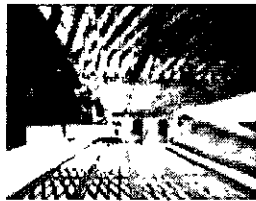
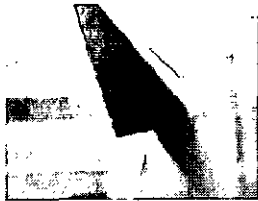


AGENDA

Thursday, February 12, 2009

The Austin City Council will convene at 10:00 AM on
Thursday, February 12, 2009 at Austin City Hall
301 W. Second Street, Austin, TX

AUSTIN CITY CLERK
POSTING: DATE/TIME

2009 FEB 6 PM 3 36



Mayor Will Wynn
Mayor Pro Tem Brewster McCracken
Council Member Lee Leffingwell, Place 1
Council Member Mike Martinez, Place 2
Council Member Randi Shade, Place 3
Council Member Laura Morrison, Place 4
Council Member Sheryl Cole, Place 6

For meeting information, contact City Clerk, 974-2210

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

9:55 AM -- Invocation

Pastor AJ Quinton, Diakonos Ministries

10:00 AM -- City Council Convenes

Approval of Minutes

1. Approve the minutes of the Austin City Council January 29, 2009 Regular meeting.

Austin Energy

2. Approve issuance of a rebate to TPG Four Points, LC, also known as Four Points Centre Buildings I and II, for the installation of energy efficient equipment including chillers, lighting design, variable frequency drives and a reflective roof membrane at the newly built site at 11305 Four Points Drive, Austin, Texas, in an amount not to exceed \$60,496.71. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
3. Authorize the City Manager to issue notice declining participation in the proposed project to license, construct, and operate additional reactor units at the South Texas Project. Recommended by the Electric Utility Commission.

Aviation

4. Authorize payment of an amount not to exceed \$60,000 to Iron Rock Motorsports, Inc., for early termination of their lease with the City for a tract of land and a building at Austin-Bergstrom International Airport. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Aviation Department. Recommended by the Austin Airport Advisory Commission.

Contract and Land Management

5. Authorize the fee simple acquisition of Lot 10, Block 2, Bergstrom Downs No. 1, locally known as 805 Patton Avenue, from Rebecca R. Perez aka Rebecca Perez Sanchez aka Rebecca Renee Perez for the Airport Noise Mitigation Program, in the amount of \$108,000 for the land and improvements and \$41,900 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$159,900. Funding in the amount of \$159,900 is available in Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.
6. Authorize execution of a construction contract with MUNIZ CONCRETE AND CONTRACTING, INC., (MBE/MH- 80.00%), Austin, Texas for the Lance Armstrong

Bikeway – 4th Street between Red River to IH-35 project in the amount of \$458,604.22 plus \$45,860.42 contingency, for a total contract amount not to exceed \$504,464.64. Funding in the amount of \$504,464.64 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department. Lowest bid of eight (8) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.09% MBE and 4.38% WBE subcontractor participation.

Economic Growth & Redevelopment Services

7. Approve an ordinance amending Ordinance No 20070215-003 relating to the Business Retention and Enhancement Program, an economic development program for Congress Avenue and East 6th Street, to extend the program, and to amend the program guidelines.

Government Relations

8. Approve a resolution adopting the City's Federal Legislative Program including Fiscal Year 2010 appropriations requests.

Health and Human Services

9. Approve an ordinance amending the City Code to add a new Chapter 10-8 related to the intentional feeding of deer, creating an offense and establishing a penalty. To be reviewed by the Public Health and Human Services Subcommittee on February 11, 2009.

Law

10. Authorize the negotiation and execution of an amendment to the legal services agreement with Richards, Rodriguez & Skeith, Attorneys at Law, for legal services related to annexation of the Peninsula area in the amount of \$9,500, for a total contract amount not to exceed \$84,700. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Neighborhood Planning and Zoning Department.

Neighborhood Planning & Zoning

11. Approve payment of membership fees to the Austin-San Antonio Corridor Council, in an amount not to exceed \$50,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Neighborhood Planning and Zoning Department.

