

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 12, 2009**

Invocation: Tom Spencer, Austin Area Interreligious Ministries

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, March 12, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:27 a.m.

Announcement of future agenda items from Council:

Council Members Shade and Morrison and Mayor Pro Tem McCracken indicated on March 26, 2009 they will request Council support to withdraw the resolution relating to the site selection process that was brought to Council on December 11, 2008.

Council Member Shade announced that she is working on something to address the issue of allowing people to have home office signs if home is on a core transit corridor.

CONSENT AGENDA

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the minutes of the Austin City Council March 5, 2009 Regular meeting.
The minutes from the meeting of March 5, 2009 were approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
2. Approve an ordinance authorizing the City Manager to negotiate and execute an amendment to a cost reimbursement agreement with AUSTIN HB RESIDENTIAL PROPERTIES, LTD., to accelerate the city reimbursement payment for an 18-inch wastewater line and appurtenances to serve the Harris Branch Equinox Centre Development located at U.S. Highway 290 and State Highway 130; and waiving the requirements of Section 25-9-67 of the City Code relating to the cost reimbursement payment schedule. No additional fiscal impact to the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. To be reviewed by the Water and Wastewater Commission on March 11, 2009. Recommended by the Water and Wastewater Commission.
Ordinance No. 20090312-002 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
3. Authorize the negotiation and execution of a 36-month lease with the possibility of future renewals for 4,031 square feet of office space for Austin Water Utility to house the South-I 35 Water and Wastewater Improvement Program, located at 811 Barton Springs Road Suite 920, from PENNMUNI-TIAA U.S. REAL ESTATE FUND, LLC, Austin TX, in an amount not to exceed \$380,841.13 for the initial lease

term. Funding in the amount of \$72,047.43 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water. Funding for the remaining lease term period is contingent upon available funding in future budgets.

This item was postponed to March 26, 2009 on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

Item 4 was pulled for discussion.

5. Approve an ordinance amending the City's Economic Development Policy related to economic development incentives for private, large scale mixed use projects that include a retail component.

Ordinance No. 20090312-005 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

Item 6 was pulled for discussion.

7. Authorize award, negotiation, and execution of Amendment No. 6 to a professional services contract with DMJM H&N, Albuquerque, NM, to extend the contract for up to 12 months for additional construction administration services for the security system upgrade at Austin Bergstrom International Airport in an amount not to exceed \$180,000, for a total contract amount not to exceed \$705,736. Funding in the amount of \$180,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Department of Aviation. Contract Amendment. This contract was 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.

The motion authorizing the award, negotiation and execution of amendment number 6 to a professional services contract with DMJM H&N was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

8. Authorize award and execution of a 12-month requirements supply contract with ALTIVIA CORPORATION, Houston, TX for the purchase of sodium hydroxide for Austin Energy in an estimated amount not to exceed \$109,528, with three 12-month extension options in an estimated amount not to exceed \$109,528 per extension option, for a total estimated contract amount not to exceed \$438,112. Funding in the amount of \$63,891 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification 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. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements supply contract with Altivia Corporation was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

9. Authorize award and execution of a 36-month requirements supply contract with LONGHORN INTERNATIONAL TRUCKS, Austin, TX to provide captive repair parts for Caterpillar engines in an estimated amount not to exceed \$220,675, with three 12-month extension options in estimated amounts not to exceed \$81,034 for the first extension option, \$85,085 for the second extension option, and \$89,340 for the third extension option, for a total estimated contract amount not to exceed \$476,134. Funding in the amount of \$35,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid

of three 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.

