

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, APRIL 20, 2017**

**Invocation:** Reverend Anna Shouse, Unity of Austin

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, April 20, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:10 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called of April 5, 2017, work session of April 11, 2017, budget work session of April 12, 2017 and regular meeting of April 13, 2017.  
**The minutes from the City Council special called of April 5, 2017, work session of April 11, 2017, and budget work session of April 12, 2017 were approved on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote. Approval of the minutes for the regular meeting of April 13, 2017 was postponed to May 4, 2017.**
2. Authorize negotiation and execution of an agreement with 422 Bastrop Hwy Ltd., 500 Bastrop Hwy Ltd., and Chase Equities Inc. ("Owners") for the City to reimburse the Owners for an amount not to exceed \$700,000 for costs associated with the design and construction of an oversized wastewater main and appurtenances related to Service Extension Request No. 3955 that will provide wastewater service to a proposed multi-family development located at 500 Bastrop Hwy. and Ponca St. (District 3)  
**The motion authorizing negotiation and execution of an agreement with 422 Bastrop Hwy Ltd., 500 Bastrop Hwy Ltd., and Chase Equities, Inc. was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**
3. Authorize payment in an amount not to exceed \$100,000 for the Department of Aviation's continued membership and participation in Airports Council International – North America.  
**The motion authorizing payment for continued membership and participation in Airports Council International – North America was approved on consent on Council Member Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair abstained.**

Item 4 was pulled for discussion.

5. Approve a resolution authorizing the issuance and sale, by Austin-Bergstrom Landhost Enterprises, Inc., of Airport Hotel Senior Revenue Refunding and Improvement Bonds, Series 2017 in an aggregate amount not to exceed \$60,000,000 in accordance with the parameters set out in the resolution, authorizing related documents, approving related fees and providing that the issuance and sale be accomplished by July 1, 2017.  
**Resolution No. 20170420-005 was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

**Items 6 and 7 were pulled for discussion.**

8. Authorize negotiation and execution of a 32-month lease renewal with Glenn and Britta M. Herzog for horse stable and arena facilities for the Austin Police Department, Mounted Patrol Unit, located at 8011 East Parmer Lane, Manor, Texas, for a total amount not to exceed \$144,000.  
**The motion authorizing negotiation and execution of a lease renewal with Glenn and Britta M. Herzog was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**
9. Authorize negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple three tracts of land totaling 41.167 acres out of lots 1, 2, and 3 Block A Airport Commerce Park Section Three located at 838, 840 and 904 S. U.S. Highway 183 in Austin, Travis County, Texas, from SFSV HILL AIRPORT COMMERCE II, LLC in an amount not to exceed \$3,778,066 which includes closing costs (District 3).  
**The motion authorizing negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple three tracts of land from SFSV Hill Airport Commerce II, LLC was approved on consent on Council Member Garza's motion, Council Member Pool's second on a 10-1 vote. Council Member Troxclair voted nay.**
10. Approve an ordinance amending the Fiscal Year 2016-2017 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to accept and appropriate \$65,000 in grant funds from the Asian American Resource Center, Inc. for salary expenses for a City of Austin grant position to assist with Asian and Asian-American cultural protocols, programming, and marketing at the City of Austin Asian American Resource Center.  
**This item was postponed to May 11, 2017 on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

**Item 11 was pulled for discussion.**

12. Approve the negotiation and execution of an agreement with AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER, dba INTEGRAL CARE to provide intensive support services for individuals with disabilities who are in need of permanent supportive housing for an initial six-month term beginning on April 1, 2017 in an amount not to exceed \$600,000, with four 12-month renewal options not to exceed \$600,000 per renewal option, for a total contract amount not to exceed \$3,000,000.  
**The motion authorizing negotiation and execution of an agreement with Austin Travis County Mental Health Mental Retardation Center doing business as Integral Care was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**
13. Authorize negotiation and execution of an amendment to the interlocal agreement with Williamson County for Forest North, Pearson Ranch Road, Bayswater Gardens, and Lakeline

Boulevard Improvement Projects in the amount of \$229,450.96 for a total interlocal agreement amount not to exceed \$1,638,884.05. (District 6)