Purchasing Office

12. Authorize award and execution of a 24-month requirements service contract with SCHINDLER ELEVATOR CORPORATION, San Antonio, TX for escalator repair and preventive maintenance services in an estimated amount not to exceed \$694,240, with two 24-month extension options in an estimated amount not to exceed \$694,240 per extension option, for a total estimated contract amount not to exceed \$2,082,720. Funding in the amount of \$231,413 is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.
13. Authorize award and execution of a contract with SICO AMERICA, INC., St. Louis, MO, for the purchase of a mobile fold and roll stage for the Austin Convention Center Department in an amount not to exceed \$103,147. Funding is available in the Fiscal

Year 2008–2009 Operating Budget of the Austin Convention Center Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

14. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with W.W. GRAINGER, INC., Austin, TX for the purchase of a Rotomac 340 escalator cleaner in an amount not to exceed \$68,885. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.
15. Authorize award, negotiation, and execution of a contract with APERTURE, Dallas, TX for the purchase and installation of Capacity Management Software in an amount not to exceed \$125,968. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
16. Authorize award, negotiation, and execution of a contract with GEMINI SOLAR DEVELOPMENT COMPANY, LLC, San Francisco, CA, to purchase up to 30 megawatts of solar-generated power over a 25-year term at an estimated annual amount of \$10,000,000, for an estimated total contract amount of \$250,000,000. Funding will be provided through the Electric Fuel Charge revenue or future Green Choice revenue. Best evaluated proposal of 15 proposals received. Gemini has agreed to provisions of the Third Party MBE/WBE Subcontracting agreements. SMBR will work with Gemini on expenditures related to this project.
17. Authorize award and execution of three 12-month requirements supply contracts for the purchase of 138kV center break airswitches with ROYAL SWITCHGEAR, Richmond, TX in an estimated amount not to exceed \$169,875, with three 12-month extension options in an estimated amount not to exceed \$169,875 per extension option, for a total estimated contract amount not to exceed \$679,500; SOUTHERN STATES, INC., Hampton, GA in an estimated amount not to exceed \$220,550, with three 12-month extension options in an estimated amount not to exceed \$220,550 per extension option, for a total estimated contract amount not to exceed \$882,200; and, TECHLINE, Austin, TX in an estimated amount not to exceed \$392,100, with three 12-month extension options in an amount not to exceed \$392,100 per extension option, for a total estimated contract amount not to exceed \$1,568,400. Funding in the amount of \$146,915 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding in the amount of \$377,782 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids meeting specification of six bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
18. Approve ratification of Amendment No. 10 to the 12-month requirements service contract with TRANS CANADA TURBINES, Calgary, Alberta, Canada; WOOD GROUP/PRATT WHITNEY, Windsor Locks, CT; and GE PACKAGED POWER, INC., Houston, TX for the repair of gas turbines to increase the current amount of the

contract in an estimated amount not to exceed \$2,000,000, for a revised estimated contract amount not to exceed \$11,749,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

19. Authorize award and execution of a 24-month requirements service contract with AMERICAN EUROCOPTER, LLC, Grand Prairie, TX for maintenance and inspection services and parts for the Austin Police Department's EC120 helicopter in an estimated amount not to exceed \$273,494, with two 12-month extension options in an estimated amount not to exceed \$136,747 per extension option, for a total estimated contract amount not to exceed \$546,988. Funding in the amount of \$91,165 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Police Department. Funding for the remaining 16 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
20. Approve ratification of a 12-month professional services contract with SKILLPOINT ALLIANCE, Austin, TX for the continuation of the Community Technology and Training Center Program for the Economic Growth and Redevelopment Services Department in an amount not to exceed \$287,833. Funding in the amount of \$287,833 is available in the Fiscal Year 2008-2009 Sustainability Fund of the Finance and Administrative Services Department. This contract was awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This is Professional Services contract; therefore it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
21. Authorize award and execution of a 36-month requirements supply contract with McCAIN INC., Vista, CA for the purchase of Model 2070L Traffic Signal Controllers in an estimated amount not to exceed \$331,305, with three 12-month extension options in an estimated amount not to exceed \$110,435 for each extension option, for a total estimated contract amount not to exceed \$662,610. Funding in the amount of \$73,624 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Treasury Office

22. Approve an ordinance authorizing the delivery to the City of an Alternate Letter of Credit for the \$28,000,000 Airport System Variable Rate Revenue Notes, Series A; authorizing the City Manager to negotiate, execute, and deliver a Letter of Credit Reimbursement Agreement with State Street Bank related to the Alternate Letter of Credit; and approving a Remarketing Memorandum. The \$490,000 annual fee is included in the approved operating budget of the Airport Fund.