The motion authorizing the award and execution of a requirements supply contract with Longhorn International Trucks was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

10. Authorize award and execution of a 36-month requirements service contract with LONGHORN INTERNATIONAL TRUCKS, Austin, TX to provide repair services for Navistar engines in an estimated amount not to exceed \$788,125, with three 12-month extension options in estimated amounts not to exceed \$289,406 for the first extension option, \$303,877 for the second extension option, and \$319,070 for the third extension option, for a total estimated contract amount not to exceed \$1,700,478. Funding in the amount of \$125,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 30 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.
The motion authorizing the award and execution of a requirements service contract with Longhorn International Trucks was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
11. Authorize award and execution of a 36-month requirements service contract with STERLING & WESTERN STAR OF AUSTIN, Austin, TX to provide repair services for Cummins engines in an estimated amount not to exceed \$788,125, with three 12-month extension options in estimated amounts not to exceed \$289,406 for the first extension option, \$303,877 for the second extension option, and \$319,070 for the third extension option, for a total estimated contract amount not to exceed \$1,700,478. Funding in the amount of \$125,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 30 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of three 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.
The motion authorizing the award and execution of a requirements service contract with Sterling & Western Star of Austin was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
12. Authorize award and execution of a contract through the HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) with CALDWELL COUNTRY CHEVROLET, Caldwell, TX for the purchase of 25 light duty vehicles in an amount not to exceed \$781,551. Funding in the amount of \$60,543 is included in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Funding in the amount of \$28,868 is available in the Fiscal Year 2008-2009 Operating Budget of Municipal Court. Funding in the amount of \$462,503 is included in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding in the amount of \$59,567 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Funding in the amount of \$170,470 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Water Utility. 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.

The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments (H-GAC) with Caldwell Country Chevrolet was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

13. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 61 light duty vehicles in an amount not to exceed \$1,559,809.15 Funding in the amount of \$376,422.20 is included in the Fiscal Year 2008-2009 Vehicle Acquisition Fund. Funding in the amount of \$22,657.14 is included in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center Department. Funding in the amount of \$46,062 is available in the Fiscal Year 2008-2009 Operating Budget of Public Works. Funding is included in the Fiscal Year 2008-2009 Capital Budgets of various City departments as follows: Austin Energy \$334,751.93, Watershed Protection and Development Review \$23,031, Austin Water Utility \$315,837.95, Fire \$50,225.60, Solid Waste Services \$242,736.51, and Public Works \$148,084.82. 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.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Philpott Motors, Ltd was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
14. Approve an ordinance amending City Code Chapter 15-6, relating to private solid waste haulers; enforcement and penalties; and solid waste receptacle set out times. Reviewed by the Solid Waste Advisory Commission.
Ordinance No. 20090312-014 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
15. Approve an ordinance suspending a rate increase proposed by Texas Gas Service; requiring reimbursement of municipal rate case expenses by the regulated utility; and providing notice of this ordinance to Texas Gas Service.
Ordinance No. 20090312-015 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
16. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments were approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

Board**Nominated By:****Community Development Commission**Susana Almanza (*Montopolis neighborhood representative*)

Council Member Morrison

Residential Design and Compatibility Commission

Beth Engelland

Council Member Shade

17. Approve an ordinance amending City Code Chapter 9-2 (Noise and Amplified Sound) relating to permitting, application, public notice, and appeal requirements for outdoor music venues; and providing for emergency passage. (Council Member Mike Martinez Council Member Laura Morrison)
Ordinance No. 20090312-017 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

