



## **AUSTIN CITY COUNCIL WORK SESSION**

**Tuesday, March 01, 2016**

The Austin City Council will convene at 9:00 AM on  
Tuesday, March 01, 2016 at Austin City Hall  
301 W. Second Street, Austin, TX



**REVISED**

**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 Don Zimmerman, District 6**

**Council Member Leslie Pool, District 7**

**Council Member Ellen Troxclair, District 8**

**Council Member Sheri Gallo, 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 Disparity Study Briefing
  - B.2 Briefing on strategic facility planning
  - B.3 Water Capital Recovery Fee Briefing
- C. Council Items of Interest
- D. Council Discussion
  - D.1 Discussion on Fair Chance Hiring
- 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 Brian Rodgers v. City of Austin, Cause No. D-1-GN-16-000615 in the 345th District Court, Travis County (Private consultation with legal counsel--Section 551.071 of the Government Code).
  - E.3 Discuss legal issues related to a potential recall petition (Private consultation with legal counsel-552.071).
  - E.4 Discuss legal issues related to the adoption of affordable housing requirements as a condition of development approval, also known as inclusionary zoning (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 work session of February 23, 2016 and regular meeting of February 25, 2016.

## **Economic Development Department**

2. Approve an ordinance amending the Fiscal Year 2015-2016 Economic Development Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to adopt a budget for the South Congress Preservation and Improvement District, with a beginning balance of \$88,247, revenue of \$112,090, and requirements of \$191,515.

## **Health and Human Services**

3. Approve an ordinance authorizing acceptance of \$90,260 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, AUSTIN, TEXAS, and amending the Fiscal Year 2015-2016 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20150908-001) to authorize the appropriation of \$90,260 for the addition of 1.0 full-time equivalent position for the coordination of HIV medical care services.
4. Approve the reappointment of Philip P. Huang, M.D., M.P.H., as the Health Authority and designate Birch Duke Kimbrough M.D. as the Alternate Health Authority for Austin/Travis County Health and Human Services Department.

## **Law**

5. Authorize execution of an amendment of a legal services agreement with Thompson and Knight for legal representation in Hopkins v. City of Austin et al, Travis County District Court Cause Nos. D-1-GN-15-001711, D-1-GN-15-003115, D-1-GN-15-000927, and D-1-GN-15-004618, including appeals to the Third Court of Appeals. The amount of the increase is \$110,000. This increase would bring the total amount of the professional services contract to \$308,000.
6. Authorize negotiation and execution of a legal services contract with the law firm of Gibbs and Bruns LLP for legal services regarding the existing agreement between the City and Nacogdoches Power LLC for the purchase of biomass-generated electric power, in an amount not to exceed \$325,000.

## **Planning and Zoning**

7. Approve an ordinance amending Ordinance No. 20140320-062 related to dwelling occupancy limit to repeal the expiration date and report requirement.

## **Purchasing Office**

8. Authorize award and execution of a 36-month contract with CAPITAL AREA OCCUPATIONAL MEDICINE DBA ST. DAVIDS OCCUPATIONAL HEALTH SERVICES, for Invitation for Bid-Best Value

EAD0613, to provide inoculations and various medical testing services in an amount not to exceed \$1,396,245, with three 12-month extension options in an amount not to exceed \$465,415 per extension option, for a total contract amount not to exceed \$2,792,490.

( 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. )

9. Authorize award and execution of a 36-month contract with AUSTIN EQUIPMENT COMPANY DBA HARD ROCK TRANSPORTATION to provide one-inch river rock to be used in pipeline repair in an amount not to exceed \$606,930, with two 12-month extension options in an amount not to exceed \$202,310 per extension option, for a total contract amount not to exceed \$1,011,550.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program by exceeding the goals with 5.49% MBE and 0.15% WBE participation. )
10. Authorize award and execution of a 36-month contract with VISION MACHINE, INC., for the repair of water treatment centrifuges in an amount not to exceed \$379,985 with three 12-month extension options in an amount not to exceed \$178,545 for the first option, \$100,720 for the second option, and \$178,545 for the third option, for a total contract amount not to exceed \$837,795.  
( 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. )
11. Authorize negotiation and execution of a 12-month contract with VERSATERM, INC. to provide software licenses, maintenance, and support services in an amount not to exceed \$635,669, with four 12-month extension options in amounts not to exceed \$468,968 for the first option, \$483,037 for the second option, \$497,528 for the third option, and \$512,454 for the final option, for a total contract amount not to exceed \$2,597,656.  
( Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. )
12. Authorize negotiation and execution of a contract with ITT GOULDS PUMPS, or one of the other qualified offerors to Request For Proposal NST0406, for the purchase of three condensate pumps and motors for Unit 5A Heat Recovery Steam Generator at the Sand Hill Energy Center, in an amount not to exceed \$495,641.