Item(s) from Council

23. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
24. Approve a resolution directing the City Manager to implement a process related to city submittals for federal funding. (Council Member Mike Martinez and Council Member Lee Leffingwell)
25. Approve a resolution directing the City Manager to process amendments to Title 25 of the City Code to implement certain recommendations of the Waterfront Overlay Task Force. (Council Member Mike Martinez, Council Member Lee Leffingwell and Council Member Laura Morrison)
26. Approve a resolution establishing the Families and Children Planning and Advisory Group and directing the city manager to provide staff support and feedback in the development of family-friendly policies and programs. (Council Member Laura Morrison and Council Member Sheryl Cole)
27. Approve a resolution appointing an acting city auditor and setting compensation and benefits. (Council Member Sheryl Cole, Council Member Mike Martinez and Council Member Randi Shade)
28. Approve the waiver of EMS standby and set-up fees in an amount not to exceed \$437.50 for the Austin Marathon Kids Final Mile Celebration to be held on February 21, 2009 at the Austin Independent School District's Tony Burger Stadium, located at 3200 Jones Road. (Mayor Will Wynn and Council Member Mike Martinez)
29. Approve waiver of certain fees for the March of Dimes March for Babies Event, to be held on Saturday, May 9, 2009. (Mayor Pro Tem Brewster McCracken, Council Member Mike Martinez and Council Member Lee Leffingwell)

Item(s) to Set Public Hearing(s)

30. Set public hearings for the full purpose annexation of the following annexation areas: (1) South IH 35 Annexation Area (Approximately 58 acres in southern Travis County east of IH 35 approximately one half mile south of the intersection of IH 35 and Onion Creek Parkway); (2) International Residence Apartments Annexation Area (Approximately 4 acres in southern Williamson County at the northeast corner of the intersection of Copper Creek Drive and Pond Woods Road); and (3) Barclay Drive ROW Annexation Area (Approximately 0.10 acre in Travis County at the northernmost extent of Barclay Drive which is approximately 400 feet north of the intersection of Barclay Drive and Wild Briar Pass). (Suggested dates and times: February 26, 2009 at 6:00 p.m., and March 5, 2009, 6:00 p.m. at City Hall, 301 W. Second Street, Austin, TX.)
31. Set a public hearing to consider a request by MARTEX-BBQ (Doug Marcella), the owner of property located at 9207 North Lamar Boulevard, for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school. (Suggested date and time: February 26, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX.)
32. Set a public hearing to consider amendments to the Land Development Code, Chapter 25-10, to allow sidewalk signs in commercial areas of the City. (Suggested date and time: February 26, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.) To be reviewed by the Planning Commission on February 24, 2009.

12:00 PM -- Citizen Communications: General

Gus Pena – 1.To Discuss City Issues 2. Taxpayers concerned about the raise in crime 3. Please continue to fully fund Senior Citizen and Youth programs 4. Military Veterans need jobs, housing, re-entry programs, and mental health treatment 5. Please increase funding for social service agencies. The need increases with the downfall of the economy and the recession.

Paul Robbins – City Issues

Rae Nadler-Olenick - Water Fluoridation

Pat Valls-Trelles - animal issues

Matt Marcelissen - Downtown late night concrete pouring

Linda Greene - Getting fluoride out of the water, starting the Mayor's neighborhood garden project

Pat Johnson – City Issues

Alan Roddy – Lake Austin Protection

Ronnie Gjemre – Generally peace and freedom

Phillip A. Dick – Unfair justice, Injustice, illegal proceedings and processes

Executive Session

33. Discuss legal issues related to property located at 328 Heartwood, concerning: appeal of site plan disapproval; pending code enforcement action; permitting issues; and a floodplain variance request.(Private Consultation with Attorney - Section 551.071). Related to Items #72 & 73.
34. Discuss legal issues regarding the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Private Consultation with Attorney - Section 551.071). Related to Item #35.
35. Deliberate the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Real Property - Section 551.072). Related to Items #34.
36. Discuss legal issues related to transition of Community Care Services Department employees to the Travis County Healthcare District. (Private Consultation with Attorney - Section 551.071).
37. Discuss legal issues related to In the Matter of the Application of Hays County Water Control and Improvement District No. 1 for Amendment to Texas Pollutant Discharge Elimination System (TPDES)Permit No. WQ0014293001, Before the State Office of Administrative Hearings, SOAH Docket No. 582-08-0202, TCEQ Docket No. 2007-1426-MWD (concerns permit for direct discharge of waste water into Bear Creek) (Belterra). (Private Consultation with Attorney - Section 551.071).