**This item was postponed to May 18, 2017 on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

14. Authorize negotiation and execution of eight six-month contracts through the LOCAL GOVERNMENT PURCHASING COOPERATIVE, administered by TEXAS ASSOCIATION OF SCHOOLBOARDS (BUYBOARD) with FUN ABOUND, INC., KOMPAN, INC., PARADIGM CONTRACTING, LLC (M/WBE), PLAY POWER LT FARMINGTON, INC., THE PLAYWELL GROUP, INC., PTI SPORTS & RECREATION CONSTRUCTION, T.F. HARPER & ASSOCIATES, LP, WEBUILDFUN, INC., and various other vendors, for the maintenance, repair, and improvement of park and playground equipment, in an estimated amount of \$1,612,000, with two 12-month extension options in an estimated amount of \$3,224,000 per extension option, for a total contract amount not to exceed \$8,060,000 divided among the contractors. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were no subcontracting opportunities identified; therefore, no subcontracting goals were established.)

**The motion authorizing negotiation and execution of contracts through the Local Government Purchasing Cooperative with Fun Abounds, Inc., Kompan, Inc., Paradigm Contracting, LLC, Play Power LT Farmington, Inc., The Playwell Group, Inc., PTI Sports & Recreation Construction, T.F. Harper & Associates, LP, and Webuildfun, Inc. was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

15. Authorize award and execution of a 60-month contract with MOVE SOLUTIONS LTD dba TOTAL OFFICE SOLUTIONS LLP, to provide moving and relocation services, in an amount not to exceed \$930,000. (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 insufficient subcontracting opportunities therefore, no subcontracting goals were established.)

**The motion authorizing award and execution of a contract with Move Solutions LTD doing business as Total Office Solutions LLP was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

**Item 16 was pulled for discussion.**

17. Authorize award and execution of a 24-month contract with TECHLINE, INC., to provide precast concrete manholes, in an estimated amount of \$718,470, with three 12-month extension options in an estimated amount of \$359,235 per extension option, for a total contract amount not to exceed \$1,796,175. (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.)

**The motion authorizing award and execution of a contract with Techline, Inc. was approved on consent on Council Member Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair abstained.**

18. Authorize negotiation and execution of a contract with PEERLESS MFG. CO., for removal, assembly, inspection, installation and replacement of the aqueous ammonia skid for the combined cycle unit heat recovery steam generator at Sand Hill Energy Center, in an amount not to exceed \$464,640. (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.)  
**The motion authorizing negotiation and execution of a contract with Peerless MFG. Co. was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

19. Authorize award and execution of a 12-month contract with TEXAS HIGHWAY PRODUCTS, LTD., to provide video imaging vehicle detection systems (intersection cameras), in an estimated amount of \$1,905,000, with two 12-month extension options in an estimated amount of \$1,905,000 per extension option, for a total contract amount not to exceed \$5,715,000. (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 and an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established. April 17, 2017 – Not recommended by the Electric Utility Commission on a 3-4 vote. Commissioners Biedrzycki, Hadden, Osborne, and Stout voted nay. Commissioners Reel and Wray were absent and the Commission has two vacancies. Commissioners voting nay voiced concerns about sustainability standards in fleet purchases.)  
**The motion authorizing award and execution of a contract with Texas Highway Products, Ltd. was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

**Item 20 was pulled for discussion.**

21. Authorize negotiation and execution of a 12-month contract with BRYCER, LLC for web-based management of fire safety system permitting, in an estimated amount of \$81,000, with four 12-month extension options in an estimated amount of \$186,000 for the first extension option, \$313,000 for the second extension option, \$400,000 for the third extension option, and \$412,000 for the fourth extension option, for a total contract amount not to exceed \$1,392,000. (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.)  
**The motion authorizing negotiation and execution of a contract with Brycer, LLC was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**
22. Authorize negotiation and execution of a 36-month contract with ORACLE AMERICA, INC., to provide Oracle Utilities software and services including maintenance and support, in an estimated amount of \$8,465,350, with two 12-month extension options in an estimated amount of \$2,515,175 for the first extension option, and \$2,544,558 for the second extension option, for a total contract amount not to exceed \$13,525,083. (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.)  
**The motion authorizing negotiation and execution of a contract with Oracle America, Inc. was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

