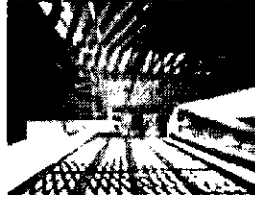


AGENDA



Thursday, May 14, 2009

The Austin City Council will convene at 10:00 AM on
Thursday, May 14, 2009 at Austin City Hall
301 W. Second Street, Austin, TX

AUSTIN CITY CLERK
POSTING: DATE/TIME

2009 MAY 8 PM 4 47



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.

Reading and Action on Consent Agenda

Action on the Following:

Ordinances / Resolutions / Motions -

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

9:55 AM -- Invocation

Rev. Dr. Marvin C. Griffin, Ebenezer Baptist Church

10:00 AM -- City Council Convenes

Approval of Minutes

1. Approve the Minutes of the Austin City Council April 30, 2009 Regular meeting.

Austin Energy

2. Approve the issuance of a Letter of Intent for a rebate to Alori Properties – Orleans Apartments for the installation of a solar photovoltaic system at the project located at 206 W. 38th Street, Austin, Texas, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
3. Approve the issuance of a Letter of Intent for a rebate to Alori Properties – Turnberry Apartments for the installation of a solar photovoltaic system at the project located at 918 E. 40th Street, Austin, Texas, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
4. Approve the issuance of a Letter of Intent for a rebate to Barton Cove Apartments, II, L.L.C., for the installation of a solar photovoltaic system at the project located at 1123 Hollow Creek Drive, Austin, Texas, in an amount not to exceed \$76,205. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
5. Approve the issuance of a Letter of Intent for a rebate to Foundation Communities – Trails at Vintage Creek for the installation of a solar photovoltaic system at the project located at 7224 Northeast, Austin, Texas, in an amount not to exceed \$83,722. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
6. Approve the issuance of a Letter of Intent for a rebate to H-E-B Store #23 for the installation of a solar photovoltaic system at the project located at 6900 Brodie Lane, Austin, Texas, in an amount not to exceed \$100,000. Funding is available in the Fiscal

Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

7. Approve the issuance of a Letter of Intent for a rebate to Laura Peters Ngu Ventures, L.L.C. for the installation of a solar photovoltaic system at the project located at 1905 N. Lamar, Austin, Texas, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
8. Approve the issuance of a Letter of Intent for a rebate to Verdance Condominiums for the installation of a solar photovoltaic system at the project located at 3200 Grandview, Austin, Texas, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.
9. Approve the issuance of a Letter of Intent for a rebate to Willow Wood Apartments for the installation of a solar photovoltaic system at the project located at 3503 Bridle Path, Austin, Texas, in an amount not to exceed \$100,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

Contract and Land Management

10. Authorize negotiation and execution of a modification to the ten year lease agreement with the Eleven East Corporation for office space and associated parking at 1000 East Eleventh Street for occupancy by the City's Neighborhood Housing and Community Development Department and the Austin Housing Finance Corporation.
11. Authorize execution of a construction contract with AUSTIN BRIDGE AND ROAD, LP, Austin, TX, for the 2009 Miscellaneous Streets Overlay project in the amount of \$2,448,828.12 plus a \$122,441.40 contingency, for a total contract amount not to exceed \$2,571,269.52. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goal with 13.63% DBE subcontractor participation.

Economic Growth & Redevelopment Services

12. Approve an ordinance accepting Austin Parks Foundation grant funds in the amount of \$10,000; amending the Fiscal Year 2008-2009 Economic Growth and Redevelopment Services Office (EGRSO) Special Revenue Fund of Ordinance 20080908-002 to appropriate \$10,000 in grant funds; and amending the Fiscal Year 2008-2009 EGRSO Capital Budget of Ordinance 20080908-003 to appropriate \$10,000 from the Fiscal Year 2008-2009 EGRSO Special Revenue Fund for the Susanna Dickinson House Art in Public Places project. The total grant amount of \$10,000 will be provided by the Austin Parks Foundation. This grant does not require any local match. The Austin Arts Commission approved selection on March 16, 2009.