2:00 PM -- Briefings

38. Briefing on the proposed Boardwalk Trail at Lady Bird Lake
39. New Comprehensive Plan Finalist Presentations: HNTB Corporation, ACP Visioning + Planning, Wallace Roberts & Todd, LLC
40. Briefing on administrative and management review of East 11th & 12th redevelopment efforts

4:00 PM -- Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

41. C14-03-0116.01 - Met Center II PDA Amendment - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burleson Road (Carson Creek and Onion Creek Watersheds) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. First reading approved on January 15, 2009. Vote: 6-0 (McCracken off the dais.) Applicant: Met Center Partners-8, Ltd. and Met Center NYCTEX Phase II, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
42. NP-2008-0025(Part) - Oak Hill Combined Neighborhood Plan - Approve second/third readings of ordinance amending the Austin Tomorrow Comprehensive Plan by adopting land use designation for Tract AG of the Oak Hill Combined Neighborhood Plan. Tract AG is located at 4808 William Cannon Drive within a planning area generally bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east, FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west on the Future Land Use Map. The watersheds are Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone Watershed. First reading was approved on October 23, 2008: Vote: 5-1 (Morrison voted Nay; Martinez off the dais.). City Staff: Maureen Meredith, 974-2695; Minal Bhakta, Department; 974-6453 and Gregory Montes, 974-2629.
43. C14-2008-0115 - William Cannon - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4808 West William Cannon Drive (Williamson Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning with conditions. At First reading on October 23, 2008, City Council approved LO-MU-CO-NP combining district zoning with conditions. Vote: 5-1 (Morrison voted nay; Martinez off the dais.) Applicant: Marcus Whitfield & Eskew Place, Ltd. (Gail and Marcus Whitfield). Agent: McClean & Howard, L.L.P. (Jeffrey Howard). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.
44. C14-2007-0232 - Rundberg Business Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 E. Rundberg Lane (Little Walnut Creek Watershed) from multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 1; and multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 2 to warehouse-limited office-conditional overlay (W/LO-CO) combining district zoning for Tract 1, and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2. First reading approved on August 28, 2008. Vote: 7-0. Applicant: Rundberg Business Park (John Dimeblid). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

45. C14-2008-0128 - 5005 Spicewood Springs Road - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5005 Spicewood Springs Road (Bull Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to townhouse and condominium residence (SF-6) district zoning. First reading approved on September 25, 2008. Vote: 7-0. Second reading approved on October 16, 2008. Vote: 7-0. Applicant: Morin Scott. Agent: Wiler & Associates (Holland Wiler). City Staff: Clark Patterson, 974-7691.
46. C14-2007-0144 - 800 West Avenue - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Avenue (Shoal Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First reading approved on November 29, 2007. Vote: 7-0. Second reading approved on August 18, 2008. Vote: 5-1 (Morrison voted Nay; Shade off the dais). Applicant: Joseph T. Wells. Agent: Armbrust and Brown (Lynn Ann Carley.) City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.
47. C14-2008-0227 - Live Oak Brewing Co. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1615 Crozier Lane (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions. First reading approved on January 15, 2009. Vote: 6-0 (Martinez off the dais). Applicant and Agent: Live Oak Brewing Co. (Hoyt E. McElroy). City Staff: Stephen Rye, 974-7604.
48. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan - Approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for all properties within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
49. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan (2900 Manor Road) - Conduct a public hearing and approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for 2900 Manor Road, located within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694. A valid petition has been filed in opposition to this rezoning request.
50. NPA-2008-0003.01 - Chestnut Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Chestnut Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

