

A U S T I N C I T Y C O U N C I L

# AGENDA



## AUSTIN CITY COUNCIL WORK SESSION

**Tuesday, December 13, 2011**

The Austin City Council will convene at 9:00 AM on  
Tuesday, December 13, 2011 at Austin City Hall  
301 W. Second Street, Austin, TX



**Mayor Lee Leffingwell**  
**Mayor Pro Tem Sheryl Cole**  
**Council Member Chris Riley, Place 1**  
**Council Member Mike Martinez, Place 2**  
**Council Member Kathie Tovo, Place 3**  
**Council Member Laura Morrison, Place 4**  
**Council Member William Spelman, Place 5**

For meeting information, contact the 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.**

**9:00 AM – City Council Convenes**

**A. Pre-Selected Agenda Items**

A.1 Item #51: Approve an ordinance establishing interim council meeting procedures.

A.2 Item #62: Approve a resolution directing the City Manager to prepare a contract management plan that ensures the City of Austin meets best practice contracting standards, and directing the City Auditor to provide any support requested by the City Manager for the preparation of the contract management plan and to prepare for and deliver a report to the City Council assessing the City Manager’s contract management plan, particularly focusing on how the plan addresses risk management and financial and legal controls.

**B. Council Items of Interest**

B.1 NONE SUBMITTED.

B.2 Discussion of format and agenda for February 1, 2012 Council Retreat

**C. Briefings**

C.1 Review of proposed Municipal Utility District.

C.2 Briefing on Council appointment of Directors to Municipal Utility District Boards.

**D. Executive Session**

D.1 Discuss legal issues related to Byron Carter Sr., et al v. City of Austin et al, Cause No. A-11-CA-887-LY in the U.S. District Court, Western District of Texas (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

## **Regular Agenda**

### **Approval of Minutes**

1. Approve the minutes of the Austin City Council work session of December 6, 2011 and regular meeting of December 8, 2011.

### **Austin Water Utility**

2. Approve Service Extension Request No. 3037 for water service for Sinno and Associates Ltd., the owner of Foundation Retail Development located within the Drinking Water Protection Zone and within the City's 2-mile extra-territorial jurisdiction at 11101 N. FM 620, to serve a retail development (22,230 square feet of retail) with an estimated peak hour flow of 29 gallons per minute.

### **Contract Management**

3. Authorize execution of a construction contract with T.F. HARPER & ASSOCIATES, LP AUSTIN, TX, for the removal and installation of deteriorated pool water supply and drain lines for the Rosewood Neighborhood Pool in the amount of \$404,559.28 plus a contingency \$20,227.96 contingency, for a total contract amount not to exceed \$424,787.24.
4. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin, TX for the Second Street Streetscape Street Reconstruction and Utility Adjustment – Phase III project in the amount of \$5,126,998.50 plus a \$256,349.92 contingency, for a total contract amount not to exceed \$5,383,348.42.
5. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., Austin, TX, for Valve Replacement Program Combined in the amount of \$769,938, plus a \$76,993.80 contingency, for a total contract amount not to exceed \$846,931.80.
6. Authorize execution of a construction contract with PEPPER-LAWSON WATERWORKS, LLC, KATY, TX for the Walnut Creek-Influent Flow Improvements & Equipment Replacement/Rehab Project, in the amount of \$4,011,000, plus a \$200,550 contingency, for a total contract amount not to exceed \$4,211,550.
7. Authorize the use of the Design-Build delivery method for design and construction services in accordance with Texas Government Code Section 2267, Subchapter G for the development of the Austin-Bergstrom International Airport (ABIA) Terminal East Infill Project.
8. Authorize execution of a construction contract with TOLERO CONSTRUCTION, LLC, Austin, TX, for renovation work at Austin Energy's Town Lake Center, in an amount not to exceed \$403,613.