Fire

13. Approve an ordinance establishing classifications and positions in the classified service of the Fire Department, eliminating and creating certain positions, and repealing Ordinance No. 20081120-020 relating to Fire Department classifications and positions and declaring an emergency. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department.

Neighborhood Housing and Community Development

14. Authorize the negotiation and execution of an amendment to the East Austin Redevelopment Area HUD 108 Loan Program Loan Agreement and associated promissory notes between the City of Austin and the Eleven East Corporation which relates to the development and construction of the Street-Jones and Snell buildings located in the 1000 block of East 11th Street and modify maturity dates, amortization schedules and replacement reserve guidelines.
15. Authorize the negotiation and execution of an amendment to the East 11th and 12th Streets Revitalization Program Loan Agreement between the City and the Eleven East Corporation which relates to tenant finish-out at 1050 E. 11th Street to amend job creation requirements.
16. Authorize the negotiation and execution of the 3rd amendment to the Anderson Hill Redevelopment Program Development Agreement (Juniper Olive - Phase 2) with the Austin Revitalization Authority which relates to construction of new homes in the Juniper-Olive neighborhood to amend development deadlines and reporting requirements.
17. Authorize the negotiation and execution of amendments to the Anderson Hill Redevelopment Program Loan Agreement (Juniper Olive - Phase 1) between the City and the Austin Revitalization Authority which relates to construction of houses in the Juniper-Olive neighborhood to amend reporting requirements.
18. Authorize the negotiation and execution of amendments to the East 11th and 12th Streets Program Loan Agreement between the City of Austin and the Austin Revitalization Authority relating to the repayment terms.
19. Approve a resolution to adopt a Substantial Amendment to the City's (1) Fiscal Years 2004-2009 Consolidated Plan; (2) Annual Action Plan for Fiscal Year 2008-2009, required by the U.S. Department of Housing and Urban Development (HUD); and (3) the Texas Local Government Code Chapter 373, Community Development 2008-2009 Program. Approval of the Substantial Amendment will allow the City of Austin to administer grant funds made available to the City of Austin from the American Recovery and Reinvestment Act of 2009. The Community Development Commission reviewed and made recommendations to the City Council on additional stimulus funds at their April 14, 2009 and May 12, 2009 meetings. The draft HPRP recommendations were presented to the Austin City Council Public Health & Human Services Subcommittee on April 21, 2009.

Police

20. Approve an ordinance accepting \$406,000 in renewal grant funds from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority; and amending the Fiscal Year 2008-2009 Police Department Special Revenue Fund of Ordinance No.20080908-002 to appropriate \$20,000 for the Police Department's Auto Burglary and Theft Interdiction Project. Funding is available from the Texas Department of Transportation, Texas Automobile Burglary and Theft Prevention Authority, for the grant period September 1, 2009 to August 31, 2010. A cash match of 20% is required and will be met using the salaries of existing personnel and direct operating expenses. Funding for the program is contingent upon available funding in future APD budgets.

Purchasing Office

21. Approve ratification of a 6-month requirements service contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC, Austin, TX, for maintenance and support of Austin Energy's Customer Service Request software system in the amount of \$35,300 and authorize the award, negotiation, and execution of a 6-month

requirements service contract for the continuation of maintenance and support of the Customer Service Request software system in an estimated amount not to exceed \$35,300, with four 12-month extension options in estimated amounts not to exceed \$72,718 for the first extension option, \$74,899 for the second extension option, \$77,146 for the third extension option, and \$79,460 for the fourth extension option, for a total estimated contract amount not to exceed \$374,823. Funding in the amount of \$70,600 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole Source. 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.