23. Authorize negotiation and execution of a 36-month contract with ECONOMIC & PLANNING SYSTEMS, INC., for financial analysis services related to real estate, economic development, and housing, in an amount not to exceed \$300,000. (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 insufficient subcontracting opportunities; therefore, no subcontracting goals were established)  
**The motion authorizing negotiation and execution of a contract with Economic & Planning Systems, Inc. was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**
24. Approve an ordinance suspending a Gas Reliability Infrastructure Program interim customer surcharge proposed by Texas Gas Service Company.  
**Ordinance No. 20170420-024 was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**
25. Approve an ordinance suspending a Gas Reliability Infrastructure Program interim customer surcharge proposed by CenterPoint Energy Resources.  
**Ordinance No. 20170420-025 was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

**Item 26 was pulled for discussion.**

27. 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.  
**The following appointments and certain related waivers and amendments to board and commission bylaws were approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

| Board/Nominee   | Nominated by         |
|---|----------------------|
| <u>Airport Advisory Commission</u><br>Frank Maldonado                                     | Council Member Casar |
| <u>Asian American Quality of Life Advisory Commission</u><br>Nguyen Stanton               | Council Member Pool  |
| <u>Board of Adjustment</u><br>Rahm McDaniel *   | Council Member Casar |
| <u>Commission on Seniors</u><br>Adam Hauser   | Mayor Adler          |
| <u>Early Childhood Council</u><br>Sebastian Wren *  | Council Member Casar |
| <u>Historic Landmark Commission</u><br>Alexander Papavasiliou*                            | Council Member Casar |
| <u>Lesbian, Gay, Bisexual, Transgender, and Queer Quality of Life Advisory Commission</u> |                      |

|   |                               |
|---|-------------------------------|
| <b>Paula Buls</b>   | <b>Council Member Casar</b>   |
| <b><u>Mechanical, Plumbing &amp; Solar Board</u></b>                    |                               |
| <b>Joseph Bowie *</b>   | <b>Council Member Casar</b>   |
| <b><u>Urban Transportation Commission</u></b>                           |                               |
| <b>Jonathan Gins *</b>  | <b>Council Member Casar</b>   |
| <b><u>Zoning &amp; Platting Commission</u></b>                          |                               |
| <b>Stephanie Trinh</b>  | <b>Council Member Casar</b>   |
| <b><u>City Manager Search Advisory Task Force</u></b>                   |                               |
| <b>Bill Spelman</b>   | <b>Council Member Kitchen</b> |
| <b><u>City Manager Search Advisory Task Force</u></b>                   |                               |
| <b>Julio Gonzalez Altamirano</b>  | <b>Council Member Casar</b>   |
| <b>Outside Appointments</b>   |                               |
| <b><u>Onion Creek Metropolitan Park District Board of Directors</u></b> |                               |
| <b>Angela Means</b>   | <b>City Nominee</b>           |
| <b>Philip Koske</b>   | <b>District Nominee</b>       |
| <b>Sara Partridge</b>   | <b>District Nominee</b>       |
| <b>Charles Smaistrle</b>  | <b>District Nominee</b>       |

**Waivers**

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Jonathan Gins on the Urban Transportation Commission.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for the service of Joseph Bowie on the Mechanical Plumbing and Solar Board.

**Approval of Universal Changes to Bylaws for the following Boards:**

**Ethics Review Commission**

**Item 28 was pulled for discussion.**

29. Approve a resolution declaring support for the establishment of a National Smithsonian American Latino Museum within the Smithsonian Institution on the National Mall in Washington, D.C. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Gregorio Casar CO 3: Mayor Steve Adler CO 4: Council Member Ora Houston)

**Resolution No. 20170420-029 was approved on consent on Council Member Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Troxclair abstained.**

**Item 30 was pulled for discussion.**

31. Approve a resolution directing the City Manager to explore the model offered by Starship Technologies, to analyze what code changes, if any that would be required to test and deploy such a pilot in this city, and to make a recommendation to Council by June 30, 2017. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Jimmy Flannigan CO 3: Council Member Ora Houston)  
**This item was withdrawn.**