18. Approve an ordinance amending Chapter 10-1 of the City Code to add Section 10-1-30 prohibiting the use of designated city cemeteries for construction activities. (Council Member Randi Shade Council Member Laura Morrison Council Member Lee Leffingwell)
Ordinance No. 20090312-018 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
19. Approve a resolution amending the City's legislative program related to the Firefighter Relief and Retirement Fund. (Council Member Mike Martinez Council Member Lee Leffingwell)
Resolution No. 20090312-019 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. Direction was given to staff to look at the pension fund policy regarding the City's legislative program to make sure it aligns with the City of Austin's domestic partner policy.
20. Approve a resolution directing the City Manager to allocate \$50,430 from the Holly Good Neighbor "Cultural Arts" Program to fund the Pachanga Music Festival and the Austin Conjunto Festival. (Council Member Mike Martinez Council Member Lee Leffingwell)
Resolution No. 20090312-020 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
21. Approve a resolution adopting a joint resolution that authorizes the Joint Committees of the Austin Independent School District, Travis County, and the City to develop policies and recommendations that are supportive of families and children; and neighborhoods and schools. (Council Member Laura Morrison Council Member Sheryl Cole)
Resolution No. 20090312-021 was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
22. Approve the waiver of certain fees under City Code Chapter 14-8 for the Shattered Dreams event sponsored by the Parent Teacher Student Association (PTSA) of Anderson High School to be held Wednesday, April 1, 2009. (Council Member Mike Martinez Council Member Laura Morrison)
The motion for the waiver of certain fees for the Shattered Dreams event was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
23. Approve the waiver of certain fees under City Code Chapter 14-8 for the Men's Rally for Change and March cosponsored by SafePlace and the Texas Association Against Sexual Assault to be held on Saturday, April 18, 2009. (Council Member Mike Martinez Council Member Randi Shade Council Member Laura Morrison)
The motion for the waiver of certain fees for the Men's Rally for Change and March was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.
24. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to allow Pet Services use as a permitted use in the Central Business District (CBD) base zoning district. (Suggested date and time: April 23, 2009, 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by Planning Commission.
The public hearing was set for April 23, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

25. Set a public hearing to consider an ordinance regarding a proposal from Texas Gas Service Company to increase customer gas rates. (Suggested date and time: March 26, 2009, 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set for March 26, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

Item 26 was a briefing item set for 2:00 p.m.

Items 26 through 44 were zoning items set for 4:00 p.m.

Item 45 was a public hearing item set for 6:00 p.m.

DISCUSSION ITEMS

4. Authorize negotiation and execution of an amendment to the professional services agreement with ROMA DESIGN GROUP, San Francisco, CA, for planning services in conjunction with the Downtown Austin Plan in an amount not to exceed \$841,860, for a total contract amount not to exceed \$1,441,860. Funding in the amount of \$841,860 is available in the Fiscal Year 2008-2009 Capital Budget of the Neighborhood Planning and Zoning Department. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 10.30% MBE and 9.40% subconsultant participation to date.

The motion to postpone this item to March 26, 2009 that was made by Council Member Morrison died due to the lack of a second.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Roma Design Group was approved on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote. Direction was given to staff to minimize costs when possible.

CITIZEN COMMUNICATION: GENERAL

Ronnie Gjemre - The constitution, peace and freedom

Neil Carmen - Health issue at pure casting metal foundry in east Austin

Paige DeShong - Relocate pure castings

Susana Almanza - Protect our children! Relocate pure casting!

Erika Gonzalez - Dirty bubbles- dirty air: form chemicals in baby products to chemicals in the Austin neighborhood facility. Relocate pure casting!

Jimmy Castro - Star of Texas rodeo

Frances Martinez - LULAC district 12 and El Concilio Austin City Council Mayoral forum

Marcelo Tafoya - Shared governance for all!

Rae Nadler-Olenick - Water fluoridation

Paul Hernandez - Share governance with the entire community. Adopt neighborhood districts. Remember the eyes of the Texas legislature are upon you! He was not present when his name was called. His time was transferred to Scott Kellog by Mayor Wynn.

Scott Kellog - Rhizome Collective

Mayor Wynn recessed the Council Meeting at 12:44 p.m.

Mayor Wynn called the Council Meeting back to order at 3:41 p.m.