22. Authorize award and execution of a 12-month contract with HDR ENGINEERING, INC., Omaha, NE, for services relating to the location, assessment, study, evaluation, and potential acquisition of parcels of land and easements for electric utility-related purposes in an amount not to exceed \$250,000. Funding is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for an extension option is contingent upon available funding in future budgets. Critical Business Need. Recommended by the Electric Utility Commission.
23. Authorize award and execution of a 24-month requirements supply contract for the purchase of industrial gases and rental of gas cylinders with AIRGAS SOUTHWEST, Austin, TX, in an estimated amount not to exceed \$248,973, with three 12-month extension options in an estimated amount not to exceed \$124,486 per extension option, for a total estimated contract amount not to exceed \$622,431. Funding in the amount of \$51,869 is available in the Fiscal Year 2008-2009 Operating Budgets of the following departments: \$31,295 Austin Energy; \$5,346 Austin Water Utility; \$2,857 Aviation; \$10,977 Fleet Services; and \$1,394 Austin Police Department. Funding for the remaining 19 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 2-9D 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.
24. Authorize award and execution of Amendment No. 1 to a contract with HPI, LLC, Houston, TX to increase the contract for the upgrade of the gas turbine controls at Austin Energy's Decker Creek Power Station in an amount not to exceed \$179,500, for a revised total estimated contract amount not to exceed \$1,777,269. Funding in the amount of \$178,350 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy and \$1,150 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Contract Amendment. 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.
25. Authorize award and execution of a 12-month requirements service contract with KONE, INC., Austin, TX for elevator maintenance, repair, and inspection services at various Austin Energy locations in an estimated amount not to exceed \$71,219, with four 12-month extension options in an estimated amount not to exceed \$71,219 per extension option, for a total estimated contract amount not to exceed \$356,095. Funding in the amount of \$29,674 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 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 Electric Utility Commission.

26. Authorize award and execution of a 12-month requirements service contract with POWERPLAN, OIB, Chicago, IL, for the purchase of software maintenance including upgrades, support, and technical maintenance services for Austin Energy, in an estimated amount not to exceed \$122,500, with four 12-month extension options in amounts not to exceed \$127,400 for the first extension, \$132,496 for the second extension, \$137,796 for the third extension and \$143,308 for the fourth extension, for a total estimated contract amount not to exceed \$663,500. Funding in the amount of \$122,500 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole Source. This purchase 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 contract. Recommended by the Electric Utility Commission.
27. Authorize award, negotiation, and execution of a 24-month requirements service contract with SIEMENS WATER TECHNOLOGIES CORPORATION, Conroe, TX, for the leasing and operation of mobile demineralizers and other water treatment equipment for Austin Energy, in an estimated amount not to exceed \$400,000, with three 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract not to exceed \$1,000,000. Funding in the amount of \$83,333 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 19 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals 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 Electric Utility Commission.
28. Authorize award, negotiation, and execution of a 12-month requirements service contract with: EFFECTIVE ENVIRONMENTAL, INC, Mesquite, TX; USA ENVIRONMENT, L.P., New Braunfels, TX; TAS ENVIRONMENTAL SERVICES, L.P., Fort Worth, TX; and EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, LLC, Eastland, TX, for soil remediation and equipment decontamination services in an estimated amount not to exceed \$1,000,000 each and combined, with three 12-month extension options in an estimated amount not to exceed \$1,000,000 each and combined per extension option, for a total estimated contract amount not to exceed \$4,000,000 each and combined. Funding in the amount of \$416,667 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. Best four evaluated proposals of six proposals 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 Electric Utility Commission.
29. Authorize award and execution of a 36-month requirements supply contract with SOUTHERN SAFETY SALES, Austin, TX for disposable sheets in an estimated amount not to exceed \$250,800, with three 12-month extension options in an estimated amount not to exceed \$83,600 per extension option, for a total estimated contract amount not to exceed \$501,600. Funding in the amount of \$34,833 is available in the Fiscal Year 2008-2009 Operating Budget of the Emergency and Medical Services Department. Funding for the remaining 31 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of five 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.

30. Authorize award and execution of a 36-month requirements service contract with ECOLOGY ACTION OF TEXAS, Austin, TX for the management of a recycling drop-off center in an estimated amount not to exceed \$396,000, with three 12-month extension options in an estimated amount not to exceed \$132,000 per extension option, for a total estimated contract amount not to exceed \$792,000. Funding in the amount of \$55,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Solid Waste Services Department. Funding for the remaining 31 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. Recommended by the Solid Waste Advisory Commission.
31. Authorize award and execution of a contract with IESI TX CORPORATION, Austin, TX for the purchase of clay dirt and hauling services for the landfill closure requirements of the City of Austin's FM 812 Landfill in an estimated amount not to exceed \$2,250,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Solid Waste Services. Lowest bid of six 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. To be reviewed by the Solid Waste Advisory Commission on May 13, 2009.
32. Authorize award, negotiation, and execution of a 36-month requirements service contract with BANK OF AMERICA, Houston, TX for Visa and MasterCard processing services in an estimated amount not to exceed \$933,667, with three 12-month extension options in an estimated amount not to exceed \$388,163 per extension option, for a total estimated contract amount not to exceed \$2,098,156. Funding in the amount of \$103,740 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works and Transportation Department. Funding for the remaining 32 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of five proposals 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.