**Item 32 was pulled for discussion.**

33. Approve a resolution directing the City Manager to initiate the process of renaming the "Slaughter Creek Management Unit" to the "Dr. Mary Gay Maxwell Management Unit." (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Mayor Steve Adler CO 2: Council Member Delia Garza CO 3: Council Member Ann Kitchen CO 4: Council Member Leslie Pool)  
**Resolution 20170420-033 was approved on consent on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**
34. Set a public hearing to consider an ordinance amending City Code Section 25-1-804 related to the neighborhood plan amendment process. (Suggested date and time, June 8, 2017, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for June 8, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

**Item 35 was pulled for discussion.**

36. Set a public hearing to consider an ordinance adopting the 2015 Uniform Mechanical Code with specific amendments, repealing the Solar Energy Code (Chapter 25-12, Article 8), and amending the jurisdiction and name of the Mechanical, Plumbing, and Solar Board. (Suggested date and time: June 8, 2017, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set on consent for June 8, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Pool's second on an 11-0 vote.**

**Item 37 was pulled for discussion.**

Items 38 through 41 were Executive Session Items.

Items 42 and 47 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Item 48 was a Briefing Item.

Items 49 and 50 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

4. Approve an ordinance amending the Fiscal Year 2016-2017 Development Services Department Capital Budget (Ordinance Number 20160914-002) to appropriate \$500,000 from the Development Surcharge Fee to fund technology enhancements for the department.

**Ordinance No. 20170420-004 was approved on Council Member Kitchen's motion, Council Member Alter's second on an 11-0 vote.**

**Direction was given to staff to provide Council with information on the department's ability to track the net housing development over the next ten years.**

**Items 6 and 7 were acted on in one combined motion.**

6. Approve payment of a settlement in 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.  
**The motion to settle the above referenced lawsuit, by authorizing the City to pay an amount not to exceed \$915,000 was approved on Council Member Renteria's motion, Council Member Casar's second on a 10-0 vote. Council Member Houston recused herself.**
7. Approve a settlement in 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.  
**The motion to settle the above referenced lawsuit, by authorizing the City to pay an amount not to exceed \$85,000 was approved on Council Member Renteria's motion, Council Member Casar's second on an 11-0 vote.**
11. Approve an ordinance authorizing acceptance of \$517,697 in grant funds from the DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, 78744 COMMUNITY YOUTH DEVELOPMENT GRANT, and amending Fiscal Year 2016-2017 Austin Public Health Department Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to appropriate \$517,697 for juvenile delinquency prevention services; and authorize negotiation and execution of an interlocal agreement with DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES for juvenile delinquency prevention services for a three-month period from June 1, 2017 through August 31, 2017 in an amount not to exceed \$108,382, with four 12-month renewal options through August 31, 2022 in an amount not to exceed \$449,957 per renewal option, for a total contract amount not to exceed \$1,908,210.  
**Ordinance No. 20170420-011 was approved on Council Member Flannigan's motion, Council Member Houston's second on an 11-0 vote.**
16. Authorize negotiation and execution of a 12-month contract with BERMEX, INC., or one of the other qualified offerors to Request For Proposals RMJ0310, to provide manual meter reading services for electric and water utility meters, in an amount of \$3,500,000, with four 12-month extension options in an amount of \$3,500,000 per extension option, for a total contract amount not to exceed \$17,500,000. (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 and no availability of M/WBEs; therefore, no subcontracting goals were established.)  
**This item was postponed to May 4, 2017 on Council Member Troxclair's motion, Council Member Garza's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Houston, Kitchen, and Troxclair. Those voting nay were: Council Members Flannigan, Pool, and Renteria.**
20. Authorize negotiation and execution of 25 contracts, for six-month terms, with AMERICAN MATERIAL HANDLING, INC; AUSTIN TRUCK AND EQUIPMENT, INC. LTD. DBA FREIGHTLINER OF AUSTIN; CALDWELL COUNTRY CHEVROLET; CENTERLINE SUPPLY, LTD; CENTRAL TEXAS EQUIPMENT; CHASTANG ENTERPRISES, INC;