DISCUSSION ITEMS CONTINUED

6. Approve settlement of an Environmental Protection Agency claim related to the Malone Service Company Superfund Site, Texas City Texas, under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as the federal "superfund" law.
The motion to authorize the settlement of an Environmental Protection Agency claim in the amount of \$53,999 was approved on consent on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

BRIEFING

26. Staff briefing on proposed legislation creating special districts within the Desired Development Zone
The presentation was made by Pat Murphy, Environmental Officer for Watershed Protection and Development Review. Direction was given to staff to provide Council with a comparison of the SH130 and Carma to show the difference and likeness of the districts along with staff recommendations. Staff was also directed to keep Council updated as to the progress of the bill and schedule a later presentation to Council if appropriate.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

33. NPA-2007-0012.02 - 1600 Block of East MLK (1600, 1602, 1604, and 1606 E. Martin Luther King Jr. Blvd.) - 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 change the land use designation on the future land use map (FLUM) from single family to neighborhood mixed use for the properties located at 1600, 1602, 1604, and 1606 E. Martin Luther King, Jr. Blvd. (Boggy Creek Watershed). First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay). Second Reading approved on January 15, 2009. Vote: 4-3 (Leffingwell, Martinez and Morrison voted Nay.) Applicant: E-MLK Properties LLC. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Kathleen Fox, 974-7877
This item was postponed to April 2, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.
34. C14-2008-0099 - 1600 Block of East MLK - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600, 1602, 1604 and 1606 E. Martin Luther King Jr. Boulevard (Upper Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-central urban redevelopment-neighborhood plan (LR-MU-V-CO-CURE-NP) combining district zoning. First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and

Morrison voted Nay). Second Reading approved on January 15, 2009. Vote: 4-3 (Leffingwell, Martinez and Morrison voted Nay.) Applicant: E-MLK Properties, L.L.C. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to April 2, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

37. C14-2008-0242 - Mueller Austin Energy Substation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 East 51st Street (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: to grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on March 24, 2009. Applicant: Austin Energy. Agent: Stanley Consultants (Charles Steinman). City Staff: Joi Harden, 974-2122.
This item was postponed to April 2, 2009 at the staff's request on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.
38. C14-2009-0002 - Municipal Court and Northeast Police - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7211 North IH-35 Service Road Northbound (Buttermilk Branch Creek) from limited industrial service (LI) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Planning Commission Recommendation: To grant public (P) district zoning. Applicant and Agent: City of Austin (Lauraine Rizer). City Staff: Joi Harden, 974-7079.
The public hearing was closed and Ordinance No. 20090312-038 for public (P) district zoning was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.
41. NPA-2008-0015.04.SH - Chestnut Corner - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11, 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 high density single family to multifamily for the property located at 3522 E. MLK Blvd. (Tannehill Branch Watershed). Staff Recommendation: To approve multifamily land use designation. Planning Commission Recommendation: To approve multifamily land use designation. Applicant: City of Austin, Austin Housing Finance Corporation. Agent: Sarah Andre. City Staff: Maureen Meredith, 974-2695.
The public hearing was closed and Ordinance No. 20090312-041 to change the land use designation on the future land use map to multifamily land use designation was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.
42. C14-2008-0243.SH - Chestnut Corner - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3522 E. Martin Luther King Jr. Blvd. (Tannehill Branch Library) from townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Planning Commission

Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Applicant: City of Austin, Austin Housing Finance Corporation. Agent: Chestnut Neighborhood Revitalization Corp. (Sarah Andre). City Staff: Joi Harden, 974-2122.

The public hearing was closed and Ordinance No. 20090312-042 for multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

ZONING DISCUSSION ITEMS

27. 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.

Ordinance No. 20090312-027 to adopt the station area plan and transit oriented development (TOD) district zoning with the exception of the properties listed below, with the following major elements, was approved on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

The alternative compliance language and action on the Featherlight properties owned by The Meredith Foundation: 1701 Alexander Avenue (Lot 1 Block B Chestnut Station, 2.6673 acres); 1801 Alexander Avenue (Lot 2 Block C Chestnut Station, 1.1496 acres); 2712 E 13 Street (11.7918AC of Olt 28,30-31 Division B, 11.7918 acres); Alexander Avenue (Lot 1C Block C Chestnut Station, 0.0430 acres); and Alexander Avenue (Acre 7.573 Olt 28-31 Division B, 7.5730 acres) were postponed until April 2, 2009.