### **Convention Center**

9. Authorize the negotiation and execution of a co-sponsorship agreement between the

City and the Capital of Texas Public Telecommunications Council, d/b/a KLRU TV-18 Austin, to sponsor the Austin City Limits concert series, from October 1, 2011 to September 30, 2016, in an amount not to exceed \$250,000 annually, for a total contract amount not to exceed \$1,250,000.

### **Economic Growth and Redevelopment Services**

10. Authorize negotiation and execution of a design and commission agreement with Christian Moeller Studio LLC, Los Angeles, CA, for artwork to be displayed at the new Central Library in an amount not to exceed \$385,000.

### **Health and Human Services**

11. Approve a resolution supporting the recommendations of the Health and Human Services Department regarding water fluoridation and directing the City Manager to implement the recommendations.

### **Neighborhood Housing and Community Development**

12. Authorize the execution of a new nine-month agreement, including five 12-month extension options, with the Urban Renewal Agency of the City of Austin relating to roles, responsibilities and processes for the redevelopment of the East 11th and 12th Street Revitalization Project.
13. Approve a resolution authorizing the City Manager to apply for grant funding in the amount of \$200,000 from the Texas Department of Housing and Community Affairs Housing Trust Fund 2012 – 2013 Amy Young Barrier Removal Program to make homes more accessible to low-income persons with disabilities.
14. Approve an ordinance authorizing acceptance of up to \$3,000,000 in grant funds from the Community Challenge Grant Program of the United States Department of Housing and Urban Development; and amending the Fiscal Year 2011-2012 Neighborhood Housing and Community Development Office Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate up to \$3,000,000 for the City's Colony Park Sustainable Community Pilot Project to plan a model sustainable and livable mixed-use, mixed-income community.

### **Office of Real Estate Services**

15. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 68.10 acres in Travis County, Texas, located at 1001 Ed Bluestein Boulevard (near the intersection of Bolm Road and US 183 north bound frontage road) from CAPITAL AGGREGATES, LTD., for a total amount not to exceed \$1,700,000.
16. Approve an ordinance vacating a portion of the 20-foot-wide alley (approximately 4,699 square feet) between Nueces Street and San Antonio Street, commencing at West 22nd Street and running 250 feet south of West 22nd Street, out of Division D of the City of Austin, between Outlot 22 ½ and Outlot 23 ½, dedicated by Louis Horst's Subdivision, recorded in Book Z, Page 613, Travis County Plat Records, to UNIVERSITY BAPTIST CHURCH AND UNIVERSITY LUTHERAN STUDENT CENTER,

INC.

17. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 3.53 acres in Travis County, Texas, located at 2100 Parker Lane from FS VENTURES, L.P., A TEXAS LIMITED PARTNERSHIP, for a total amount not to exceed \$1,100,000.

#### **Parks and Recreation**

18. Authorize the negotiation and execution of an amendment to the interlocal agreement between the City of Austin and the Austin Independent School District (AISD) for the construction and operation of a joint-use facility called the Turner Roberts Recreation Center and the Overton Elementary School in Colony District Park to benefit of both AISD and the City of Austin.
19. Approve an ordinance on third reading amending Chapter 10-6 of the City Code (Smoking in Public Places) by prohibiting smoking in City parks.

#### **Planning and Development Review**

20. Approve a resolution consenting to the annexation by Lazy Nine Municipal Utility District 1-A of approximately 393 acres within the City of Austin's extraterritorial jurisdiction.

#### **Police**

21. Authorize negotiation and execution of an agreement between the City of Austin and the Center for Child Protection, in the amount of \$99,396, to fund reimbursement for two family advocate positions to provide enhanced interview and support services related to child protection.
22. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and The University of Texas at Austin for services in an amount not to exceed \$36,500 to conduct two (2) full-day workshops per year focusing on business writing and meeting facilitation for continuing education credit.