CLARK EQUIPMENT COMPANY DBA BOBCAT COMPANY; COOPER EQUIPMENT CO., INC; CREATIVE BUS SALES, INC; DEERE & CO; DOGGETT FREIGHTLINER OF SOUTH TEXAS, LLC; EPOKE NORTH AMERICA, INC; HARBEN, INC; MAGNUM CUSTOM TRAILER MFG CO., INC; NILFISK-ADVANCE, INC; NUECES FARM CENTER DBA NUECES POWER EQUIPMENT; POLARIS SALES, INC; PROFESSIONAL TURF PRODUCTS, LP; RDO EQUIPMENT CO; RUSH BUS CENTERS OF TEXAS, DBA RUSH BUS CENTERS; SANTEX TRUCK CENTER, LTD; SILSBEE FORD, INC; TEXAN WASTE EQUIPMENT, INC. DBA HEIL OF TEXAS; VERMEER EQUIPMENT OF TEXAS, INC; and ZEITH MOTORS through the Houston-Galveston Area Council, the National Joint Powers Alliance, the Texas Multiple Award Schedule, and the Local Government Purchasing Cooperative, administered by Texas Association of School Boards (BuyBoard) cooperative purchasing programs, to provide vehicles and equipment, for total contract amounts not to exceed \$16,000,000, divided among the contractors. (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 required for this procurement, there was an insufficient availability of M/WBEs and insufficient subcontracting opportunities identified; therefore, no subcontracting goals were established.) April 17, 2017 – Not recommended by the Electric Utility Commission on a 3-4 vote. Commissioners Biedrzycki, Hadden, Osborne, and Stout voted nay. Commissioners Reel and Wray were absent and the Commission has two vacancies. Commissioners voting nay voiced concerns about sustainability standards in fleet purchases.

**The motion authorizing negotiation and execution of 25 contracts with: American Material Handling, Inc; Austin Truck and Equipment, Inc. LTD doing business as Freightliner of Austin; Caldwell Country Chevrolet; Centerline Supply, Ltd; Central Texas Equipment; Chastang Enterprises, Inc. Clark Equipment Company doing business as Bobcat Company; Cooper Equipment Co., Inc; Creative Bus Sales, Inc; Deere & Co; Doggett Freightliner of South Texas, LLC; Epoke North America, Inc; Harben, Inc; Magnum Custom Trailer MFG Co., Inc; Nilfisk-Advance, Inc; Nueces Farm Center doing business as Nueces Power Equipment; Polaris Sales, Inc; Professional Turf Products, LP; RDO Equipment Co; Rush Bus Centers of Texas, doing business as Rush Bus Centers; Santex Truck Center, Ltd; Silsbee Ford, Inc; Texas Waste Equipment, Inc. doing business as Heil of Texas; Vermeer Equipment of Texas, Inc; and Zeith Motors was approved on Council Member Renteria's motion, Council Member Pool's second on a 10-1 vote. Council Member Troxclair voted nay.**

26. Approve an ordinance authorizing negotiation and execution of an interlocal agreement with the Capital Metropolitan Transportation Authority, for 24 months with an option to renew annually for three additional years, to formalize the joint funding mechanism and program plan for the Smart Trips Program; amending the Fiscal Year 2016-2017 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20160914-001) to accept up to \$750,000 in grant funds from the Capital Metropolitan Transportation Authority; and amending the Fiscal Year 2016-2017 Austin Transportation Department Capital Budget (Ordinance No. 20160914-002) to transfer in and appropriate up to \$750,000 from the Austin Transportation Department Operating Budget Special Revenue Fund for the Smart Trips Program.
- Ordinance No. 20170420-026 was approved on Council Member Renteria's motion, Council Member Kitchen's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Garza, Kitchen, Pool, and Renteria. Those voting nay were: Council Members Houston and Troxclair.**

**Direction was given to staff to provide Council with details on the return on investment for the Smart Trips program including the number of areas and people served and the criteria used for determining areas for participation.**