The elements were as follows:

A. Regulating Plan

- The Regulating Plan establishes zoning standards and urban design requirements for properties within the TOD

B. Infrastructure

- Implement short-term drainage improvements and water/wastewater upgrades in and around the TOD.
- Utilize traffic calming on new public connector streets in the TOD and annually monitor traffic patterns around the TOD.

C. Parks and open space

- Parkland dedication fees collected in a TOD District shall be spent in that TOD unless a Council waiver is granted.
- A park and trail acquisition plan will be prepared by the Parks and Recreation Department which addresses parks with amenities for families and children.

D. Affordable housing and development bonuses

- A development bonus strategy, should be included to achieve a minimum of 10-15% affordability from the private sector with City cost participation to reach the 25% affordability goal
- An affordable housing strategy that includes:
 - No administrative approval of fees-in-lieu allowed unless Council approval is granted;
 - Fees collected shall used in the Station Area vicinity;
 - Additional points for projects in TODs seeking GO Bond funding;
 - Support for low income housing tax credit projects

E. Compatibility standards:

Compatibility standards according to the Land Development Code shall apply within the TODs but if a development bonus is utilized and the required amount of affordable housing provided, compatibility standards shall be waived with the following exception: Within the first 100 feet of the TOD, height limitations triggered by properties outside the TOD may only be waived if the required percentage of affordable housing is provided as specified by a development bonus and if owners of at least 66% of triggering properties outside the TOD and within 25 feet of the subject property agree to the waiver. Within this 100-foot area, a required setback triggered by a property outside the TOD district may not be waived.

F. Funding options

Hire a consultant to prepare a financial feasibility study to assess viability of a TIF in addition to a staff evaluation of other funding tools and return to Council for further direction.

28. 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.

The public hearing was closed and Ordinance No. 20090312-028 to have the same compatibility standards for 2900 Manor Road as in item 27 above, except that the ordinance shall include a conditional overlay providing that the 25-foot zone shall be calculated excepting any right-of-way adjacent to the property, and apply a TOD Mixed Use subdistrict to the property (with a base height limit of 40 feet in the area within 100 feet of the single family homes on Randolph) was approved on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

29. 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.

Ordinance No. 20090312-029 to approve plan amendments to the Chestnut Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Council Member Cole’s motion, Council Member Morrison’s second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

30. 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.

Ordinance No. 20090312-030 to approve plan amendments to the Rosewood Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Council Member Cole’s motion, Council Member Morrison’s second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

31. 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.

Ordinance No. 20090312-031 to approve plan amendments to the Upper Boggy Creek Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Council Member Cole’s motion, Council Member Morrison’s second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

32. 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.

Ordinance No. 20090312-032 to approve plan amendments to the East MLK Combined Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Council Member Cole’s motion, Council Member Morrison’s second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

39. 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.

The public hearing was closed and the first reading of the ordinance for family residence-historic landmark (SF-3-H) combining district zoning was approved on consent on Council Member Shade's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

35. C20-2008-016 - North Burnet Gateway - Conduct a public hearing and approve second/third readings of an ordinance amending Title 25-2 to create a North Burnet/Gateway (NBG) zoning district and establish associated use and site development regulations, repeal previous interim regulations, amend Subchapter E: Design Standards & Mixed Use to exempt the NBG zoning district, and approve a collector street plan for the NBG Neighborhood Planning Area. 1st Reading approved on October 16, 2008. Vote 7-0. City Staff: Molly Scarbrough, Neighborhood Planning and Zoning Department, 974-3515

The public hearing was closed and Ordinance No. 20090312-035 and the attachment labeled Regulating Plan for the North Burnet/Gateway Zoning District, as amended by Council and recommended by staff on October 16, 2008, were approved on Council Member Cole's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

A friendly amendment was made by Council Member Morrison to change the fee in lieu of to \$10.00. This was not accepted by the maker of the motion.