51. NPA-2008-0008.01 - Rosewood Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 011129-67, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Rosewood Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
52. NPA-2008-0012.01 - Upper Boggy Creek Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Upper Boggy Creek Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
53. NPA-2008-0015.01 - East MLK Combined Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the MLK Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

4:00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

- 54 PH. C14-2008-0229 - Walnut Forest Motel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11506 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Pooja Business, Inc. (Atul Patel). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Rhoades, 974-7719.
- 55 PH. C14-2008-0232 - Downstream 973 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 3026 South FM 973 Road (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning and rural residential (RR) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning with conditions. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.
- 56 PH. C14-2008-0235 - Downstream 973 - Mary Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3100 Mary Street (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation; To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Zoning and

Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Downstream 973, L.P. (George H. Kronenberg, III). Agent: Granite Development Services (Keith Parkan). City Staff: Wendy Rhoades, 974-7719.

- 57 PH. C14-2008-0244 - Najib 0.7 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3133 East State Highway 71 Westbound (Colorado River Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Najib F. Wehbe. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.
- 58 PH. C14H-2008-0038 - John Henry Faulk House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1812 Airole Way (Barton Creek Watershed) from family residence (SF-3) district zoning to family residence-historic Landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Nikki Addison, owner. City Staff: Steve Sadowsky, 974-6454.
- 59 PH. C14H-2008-0039 - Morrison-Smith House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4615 Caswell Avenue (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood Plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark-neighborhood conservation combining district-neighborhood Plan (SF-3-H-NCCD-NP) combining district zoning. Applicants: Vernon and Pamela Pruitt Whittington. City Staff: Steve Sadowsky, 974-6454.
- 60 PH. C14-2008-0217 - Peaceful Hill Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8524 Peaceful Hill Lane (Onion Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning with conditions. Applicant: Randall L. Smitheal Family Trust (Amanda Tatum/Jeremy Smitheal). Agent: McLean & Howard L.L.P. (Jeffrey S. Howard). City Staff: Wendy Rhoades, 974-7719.
- 61 PH. NPA-2008-0021.01 - 1406 Parker - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055, the East Riverside-Oltorf Combined Neighborhood Planning Area, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from single-family use to multi-family use for the property located at 1406, 1408, 1504 and 1506 Parker (Boggy Creek Watershed). Staff Recommendation: To approve higher-density-single family use designation. Planning Commission Recommendation: To approve higher-density-single family use designation. Applicant and Agent: Ryan Diepenbrock. City Staff: Jacob Browning, 974-7657.

- 62 PH. C14-2008-0162 - 1406 Parker - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406, 1408, 1504 and 1506 Parker Lane (Town Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Applicant and Agent: Ryan Diepenbrock. City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request.
- 63 PH. C814-06-0233 - Wildflower Commons Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700-5200 Block of SH 45 (Bear Creek Watershed; Slaughter Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning and general office (GO) district zoning to planned unit development (PUD) district zoning. The Land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. Application of City ordinances to development of the land is affected by the "Settlement Agreement By and Between the City of Austin and the Bradley Parties" (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. PUD zoning may also modify City ordinances applicable to development of the land. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Wildflower Commons, I, L.P. and Wildflower Commons II, L.P. (William S. Walters, III). Agent: Drenner & Golden Stuart Wolff L.L.P (Michele C. Haussmann). City Staff: Wendy Rhoades, 974-7719.
- 64 PH. C14-2008-0204 - R. I. T. Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6516 and 6520 South 1st Street (Williamson Creek Watershed) from limited office (LO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Applicant and Agent: R. I. T. Inc. (Roberto J. Reyna). City Staff: Wendy Rhoades, 974-7719.
- 65 PH. C14-2007-0262 (Part) - Central Austin Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve on first reading an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations on Tract 10, located at 711 W. 38th Street. The Central Austin Combined Neighborhood Planning Area is bounded by 38th Street on the north, IH-35 on the east, Martin Luther King, Jr. Boulevard on the south, excluding the University of Texas at Austin campus, and Lamar Boulevard and 45th Street on the west (Shoal Creek, Waller Creek watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 10 within the Central Austin Combined Neighborhood Planning Area from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning with Dimensional Standards on the GR-CO-NP portion of Tract 10. Vote: 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.
- 66 PH. NPA-2008-0015.03 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Ordinance No.021107-Z11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change

the land use designation on the Future Land Use Map (FLUM) from mixed use designation to civic use designation for the property located at 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed). Staff Recommendation: To approve civic use designation. Planning Commission Recommendation: To approve civic use designation. Applicant and Agent: Travis County Facilities Management Department. City Staff: Paul DiGiuseppe, 974-2865.