30. Approve a resolution directing the City Manager to initiate revisions to the Allandale neighborhood and Rosedale neighborhood planning area boundaries. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Council Member Ora Houston CO 2: Mayor Pro Tem Kathie Tovo CO 3: Council Member Ann Kitchen CO 4: Council Member Alison Alter)  
**Resolution No. 20170420-030 was approved on Council Member Pool's motion, Council Member Alter's second on a 10-1 vote. Council Member Flannigan voted nay.**
32. Approve an ordinance encouraging support of the Lemonade Day Austin 2017 event on Saturday, May 6, 2017 taking place City-wide, waiving the requirement and fees for a temporary food permit under City Code Chapter 10-3, and waiving the requirement and fees for a license agreement under City Code Chapter 14-11. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Jimmy Flannigan CO 2: Council Member Sabino "Pio" Renteria CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Gregorio Casar)  
**Ordinance No. 20170420-032 was approved on Council Member Houston's motion, Council Member Alter's second on an 11-0 vote.**
28. Approve a resolution initiating amendments to the School District Land Development Standards Agreement between the City of Austin and the Austin Independent School District, relating to land use and watershed regulations applicable to Bowie High School and including property in the Barton Springs Zone. (Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Mayor Steve Adler CO 2: Council Member Jimmy Flannigan CO 3: Council Member Ora Houston)  
**A motion to approve the resolution was made by Council Member Troxclair and seconded by Council Member Houston.**

**A motion to amend the resolution was made by Council Member Garza and seconded by Council Member Pool. The amendments listed below were accepted without objection.**

**To revise item 1 of the first Be It Resolved clause to read:**

**"Be It Resolved by the City Council of the City of Austin: To address the overcrowding issues at school in Southwest Austin, as outlined in the foregoing recitals, the City Council initiates a fast tracked public review process via both Land Use Development Commissions and the Environmental Commission to amend the School District Land Development Standards Agreement between the City of Austin and the Austin Independent School District ("AISD") for the purpose of facilitating the expansion and redevelopment of Bowie High School."**

**To add a new Section D to item 2 of the first Be It Resolved clause and renumber the remaining sections. The new Section D is to read:**

**"Take into consideration environmentally beneficial innovation options."**

**To revise Part IV to read:**

**"The City Manager is directed to facilitate the expedited process, to ensure staff support, and take any other action necessary in order to bring the proposed amendments under Chapter 25-1, Article 17 (*Interlocal Development Agreements*), with a goal of presenting the amendments for City Council consideration on or before June 22, 2017."**

**Resolution No. 20170420-028 was approved as amended above on Council Member Troxclair's motion, Council Member Houston's second on an 11-0 vote.**

35. Set a public hearing to consider an ordinance adopting plumbing requirements consistent with the 2015 International Residential Code; adopting plumbing requirements consistent with the 2015 Uniform Plumbing Code; and adopting specific amendments to these codes (Suggested date and time: June 8, 2017, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)

**The public hearing was set on consent for June 8, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Troxclair's motion, Council Member Houston's second on a 9-2 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Flannigan, Garza, Houston, Renteria, and Troxclair. Those voting nay were: Council Members Kitchen and Pool.**

**Direction was given to staff to include information on which documents were approved by the Boards and Commissions in addition to the vote tally.**

37. Set a public hearing to consider a resolution supporting an application to be submitted to the Texas Department of Housing and Community Affairs by TX Creekview Austin, LP, or an affiliated entity, for the new construction of an affordable multi-family development to be called Creekview Apartment Homes, to be located near the intersection of Old Manor Road and Springdale Road. (District 1) (Suggested date and time: May 4, 2017 beginning at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

**The public hearing was set on consent for May 4, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Renteria's motion, Council Member Houston's second on an 11-0 vote.**

#### **CITIZENS COMMUNICATIONS: GENERAL**

Jere Lock - Climate change. – **Not present.**

Susan Morgan - TBA.

Jamie Marshall - Inspection and permitting of a food trailer.

CAROLANNEROSEfrumthadeadKENNEDY - TRAVIS COUNTY JAIL BIRD'S  
GUERRELLA OUTFIT 2017. – **Not present.**

**Mayor Adler recessed the Council Meeting to go into Executive Session at 12:09 p.m.**

#### **EXECUTIVE SESSION**

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

38. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).