Item(s) from Council

33. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
34. Approve an ordinance naming the Police Training Academy and waiving any applicable requirements of Chapter 14-1 of the City Code. (Mayor Will Wynn, Council Member Mike Martinez and Council Member Lee Leffingwell)
35. Approve a resolution relating to supporting the 2010 Census and encouraging community participation. (Council Member Laura Morrison and Mayor Will Wynn)
36. Approve a resolution directing the City Manager to work with relevant boards and commissions to revise city-wide standards and criteria regarding qualifications for open space, considering needs of families and children, including child-friendly features. (Council Member Laura Morrison and Mayor Pro Tem Brewster McCracken)
37. Authorize the reimbursement of certain fees under Chapter 14-8 of the City Code for the Paramount Theater's 93rd & State Theater's 73rd Anniversary Gala, to be held on May 16, 2009. (Mayor Pro Tem Brewster McCracken, Mayor Will Wynn and Council Member Randi Shade)

38. Authorize the reimbursement of certain fees and requirements for the Lady Bird Lake Fest, to be held on May 20, 2009, at Fiesta Gardens. (Council Member Mike Martinez, Mayor Pro Tem Brewster McCracken and Council Member Laura Morrison)
39. Approve the waiver of certain fees and requirements for the Siempre Amigos event, to be held on September 12, 2009, at the Mexican American Cultural Center (MACC). (Council Member Randi Shade, Mayor Pro Tem Brewster McCracken and Council Member Lee Leffingwell)

Item(s) to Set Public Hearing(s)

40. Set a public hearing to consider the use of approximately 30,865 square feet (0.71 acre) for a temporary staging area and material storage site use for construction of a reclaimed water main for the Red River to UT Transmission Main Project through dedicated parkland known as the Hancock Golf Course, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. (Suggested date and time: June 11, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Parks and Recreation Board.
41. Set a public hearing to consider the use of approximately 4,218 SF (0.10 acre) for right of way use to allow for the construction of the West Gate Boulevard Extension Project from Cameron Loop to Cohoba Drive through dedicated parkland known as the Piney Bend Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. (Suggested date and time: June 11, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Parks and Recreation Board.
42. Set a public hearing to approve an ordinance adopting the City of Austin 2009 Bicycle Plan Update as an element of the Austin Tomorrow Comprehensive Plan. (Suggested date and time: May 21, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX). Reviewed by the Parks and Recreation Board, Comprehensive Plan Subcommittee, Environmental Board, Planning Commission and the Urban Transportation Commission.

12:00 PM -- Citizen Communications: General

Gus Peña - 1. To discuss City issues and the budget and its adverse impact on the poor, the needy, have nots and the homeless. Please if possible increase funding for social service agencies. The need is greater in this economic downturn and recession 2. Please no employee layoffs. We do not need more people in the unemployment ranks 3. We need more police officers on the streets. Crime is increasing and please no cuts of police officers, we need them on the streets fighting crime 4. Please support our military veterans they need jobs, affordable housing, PTSD treatment, mental health treatment, transitional housing for homeless veterans with families, counseling and re entry programs to transition back into society 5. Please bring an equitable funding process at Morris Williams golf course, repair and maintenance

Rae Nadler-Olenick - Water fluoridation

Walter Olenick - Water fluoridation

Ronnie Gjemre - Peace and freedom

Louis Kokernak - Billboard ordinance

David Edrich - Billboard ordinance

Pat Valls Trelles - Animal issue- donation's fund

William Newton - City's solar program, rebates and how to improve the program

Paul Robbins - City issues

Pat Johnson - Criminal, illegal towing

Executive Session

43. Discuss legal issues relating to the Bradford-Nohra House zoning case and lawsuit Helen Nohra by her next friend Sylvia Dudney v. City of Austin et al, Case No. D-1-GN-09-G01358, filed in Travis County District Court. (Private Consultation with Attorney - Section 551.071).
44. Discuss the acquisition of real property relating to the Brushy Creek wastewater treatment system. (Real Property - Section 551.072).