- 67 PH. C14-2008-0174 - Precinct 1 New Office Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1811 Springdale Road and 4705 Heflin Lane (Fort Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and limited office-neighborhood plan (LO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Planning Commission Recommendation: To grant public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning. Applicant and Agent: Travis County Facilities Management Department. City Staff: Joi Harden, 974-2122.
- 68 PH. C14-2008-0214 - Tex-Tar Waterproofing - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11600 N. IH-35 SVRD Southbound (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To deny general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To deny limited industrial service-conditional overlay (LI-CO) combining district zoning. Applicant: Richard Johnson. Agent: Jackson Walker L.L.P. (Katherine Loayza). City Staff: Joi Harden, 974-2122.
- 69 PH. C814-97-0001.07 - Leander Rehabilitation - PUD Amendment #8 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as RM 620 (Lake Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning with conditions. Planning Commission Recommendation: To be reviewed on February 10, 2009. Applicant: SV ONA Lakeline Office Ltd.; Sonmar of Phoenix, LLC. Agent: McLean & Howard (Jeff Howard). City Staff: Jerry Rusthoven, 974-3207.

5:30 PM -- Live Music

Dan Dyer

5:30 PM -- Proclamations


6:00 PM -- Public Hearings and Possible Actions


- 70 PH. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code (Transit Oriented Development) related to compatibility standards and affordability requirements, and to eliminate a height prohibition in the Plaza Saltillo TOD; and other conforming amendments necessary to reflect adoption of transit oriented development (TOD) base district zoning and station area plans. Recommended by Planning Commission.
- 71 PH. Conduct a public hearing and consider an appeal by AJHSCCM LP, represented by Andy Martin, of the Zoning and Platting Commission's decision to approve an environmental variance, to allow construction of buildings on a slope with a gradient of greater than 25% on property located at 9716 FM 2222, Austin, TX, associated with Site Plan SP-06-

0411(C)(R1). Approval of this environmental variance was recommended by the Environmental Board on August 18, 2008 and recommended by the Zoning and Platting Commission on November 18, 2008.

- 72 PH. Conduct a public hearing and consider an appeal by Ruben Rodriguez of the Planning Commission's decision to deny an appeal of an administrative disapproval of a site plan (328 Heartwood, SP-2008-0091D) for fill over 4 feet and construction of a retaining wall within the Critical Water Quality Zone of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Item #33 & 73.
- 73 PH. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and 100-year floodplains of Williamson Creek. August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height. September 10, 2008: Environmental Board recommended approval of the environmental variances. September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances. October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Item #33 & 72.

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 974-2210 OR 974-2445 TDD.*

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 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 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.

2009 Austin City Council Meeting Dates

MEETINGS	CANCELLED DATES
	January 1, 2009 January 8, 2009
January 15, 2009	
January 29, 2009	January 22, 2009
February 12, 2009	February 5, 2009
February 26, 2009	February 19, 2009
March 5, 2009	
March 12, 2009	
March 26, 2009	March 19, 2009
April 2, 2009	
	April 9, 2009 April 16, 2009
April 23, 2009	
April 30, 2009	
May 14, 2009	May 7, 2009
May 21, 2009	
	May 28, 2009 June 4, 2009
June 11, 2009	
June 18, 2009	
	June 25, 2009 July 2, 2009 July 9, 2009 July 16, 2009
July 23, 2009	
	July 30, 2009
August 6, 2009	
	August 13, 2009
August 20, 2009	
August 27, 2009	
	September 3, 2009 September 10, 2009
September 14, 15 and 16, 2009 (Budget Readings)	
September 24, 2009	September 17, 2009
October 1, 2009	
	October 8, 2009
October 15, 2009	
October 22, 2009	
	October 29, 2009
November 5, 2009	
	November 12, 2009
November 19, 2009	
	November 26, 2009 December 3, 2009
December 10, 2009	
December 17, 2009	
	December 24, 2009 December 31, 2009