**This item was withdrawn without objection.**

39. Evaluate the performance of, and consider compensation and benefits for, the City Clerk (Personnel matters, Section 551.074 of the Government Code).
40. Evaluate the performance of, and consider compensation and benefits for, the City Auditor (Personnel matters, Section 551.074 of the Government Code).
41. Discuss legal issues related to Lake Austin Collective Inc. and Marisa B. Lipscher's claim under the Open Meetings Act against the City of Austin (Private consultation with legal counsel—Section 551.071 of the Government Code)

**Executive Session ended and Mayor Adler called the meeting back to order at 2:11 p.m.**

#### **ZONING AND NEIGHBORHOOD PLAN AMENDMENTS**

**Items 44, 46, and 47 were acted on in a combined motion.**

44. C14-85-288.22 (RCA) - 7919 W. SH 71 RCA - District 8 - Conduct a public hearing to amend a restrictive covenant on property locally known as 7919 W. SH 71 (Williamson Creek Watershed). Staff Recommendation: To grant the amendment to reduce the allowable impervious cover and increase the floor to area ratio to .4 to 1 and other provisions. Planning Commission Recommendation: To grant the amendment to reduce the allowable impervious cover and increase the floor to area ratio to .4 to 1 and other provisions. Applicant: Metcalfe Wolff Stuart & Williams (Michele R. Lynch). Owner: Ridglea Properties (Stan Caskey). City Staff: Andrew Moore, 512-974-7604.

**This item was postponed to May 4, 2017 at the request of the applicant on Council Member Pool's motion, Council Member Casar's second on an 11-0 vote.**

46. C14-2016-0115 - 2222 Town Lake Circle - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25-2 by rezoning property locally known as 2222 and 2400 Town Lake Circle & 2217 and 2225 Elmont Drive (Lady Bird Lake Watershed) from neighborhood mixed use (NMU) district zoning to corridor mixed use (CMU) district zoning. Staff Recommendation: To grant corridor mixed use (CMU) district zoning. Planning Commission Recommendation: To grant corridor mixed use (CMU) district zoning. Agent: Graves Dougherty Hearon & Moody (Michael Whellan). Owner: Town Lake Holdings, LLC (David Cox). City Staff: Andrew Moore, 512-974-7604.

**The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170420-046 for corridor mixed use (CMU) district zoning was approved on Council Member Pool's motion, Council Member Casar's second on an 11-0 vote.**

47. 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.

**The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for limited industrial services-planned development area (LI-PDA) combining district zoning, with conditions was approved on Council Member Pool's motion, Council Member Casar's second on an 11-0 vote.**

**Additional conditions included capping any multi-family development to 900 units and to complete a traffic impact analysis if a multi-family use is built on the property.**

45. C14-2016-0071 - 1301 West Koenig Rezoning - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1301 West Koenig Lane (Shoal Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Staff Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Planning Commission Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning. Owner: Hardeman Family Joint Venture, Ltd. (Bryan Hardeman). Applicant: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman). City Staff: Wendy Rhoades, 512-974-7719.

**The public hearing was conducted and a motion to approve the ordinance on first reading only for multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning for Tract 1 and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 2, to change a condition of zoning with the following additional conditions was approved on Council Member Houston's motion, Council Member Casar's second on an 11-0 vote.**

**The additional conditions were:**

- **Limit height to 45 feet and 4 stories on Tract 1**
- **Limit building cover on Tract 1 to 60%**
- **Limit impervious cover on Tract 1 to 70%**

**Items 42 and 43 were acted on in a combined motion.**

42. 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.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance was made by Council Member Troxclair and seconded by Council Member Garza.

A motion was made by Council Member Troxclair to include the following conditions:

- Limit height to 40 feet
- Limit uses to only those allowed under LR
- Medical offices over 5,000 square feet are a conditional use
- Prohibit outdoor amplified sound
- Outdoor seating limited to 2,000 square feet
- Property owner will contribute an additional \$80,000 for traffic light
- Traffic light will be installed at the intersection of Southwest Parkway and Terra Vista

The motion was withdrawn upon confirmation by staff that all of the items had been incorporated into the ordinance or restrictive covenant as allowed. Staff confirmed that receipt of the \$80,000 for the traffic light had been received by the City.