36. C14-2008-0182 - North Burnet/Gateway Neighborhood Plan Rezonings - City Initiated - Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 40 tracts (1,442.826 acres) within the North Burnet/Gateway Neighborhood Planning Area, bounded by MoPac Expressway, Metric Boulevard, Highway 183/Research Boulevard, and Braker Lane (Shoal Creek; Walnut Creek, and Little Walnut Creek Watersheds) from various zoning districts to North Burnet Gateway-neighborhood plan (NBG-NP) combining district zoning or North Burnet Gateway-historic landmark-neighborhood plan (NBG-H-NP) combining district zoning. The proposed zoning change will implement the land use and urban design recommendations of the North Burnet/Gateway Master Plan. First Reading approved on October 16, 2008. Vote 7-0. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Molly Scarbrough, 974-3515.

The public hearing was closed and Ordinance No. 20090312-036 for rezonings of tracts in the North Burnet Gateway-neighborhood plan (NBG-NP) combining district zoning or North Burnet Gateway-historic landmark-neighborhood plan (NBG-H-NP) combining district zoning was approved on Council Member Cole's motion, Mayor Wynn's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

40. C14-2008-0247 - Buckets Deli - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2020 East Cesar Chavez Street (Town Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Staff Recommendation: To deny commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To deny commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning. Applicant: Paul Rodriguez. Agent: Hajjar Sutherland & Kelly, L.L.P. (Kareem Hajjar). City Staff: Joi Harden, 974-2122. A valid petition has been filed in opposition to this rezoning request. This item was postponed to April 23, 2009 on Council Member Martinez' motion, Council Member Cole's second on a 5-1 vote. Council Member Shade voted nay. Mayor Pro Tem McCracken was off the dais.

Mayor Wynn recessed the Council Meeting at 5:33 p.m.

LIVE MUSIC

Steve Bernal

PROCLAMATIONS

Mayor Wynn called the Council Meeting back to order at 6:11 p.m.

PUBLIC HEARING AND POSSIBLE ACTION

45. Conduct a public hearing and consider an ordinance amending the Land Development Code, Chapter 25-10, to allow sidewalk signs in commercial areas of the City. To be reviewed by the Planning Commission on March 10, 2009.

This item was postponed to April 23, 2009 on Council Member Leffingwell's motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

ZONING DISCUSSION ITEMS CONTINUED

43. NPA-2008-0019.01 - 3301 Kings Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-57, the Central Austin 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 single family to neighborhood mixed use for the property located at 3301 Kings Lane (Waller Creek Watershed). Staff Recommendation: To approve neighborhood mixed use land use designation. Planning Commission Recommendation: To deny neighborhood mixed use designation. Applicant: David Heaps. Agent: Phil Moncada. City Staff: Victoria Craig, 974-2857.

The motion to postpone this item to March 26, 2009 at the Council's request was approved on Council Member Leffingwell's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

44. C14-2008-0223 - David Heaps - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3301 Kings Lane (Waller Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Applicant: David Heaps & Associates (David Heaps). Agent: A.E.C. Inc. (Phil Moncada). City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

The public hearing was closed and the first and second reading of the ordinance for single-family residence-small lot-conditional overlay-neighborhood plan (SF-4A-CO-NP) combining district zoning with a 10' rear setback was approved on Council Member Leffingwell's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

Mayor Wynn adjourned the meeting at 6:40 p.m. without objection.

The minutes for the Regular meeting of March 12, 2009 were approved on this the 26th day of March 2009 on Council Member Shade's motion, Council Member Martinez' second on a 7-0 vote.