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

13. Authorize negotiation and execution of a one-time contract with MATRIX CONSULTING GROUP, or one of the other qualified offerors to Request for Qualification Statements EAD0301, for a community policing consultant for a total contract amount not to exceed \$200,000.

( 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. )

14. Authorize award and execution of a 12-month contract through the Texas Local Government Purchasing Cooperative with CASCO INDUSTRIES INC. to provide leather firefighting boots in an amount not to exceed \$162,000.

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

15. Authorize negotiation and execution of a contract with CAPITOL MARKET RESEARCH for an economic impact study of transportation corridor development areas, in an amount not to exceed \$250,000.

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

### **Small and Minority Business Resources**

16. Approve a resolution accepting the 2015 disparity study completed by National Economic Research Associates, Inc. regarding the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program (Program), and directing the City Manager to take necessary steps to continue the Program and to develop recommendations for a procurement program for veteran-owned businesses and service-disabled veteran-owned businesses to participate in City contracts.

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

17. 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.

18. Approve a resolution directing the City Manager to initiate amendments to the affordable housing and fee waiver portion of the Pilot Knob Planned Unit Development zoning ordinance (Ordinance No. 20151217-080).  
( Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Council Member Don Zimmerman CO 2: Council Member Ora Houston CO 3: Council Member Leslie Pool )
19. Approve a resolution directing the City Manager to conduct a comprehensive review of the City's music and creative ecosystem, and return to City Council in ninety days with options and needed resources, such as development changes, financial partnerships and research to address the continued and future success of all aspects of the City's music and creative ecosystem.  
( Notes: SPONSOR: Mayor Steve Adler CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Gregorio Casar CO 3: Council Member Sabino "Pio" Renteria )
20. Approve a resolution directing the City Manager to develop recommendations for addressing food access issues and incorporate food access as one of the focus areas for the City of Austin Equity Office.  
( Notes: SPONSOR: Council Member Delia Garza CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Leslie Pool CO 3: Mayor Steve Adler )
21. Approve a resolution directing the City Manager to amend the schedule for the Austin Energy rate case.  
( Notes: SPONSOR: Council Member Leslie Pool CO 1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Council Member Delia Garza CO 4: Mayor Pro Tem Kathie Tovo )
22. Approve an ordinance waiving or reimbursing certain fees and waiving certain requirements for the Centex Open Karate Championship to be held Saturday, April 16, 2016 at Oswaldo A.B. Cantu/Pan American Recreation Center.  
( Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Delia Garza )
23. Approve a resolution relating to Council Members' proxy representation on the Capital Area Metropolitan Planning Organization Transportation Policy Board.  
( Notes: SPONSOR: Council Member Sheri Gallo CO 1: Council Member Delia Garza CO 2: Council Member Ann Kitchen CO 3: Council Member Ellen Troxclair )
24. Approve an ordinance amending City Code Chapter 2-5 relating to council

committees and procedures for council meetings.

( Notes: SPONSOR: Council Member Gregorio Casar CO 1: Mayor Steve Adler CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Delia Garza )

