution relating to procedures for implementing affordable housing goals in the Austin Strategic Housing Plan.  
( Notes: SPONSOR: Council Member Ann Kitchen CO 1: Mayor Steve Adler CO 2: Council Member Gregorio Casar CO 3: Council Member Leslie Pool CO 4: Council Member Sabino "Pio" Renteria )
25. Approve a resolution relating to preserving and creating affordable housing along certain priority corridors.  
( Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Alison Alter CO 4: Council Member Sabino "Pio" Renteria )
26. Approve a resolution supporting the ongoing efforts of the City Manager to address the urgent public health situation caused by K2/Spice and asking the City Manager to identify additional resources necessary to bolster public safety and public health efforts.  
( Notes: SPONSOR: Mayor Steve Adler CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Ora Houston CO 3: Council Member Sabino "Pio" Renteria CO 4: Council Member Leslie Pool )
27. Approve a resolution creating the City Manager Search Advisory Task Force.  
( Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Leslie Pool CO 2: Council Member Delia Garza CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Ann Kitchen )

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

28. Set a public hearing to consider an ordinance amending City Code Title 25 to change Historic Landmark Commission voting requirements such that a simple majority is required to recommend Historic Zoning over the objection of a property owner. (Suggested date and time: May 18, 2017, 4:00 p.m., at

Austin City Hall, 301 W. Second Street, Austin, TX).

## Non-Consent

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

Sylvia Mendoza - Illegal immigration.

Toni Teel - SXSW.

Carlos León - 1) God, Jesus Christ, & the Holy Ghost are undefeated - The Greatest of All Time.; 2) Chemtrails are alien to Austin's airspace - they don't belong here; 3) Losing your marbles. Vol. 3 Part. 2

Matt Schickel - Public Safety.

### Executive Session

29. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
30. Discuss competitive matters related to Austin Energy generation resource planning (Certain Public Power Utilities: Competitive Matters – Section 551.086 of the Government Code).
31. Discuss legal issues related to Barbara Leffingwell’s personal injury claim against the City of Austin (Private consultation with legal counsel—Section 551.071 of the Government Code).
32. Discuss legal issues related to Hernandez v. City of Austin et. al, Cause No. 1:14-CV-00492LY, in the United States District Court for the Western Division of Texas (Private consultation with legal counsel—Section 551.071 of the Government Code).
33. Discuss legal issues related to O’Brien v. City of Austin et. al, Cause No. D-1-GN-14-004675, in the 345th Judicial District Court of Travis County, Texas (Private consultation with legal counsel—Section 551.071 of the Government Code).

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

34. C14-2016-0106 - 4411 SOCO - District 3 - Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 4411 South Congress Avenue and 4510 Lucksinger Lane (Williamson Creek Watershed) from general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-neighborhood plan (CS-MU-V-NP) combining district zoning. First Reading approved on

January 26, 2017. Vote: 8-2, Mayor Pro Tem Tovo and Council Member Alter voted nay; Council Member Casar was off the dais. Second Reading approved on March 23, 2017. Vote: 10-0, Council Member Casar was off the dais. Owner: Olivia and Harry Wilke. Applicant: LEMCO Holdings, LLC (David Cox). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

35. C14-2016-0137 – Grady .46 - District 4 - Approve second and third readings of an ordinance amending City Code Title 25 by zoning property locally known as 600 East Grady Drive (Little Walnut Creek Watershed) from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. First Reading approved on March 23, 2017. Vote: 11-0. Owner/Applicant: Saleem Memon. Agent: Bennett Consultants (Rodney Bennett). City Staff: Sherri Sirwaitis, 512-974-3057.

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

36. C814-2014-0120 – Austin Oaks PUD – District 10 – Conduct a public hearing and approve 3rd reading of an ordinance amending City Code Title 25-2 by rezoning property locally known as 3409, 3420, 3429, 3445, 3520, 3636, 3701, 3721, 3724, and 3737 Executive Center Drive and 7601, 7718 and 7719 Wood Hollow Drive (Shoal Creek Watershed) from community commercial (GR) district zoning, neighborhood commercial (LR) district zoning, limited office (LO) district zoning and family residence (SF-3) district zoning to planned unit development (PUD) district zoning. The ordinance may include waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. Zoning and Platting Commission Recommendation: To approve PUD zoning with conditions. City Council: Approved First reading PUD zoning with conditions, December 15, 2016, vote 6-3 Council Members Casar, Gallo and Zimmerman voting nay. Approved 2nd reading PUD zoning with conditions, March 23, 2017 vote 7-4 Council Members Alter, Houston, Pool and Tovo against]. Applicant: Graves Dougherty Hearon & Moody (Michael Whellan). Owner: Twelve Lakes LLC, Jon Ruff. City Staff: Andrew Moore, 512-974-7604. A valid petition has been filed in opposition to this zoning case.
37. C14-2017-0012 - South Austin Regional Wastewater Treatment Plant and Electrical Substation No. 1 Replacement - District 2 - Conduct a public hearing and approve an ordinance amending City Code Title 25-2 by zoning property locally known as 1017, 1101 and 1103 Fallwell Lane (Colorado River Watershed; Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: Austin Water (Brent Bassett); Austin Energy (Pamela England). Agent: Austin Water (Eric Sermeno). City Staff: Wendy Rhoades, 512-974-7719.



38. 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: To grant townhouse-condominium residence (SF-6) district zoning; Zoning and Platting Commission Recommendation: To grant townhouse-condominium residence (SF-6) district zoning; Owner/Applicant: Nirav Amin. Agent: Vincent Gerard & Associates (Vincent G. Huebinger). City Staff: Sherri Sirwaitis, 512-974-3057.

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

39. Conduct a public hearing and approve an ordinance granting a site-specific amendment to City Code Section 25-8-514 and granting variances to City Code Section 25-8-261 to allow development of the Barton Creek Trailhead Restroom in Zilker Park. This action requires a site-specific amendment to the Save Our Springs Initiative and concerns property in the Barton Springs Zone (District 8).
40. Conduct a public hearing and consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by Del Valle 969 Apartments, Ltd., or an affiliated entity, for the new construction of an affordable multi-family development to be located at approximately 14011 FM 969, in the extraterritorial jurisdiction of the City of Austin.
41. Conduct a public hearing and consider an ordinance creating an economic development program and authorizing the negotiation and execution of an economic development agreement with Merck Sharp & Dohme Corporation.

#### **5:30 PM - Live Music**

The Belle Sounds

#### **5:30 PM - Proclamations**

Proclamation – Small Business Festival Day – To be presented by Mayor Steve Adler and to be accepted by Sylvania Holt-Rabb, Assistant Director, Economic Development Department

Proclamation – Sexual Assault Awareness Month – To be presented by Council Member Greg Casar and to be accepted by Emily LeBlanc, Chair of the Sexual Assault Response and Resource Team of Austin-Travis County


Proclamation – A Glimmer of Hope Austin Day – To be presented by Mayor Steve Adler and to be accepted by Philip and Donna Berber


Proclamation – Autism Awareness Month – To be presented by Council Member Delia Garza and to be accepted by Jacqui Benestante, Administrative Coordinator, Autism Society of Texas

Proclamation – Move Month and National Walking Day – To be presented by Mayor Steve Adler and to be accepted by Christina Holch, Campaign Director, Voices for Healthy Kids, Texas

Distinguished Service Award – Gordon Derr, Assistant Director, Transportation Department – To be presented by Mayor Steve Adler and to be accepted by the honoree

## 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.*

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.