#### **Public Works**

23. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation (TXDOT) for the relocation of existing water lines in conflict with TXDOT roadway improvements, within the State Highway 71 (East) at Thornberry. This contract is for roadway/intersection improvements in the amount of \$100,006.74 plus a \$15,001.01 contingency, for a total contract amount not to exceed \$115,007.75.
24. Authorize an additional payment to the Texas Department of Transportation in the amount of \$34,702.05 for the actual costs of waterline relocation as required by the Advance Funding Agreement for the Cameron Road Bridge Replacement at Gilleland Creek Project in excess of the previous council authorization of \$93,181.08.
25. Authorize negotiation and execution of a Community Facilities and Cost

Reimbursement Agreement between the City of Austin and 3rd & Brazos, LP, a Texas limited partnership for the 3rd Street Right-of-Way Improvements for an amount not to exceed \$1,500,000.

#### **Purchasing Office**

26. Authorize award and execution of Amendment No. 1 to an Interlocal Agreement with the TEXAS FOREST SERVICE, College Station, TX to provide services for the propagation, cultivation, and delivery of trees and shrubs to be used for endangered species habitat restoration and enhancement of the Balcones Canyonlands Preserve in an estimated amount not to exceed \$99,000 by extending the contract term to May 31, 2012.
27. Authorize award & execution of a 33-month requirements supply contract through the U.S. Communities Government Purchasing Alliance with Maricopa County, Phoenix, Arizona, with THE HOME DEPOT U.S.A., Atlanta GA, to purchase building supplies and equipment in an estimated amount not to exceed \$1,386,000 with three twelve-month extension options in the estimated amounts \$504,000; \$554,400 and \$609,840 respectively for a total estimated contract amount not to exceed \$3,054,240.
28. Authorize award and execution of a 36-month requirements service contract with LCRA ENVIRONMENTAL LABORATORY SERVICES, Austin, Texas, to provide priority and regulated pollutant analysis services for the Austin Water Utility in an estimated amount not to exceed \$510,000, with three 12-month extension options in an estimated amount not to exceed \$170,000 per extension option, for a total estimated contract amount not to exceed \$1,020,000.
29. Authorize award and execution of Amendment No. 3 to a contract with CHRISTOPHER CORTEZ dba SOUTHWESTERN ENVIRONMENTAL EQUIPMENT TECHNICIANS, Dallas, TX, for repair parts for Penn Valley pumps for the Austin Water Utility, to extend the contract for one 12-month period in an estimated amount not to exceed \$24,000, for a revised total estimated amount not to exceed \$120,000.
30. Authorize award, negotiation, and execution of a contract with SIEMENS INDUSTRY, INC, DFW Airport, TX for the purchase of fault tolerant servers and software, and maintenance services for the Austin-Bergstrom International Airport, in an amount not to exceed \$292,635. Siemens Industry, Inc. is the sole source provider for these services.
31. Authorize award and execution of a 12-month requirements supply contract with QUALITROL COMPANY, LLC, Fairport, NY for the purchase of transformer gauges for Austin Energy in an estimated amount not to exceed \$50,000, with four 12-month extension options in an estimated amount not to exceed \$50,000 per extension option, for a total estimated contract amount not to exceed \$250,000. Qualitrol Company, LLC, is the sole source provided of these products.
32. Authorize award and execution of Amendment No. 2 to a requirements supply contract with ALTEC INDUSTRIES, St. Joseph, MO, to increase the contract amount for repairs to leased truck-mounted aerial devices and digger derricks, in an estimated amount not to exceed \$120,000, for a revised total estimated contract amount not to exceed \$2,062,475.