2:00 PM -- Briefings

45. Mayor's Mental Health Task Force briefing
46. Arts, Culture & Music Update
47. Austin 2009 Bicycle Master Plan Update - Public Works Department and Austin Transportation Department

3:00 PM -- Austin Housing Finance Corporation Board of Directors Meeting

The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will re-convene (The AHFC agenda is temporarily located at <http://www.ci.austin.tx.us/agenda/council.htm>).

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

48. 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.

49. 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.
50. C14H-2008-0023 - Bradford-Nohra House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4213 Avenue G (Waller Creek Watershed) from townhouse and condominium residence-neighborhood conservation combining district (SF-6-NCCD) combining district zoning to townhouse and condominium residence-historic landmark-neighborhood conservation combining district (SF-6-H-NCCD) combining district zoning. First reading approved on March 26, 2009. Vote: 6-0 (McCracken off the dais). Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Susan Villarreal, 974-3524. A valid petition has been filed in opposition to this rezoning request.

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

- 51 PH. C14-2009-0030 - Beal #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1503 West Avenue (Shoal Creek Watershed) from family residence-historic landmark (SF-3-H) combining district zoning to limited office-mixed use-historic landmark (LO-MU-H) combining district zoning. Staff Recommendation: To grant limited office-mixed use-historic landmark (LO-MU-H) combining district zoning. Planning Commission Recommendation: To be reviewed on May 12, 2009. Applicant: City of Austin, Contract and Land Management Department. Agent: Neighborhood Planning and Zoning Department. City Staff: Clark Patterson, 974-7691.
- 52 PH. C14-85-339(RCA) - East Yager Lane Restrictive Covenant Amendment - Conduct a public hearing to approve a restrictive covenant amendment for the property located at 400-900 Block of East Yager Lane (Walnut Creek Watershed). Staff Recommendation: To approve amendment of the restrictive covenant. Zoning and Platting Commission Recommendation: To be reviewed on July 7, 2009. Applicant: Armbrust & Brown, L.L.P. (Amanda Morrow). Agent: Allen Samuels Realty (Jeff Wooley); Solo Star Realty, Inc. (John McCormack); Burton Landing L.L. C. (Robert S. Peed Jr.); and Austin Korean Presbyterian Church. City Staff: Joi Harden.
- 53 PH. C14-2008-0193 - 500 Block of VFW and Yager Lane Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 500 Block of VFW Road (Walnut Creek Watershed) from multi-family residence-low density (MF-2) district zoning; limited office (LO) district zoning and neighborhood commercial (LR) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on July 7, 2009. Applicant: Armbrust & Brown, L.L.P. (Amanda Morrow). Agent: Solo Star Realty, Inc. (John McCormack and John Gilbert.) City Staff: Joi Harden, 974-2122.
- 54 PH. C14-2009-0007 - Regency Nursing and Rehabilitation Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9901 South 1st Street (Slaughter Creek Watershed) from townhouse and condominium residence (SF-6) district zoning to

multi-family residence-moderate high density (MF-4) district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning with conditions. Applicant: BDDDB 27, Ltd. (Chris Ellis). Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Wendy Rhoades, 974-7719.