An amendment was made by Council Member Casar to prohibit the outdoor sound amplification equipment between the hours of 10:00 p.m. – 10:00 a.m. The amendment failed for lack of a second.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170420-042 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on Council Member Troxclair's motion, Council Member Garza's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Houston, Kitchen, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Pool and Renteria.

43. 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.

The public hearing was conducted and a motion to close the public hearing and approve the amendment to the restrictive covenant was made by Council Member Troxclair and seconded by Council Member Garza.

A motion was made by Council Member Troxclair to include the following conditions:

- Limit height to 40 feet
- Limit uses to only those allowed under LR
- Medical offices over 5,000 square feet are a conditional use
- Prohibit outdoor amplified sound
- Outdoor seating limited to 2,000 square feet
- Property owner will contribute an additional \$80,000 for traffic light
- Traffic light will be installed at the intersection of Southwest Parkway and Terra Vista

The motion was withdrawn upon confirmation by staff that all of the items had been incorporated into the ordinance or restrictive covenant as allowed. Staff confirmed that receipt of the \$80,000 for the traffic light had been received by the City.

An amendment was made by Council Member Casar to prohibit the outdoor sound amplification equipment between the hours of 10:00 p.m. – 10:00 a.m. The amendment failed for lack of a second.

The public hearing was conducted and the motion to close the public hearing and approve the amendment to the restrictive covenant to remove net leasable square footage and reduce the allowable impervious cover was approved on Council Member Troxclair's motion, Council Member Garza's second on an 8-3 vote. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo, Council Members Alter, Casar, Garza, Houston, Kitchen, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Pool and Renteria.

Mayor Adler recessed the meeting at 3:31 p.m.

Mayor Adler reconvened the meeting at 4:05 p.m.

#### **PUBLIC HEARINGS**

49. Conduct a public hearing and consider an appeal regarding the Planning Commission's approval of two compatibility waivers for development at 2510 South Congress Avenue. (Site Plan No. SP-2015-0300C) (District 3)  
**This item was postponed to May 4, 2017 at the request of staff without objection.**

Mayor Adler recessed the meeting at 5:32 p.m.

#### **LIVE MUSIC**

Rattletree School of Marimba

#### **PROCLAMATIONS**

Proclamation – National Infant Immunization Week – To be presented by Mayor Pro Tem Kathie Tovo and to be accepted by Philip Huang, M.D., Medical Director, Austin Public Health

Certificates of Recognition – Austin Healthy Student Organization Program – To be presented by Mayor Steve Adler and to be accepted by William Mupo and the honorees

Proclamation – Wildfire Community Preparedness Day – To be presented by Mayor Steve Adler and to be accepted by Assistant Chief Richard Davis, Austin Fire Department

Certificate of Appreciation – Miss Lavelle White – To be presented by Mayor Steve Adler and to be accepted by the honoree

Mayor Adler reconvened the meeting at 6:58 p.m.

#### **PUBLIC HEARINGS**

50. Conduct a public hearing and consider 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.

**The public hearing was conducted and the motion to close the public hearing was approved on Mayor Pro Tem Tovo's motion, Council Member Houston's second on an 8-0 vote. Council Members Kitchen, Pool and Troxclair were off the dais.**

**BRIEFING**

48. Public Safety Labor Negotiations Update (Public comment is permitted on this staff presentation).

**Presentation was made by Tom Stribling, Interim Labor Relations Officer and Sylvia Flores, Deputy Labor Relations Officer, Labor Relations Office.**

**Direction was given to staff to provide Council with details on the cost drivers in each of the public safety labor contracts; the drivers behind the increase in overtime; and information on the City-wide wage increase in comparison to the public safety wage increase.**

**Mayor Adler adjourned the meeting at 8:28 p.m. without objection.**

**The minutes were approved on this the 4<sup>th</sup> day of May 2017 on Council Member Troxclair's motion, Council Member Alter's second on a 10-0 vote. Council Member Garza was absent.**