33. Authorize award, and execution of Amendment No. 3 to the contract with ITRON INCORPORATED, Liberty Lake, WA, for the maintenance and software support of ITRON MV-90 Network License associated with Austin Energy's Load Profiler online application and Lodestar application for load research, to exercise the second 12-month extension option in an estimated amount not to exceed \$35,572, and to add three additional 12-month extension options in estimated amounts not to exceed \$36,640, \$37,739, and \$38,871 respectively, for a revised total contract amount not to exceed \$216,898.
34. Authorize award, and execution of Amendment 3 to a contract with SAFE ENGINEERING SERVICES & TECHNOLOGIES LTD, Quebec, Canada, for maintenance and software support for Austin Energy's Current Distribution, Electromagnetic interference, Grounding and Soil structure analysis (CDEGS) software package to exercise the third 12-month extension option in an estimated amount not to exceed \$15,689, and to add six additional 12-month extension options in an estimated amount not to exceed \$16,356 per extension option, for a revised total contract amount not to exceed \$162,634.
35. Authorize award and execution of two 36-month requirements supply agreements for the purchase of backfill polyurethane foam kits for Austin Energy with PRIESTER-MELL & NICHOLSON, Austin, TX in an estimated amount not to exceed \$446,700 with three 12-month extension options in an estimated amount not to exceed \$148,900 per extension option, for a total estimated contract amount not to exceed \$893,400 and KBS ELECTRICAL DISTRIBUTORS INC., Austin, TX, in an estimated amount not to exceed \$70,875 with three 12-month extension options in an estimated amount not to exceed \$23,625 per extension option, for a total estimated contract amount not to exceed \$141,750.
36. Authorize award and execution of a 30-month requirements supply contract through the U.S. Communities Government Purchasing Alliance with GENERAL PARTS DISTRIBUTION LLC, dba, CARQUEST AUTO PARTS, Raleigh, NC, for the purchase of automotive repair parts in an estimated amount not to exceed \$2,057,328, with three 12-month extension options in estimated amounts not to exceed \$1,132,186 for the first extension option, \$1,358,623 for the second extension option, and \$1,630,347 for the third extension option for a total estimated contract amount not to exceed \$6,178,484.
37. Authorize award and execution of a contract with ANIXTER INC., Austin, TX for the purchase of 200,000 feet of 48 strand single-mode fiber optic cable in an amount not to exceed amount of \$90,900.00.
38. Authorize award and execution of a 36-month supply agreement with SUPERIOR CRUSHED STONE, Austin, TX, for flexible base for the Watershed Protection Department in an amount not to exceed \$222,750 with three 12-month extension options in an amount not to exceed \$74,250 for each option, for a total contract amount not to exceed \$445,500.
39. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with COOPER EQUIPMENT CO., San Antonio, TX, for the purchase of an asphalt distributor truck body, one asphalt paver and one chip spreader in an amount not to exceed \$791,992.

40. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with SANTEX TRUCK CENTERS, LTD., San Antonio, TX for the purchase of an asphalt distributor truck chassis in an amount not to exceed \$88,287.
41. Authorize award, negotiation, and execution of a contract with GE INTELLIGENT PLATFORMS, INC, Charlottesville, VA, for technical support and software license renewals for the GE Proficy Globalcare Software for the Austin Water Utility, in an amount not to exceed \$52,500 with two extension options in an amount not to exceed \$55,125 for the first extension option and \$57,881 for the second extension option for a total contract amount not to exceed \$165,506. GE Intelligent Platforms is the sole provider of this product.
42. Authorize award, negotiation and execution of a 12-month contract with OPEN TEXT INC., Lincolnshire, IL, for maintenance and support services for the enterprise document imaging and document management system an amount not to exceed \$80,356.45 with four 12 month extension options in an amount not to exceed \$88,392.10 for the first option, \$97,231.30 for the second option, \$106,954.43 for the third option and \$117,649.88 for the fourth option for a total contract amount not to exceed \$490,584.16. Open Text Inc. is the sole source provider of this product.
43. Authorize award and execution of Amendment No. 1 to a 36-month contract with RED WING SHOES, Austin, TX for safety shoes in the amount not to exceed \$41,248 for the remaining 12 months of the initial 36-month contract period with one additional 12-month extension option in an estimated amount not to exceed \$41,248, for a revised total estimated contract amount not to exceed \$164,992.
44. Authorize award and execution of a 24-month requirements service agreement with GREAT WESTERN MANAGED SERVICE CORP OF AUSTIN, TX, (WBE/FW), to provide hardscape and paver maintenance services in an estimated amount not to exceed \$199,100, with two 12-month extension options in estimated amounts not to exceed \$99,550 each for a total estimated contract amount not to exceed \$398,200.
45. 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 four service vehicles in an amount not to exceed \$132,162.82.
46. Authorize award and execution of a 9-month requirements service contract through Texas Local Government Purchasing Cooperative (BuyBoard) with STANLEY CONVERGENT SECURITY SOLUTIONS, INC., Austin, TX, for electronic security monitoring, system maintenance, and installation at various facilities for Health and Human Services Department, Parks and Recreation Department, and Municipal Court, in a total estimated contract amount not to exceed \$211,500.