- 55 PH. C14-2009-0031 - The Moore Redbird Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 313 Red Bird Lane (Williamson Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning with conditions. Applicant and Agent: Leslie M. Moore. City Staff: Wendy Rhoades, 974-7719.
- 56 PH. NPA-2009-0025.01 – 6102 and 6110 Hill Forest Drive (Tract AD) – Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-098, the Oak Hill 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 single family for the properties located at 6102 and 6110 Hill Forest Drive (Williamson Creek Watershed). Staff Recommendation: To deny single-family use on 6102 Hill Forest Drive and approve single family use on 6110 Hill Forest Drive. Planning Commission recommendation: To deny single family use on 6102 Hill Forest Drive and approve single family use on 6110 Hill Forest Drive. Applicant and agent: Neighborhood Planning and Zoning Department. City Staff: Maureen Meredith, 974-2695.
- 57 PH. NPA-2009-0018.01 – Highland Combined Neighborhood Planning Area Vertical Mixed Use (VMU) Neighborhood Plan Amendment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland 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 Commercial and Office to Mixed Use and Mixed Use/Office on selected tracts within the Highland Neighborhood Planning Area, bounded by U.S. Highway 183 to the north, Lamar Boulevard to the west, Twin Crest Drive and Middle Fiskville Road to the east, and Koenig Lane to the south (Tannehill Creek, Waller Creek, Buttermilk Branch Watersheds). Planning Commission Recommendation: To approve mixed use and mixed use/office on selected tracts within the Highland Future Land Use Map. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.
- 58 PH. C14-2009-0012 – Highland Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Highland Neighborhood Planning Area, bounded by U.S. Highway 183 to the north, Lamar Boulevard to the west, Twin Crest Drive and Middle Fiskville Road to the east, and Koenig Lane to the south (Tannehill Creek, Waller Creek, Buttermilk Branch 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 properties located at from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude certain tracts from the vertical mixed use

overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Victoria Craig, 974-2857.

- 59 PH. C14-2009-0029 - Former Ronald McDonald House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 403 East 15th Street (Waller Creek Watershed) from multi-family residence-moderate high density (MF-4) 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: City of Austin, Contract and Land Management Department (Lauraine Rizer). Agent: Neighborhood Planning and Zoning Department. City Staff: Clark Patterson, 974-7691.
- 60 PH. C14-2009-0015 - Reagan 290 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9211 East Highway U.S. 290 (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning, and development reserve (DR) district zoning to limited industrial-conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant limited industrial-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial-conditional overlay (LI-CO) combining district zoning. Applicant: Reagan National Advertising (William Reagan). Agent: Texas Design Interest, L.L.C. (Jeff Shindler). City Staff: Joi Harden, 974-2122.
- 61 PH. C14-2008-0234 - ZFB, Ltd. Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9710 & 9718 Anderson Mill Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Pohl Brown & Associates (William Pohl). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye, 974-7604.

5:30 PM -- Live Music


Frank Gomez


5:30 PM -- Proclamations

6:00 PM -- Public Hearings and Possible Actions

- 62 PH. Conduct a public hearing and consider an ordinance amending Chapter 25-8, of the City Code relating to protected and heritage trees. Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
- 63 PH. Conduct a public hearing and consider an ordinance amending Section 25-2-1007 of the City Code relating to parking lot landscaping. Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.
- 64 PH. Conduct a public hearing and consider an ordinance amending Chapter 25-2, Subchapter C, Article 9 of the City Code relating to planting of trees in residential subdivisions. Recommended by the Planning Commission, Environmental Board, Urban Forestry Board, and the now disbanded Tree Task Force.

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

January 15, 2009
January 29, 2009
February 12, 2009
February 26, 2009
March 5, 2009
March 12, 2009
March 26, 2009
April 2, 2009
April 23, 2009
April 30, 2009
May 14, 2009
May 21, 2009
June 11, 2009
June 18, 2009
July 23, 2009
August 6, 2009
August 20, 2009
August 27, 2009
September 14, 15 and 16, 2009
(Budget Readings)
September 24, 2009
October 1, 2009
October 15, 2009
October 22, 2009
November 5, 2009
November 19, 2009
December 10, 2009
December 17, 2009

CANCELLED DATES

January 1, 2009
January 8, 2009
January 22, 2009
February 5, 2009
February 19, 2009
March 19, 2009
April 9, 2009
April 16, 2009
May 7, 2009
May 28, 2009
June 4, 2009
June 25, 2009
July 2, 2009
July 9, 2009
July 16, 2009
July 30, 2009
August 13, 2009
September 3, 2009
September 10, 2009
September 17, 2009
October 8, 2009
October 29, 2009
November 12, 2009
November 26, 2009
December 3, 2009
December 24, 2009
December 31, 2009