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

25. Set a public hearing to consider an ordinance amending City Code Title 25 and Title 30 of the Land Development Code to change the staff review time for development applications from calendar days to the equivalent number of business days, modify the life of a site plan or subdivision application from 180 days with an available 180 day extension to one year with no extension provision, establish a stop-clock provision for development application life for related applications that require a public hearing, establish a clear process for the review and approval of subdivision vacation applications, and establish an expiration for subdivision construction plan applications consistent with other development permit applications. (Suggested date and time: March 31, 2016, 4:00 p.m. Austin City Hall, 301 West Second Street, Austin, TX).
26. Set a public hearing to consider an ordinance amending City Code Title 25 related to the multifamily residence highest density (MF-6) district zoning regulations. (Suggested date and time: March 31, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
27. Set a public hearing to consider an ordinance amending City Code Title 25 related to the neighborhood plan design tool garage placement standards. (Suggested date and time: March 31, 2016, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
28. Set a public hearing to consider supporting an application to be submitted to the Texas Department of Housing and Community Affairs by LDG Development, or an affiliated entity, for a proposed affordable multi-family housing development to be called the Bluffs at Cameron Apartments, located at 9201 Cameron Road. (District 1) (Suggested date and time: March 31, 2016 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
29. Set public hearings for the full purpose annexation of the Cascades Municipal Utility District No. 1 (approximately 136 acres in southern Travis County east of IH 35 South approximately four tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway; Council District 5.) (Suggested dates and times: April 7, 2016 at 4:00 pm and April 14, 2016 at 4:00 pm, Austin City Hall, Council Chambers, 301 West 2nd Street, Austin, Texas.)

### **Non-Consent**

### **Item(s) for Discussion and Possible Action**

30. Approve a resolution regarding the renaming of the Austin Tennis Center, located at 7800 Johnny Morris Road.

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

#### **Audit and Finance Committee**

31. Approve amendments to the City Auditor's Fiscal Year 2016 Audit Plan to accommodate an affordability review project.  
( Notes: City Auditor's Office )
32. Approve an ordinance amending City Code Sections 2-1-170 and 1-2-206 to change the name of the Sustainable Food Policy Board.  
( Notes: Committee )
33. Approve an ordinance amending City Code Section 2-1-182 relating to the Zero Waste Advisory Commission.  
( Notes: Committee )
34. Approve an ordinance amending City Code Chapter 2-1 relating to the vote necessary for certain large City boards to take action.  
( Notes: Committee )
35. Approve an ordinance amending City Code Section 2-1-144 relating to the Environmental Commission.  
( Notes: Committee )

### **Action on Item(s) with Closed Public Hearings - per City Code Section 2-5-27, additional speakers will not be registered**

36. Approve second and third reading of an ordinance amending City Code Title 25 to limit the ability of using small lot amnesty to disaggregate contiguous substandard lots to create a site that is smaller than the minimum lot area requirement. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON FEBRUARY 11, 2016).

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

37. C14-2015-0112 – 4517 Triangle Avenue – District 9 – Approve second and third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4517 Triangle Avenue (Waller Creek Watershed) from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to multifamily residence-highest density-conditional overlay (MF-6-CO) combining district zoning. First Reading approved on December 10, 2015. Vote: 10-0, Mayor Adler was absent. Owner/Applicant: SV Triangle LP (R. Warren Walters). Agent: McLean &



Howard, LLP (Jeff Howard). City Staff: Victoria Haase, 512-974-7691.

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

38. C14-2015-0047 - 2303 & 2309 Thornton Road - District 5 - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2303 and 2309 Thornton Road (West Bouldin Creek Watershed) from general commercial services (CS) district zoning to general commercial services-mixed use-vertical mixed use building- (CS-MU-V) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Planning Commission Recommendation: To forward to Council without a recommendation. Owner/Applicant: UT Land Company, Ltd./Jimmy Nassour. Agent: Alice Glasco Consulting/Alice Glasco. City Staff: Andrew Moore, 512-974-7604.


### **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 legal issues related to Brian Rodgers v. City of Austin, Cause No. D-1-GN-16-000615 in the 345th District Court, Travis County (Private consultation with legal counsel--Section 551.071 of the Government Code).
41. Discuss legal issues related to a potential recall petition (Private consultation with legal counsel-552.071).
42. Discuss legal issues related to the adoption of affordable housing requirements as a condition of development approval, also known as inclusionary zoning (Private Consultation with legal counsel - Section 551.071 of the Government Code).

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

43. Conduct a public hearing and consider a resolution for the use of dedicated parkland, known as Metz Park (District 3), for approximately 2,049 square feet of permanent access for operation and control of the Pedernales Substation as part of the Holly Street Power Plant Decommissioning and Demolition Project, in accordance with Chapter 26 of the Texas Parks and Wildlife 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.*

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.