#### **Solid Waste Services**

47. Approve a resolution adopting the Austin Resource Recovery Master Plan.

#### **Transportation**

48. Approve the negotiation and execution of an interlocal agreement with Travis County



to develop a methodology for determining fair and proportionate right-of-way dedications for development that impacts transportation corridors.

**Item(s) from Council**

49. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
50. Approve an ordinance authorizing the reimbursement of \$11,599.20 plus interest, paid to the City under City Code §25-8-214 (Optional Payment Instead of Structural Controls in Urban Watersheds) in lieu of providing water quality controls for the Shoalview Addition Resubdivision, located at 5519 Montview Street.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley )
51. Approve an ordinance establishing interim council meeting procedures.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman )
52. Approve an ordinance waiving certain fees, costs and requirements for the 2012 Austin Farmer's Markets, a City co-sponsored event, during the 2012 calendar year.  
( Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez )
53. Approve an ordinance amending City Code Chapter 2-1 to authorize ex officio members of city boards and commissions to participate as non-voting members.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Kathie Tovo )
54. Approve an ordinance amending City Code Chapter 2-1 to authorize the Board of Adjustment and AISD chairs to participate as voting ex officio members of the Planning Commission and to authorize non-voting participation by all other ex officio members of city boards and commissions.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole )
55. Approve an ordinance amending City Code Chapter 9-2 relating to requirements for Live Music Permits.  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison )
56. Approve a resolution directing the City Manager to negotiate and execute an amendment to the existing contract with Foundation Communities for a pilot program to enhance and study the effects of Foundation Community's incentivized savings program, allocating \$20,000 from the Sustainability Fund to fund Foundation Communities' 2012 Community Tax Center program, and directing the City Manager to work with appropriate agencies to provide public outreach.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole )
57. Approve a resolution directing the City Manager to implement an additional pilot

program to assess the efficiency of food waste disposers in diverting the organics from landfills, and to fully explore additional options for residentially-generated food scraps.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Lee  
Leffingwell CO 2: Council Member Mike Martinez )

58. Approve of a resolution directing the City Manager to work with the Community Development Commission and other stakeholders to develop recommendations for additional strategies of achieving geographic dispersion of affordable housing and directing the City Manager to brief the City Council regarding those recommendations by March 27, 2012.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo )
59. Approve a resolution initiating code amendments to City Code Chapters 25-1 and 25-2 relating to requirements for zoning use determinations.  
( Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez )
60. Approve a resolution directing the City Manager to work with the Building and Fire Code Board of Appeals and other stakeholders to develop recommendations on improvements to the Land Development Code and technical codes to address urban noise mitigation for construction of new residential dwelling units and other uses with overnight guests, such as hotels, in the downtown area.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman )
61. Approve a resolution extending the deadline by which the 2012 Charter Revision Committee must deliver recommendations to Council.  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell )
62. Approve a resolution directing the City Manager to prepare a contract management plan that ensures the City of Austin meets best practice contracting standards, and directing the City Auditor to provide any support requested by the City Manager for the preparation of the contract management plan and to prepare for and deliver a report to the City Council assessing the City Manager's contract management plan, particularly focusing on how the plan addresses risk management and financial and legal controls.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison )
63. Approve a resolution directing the City Manager to assess and report the feasibility and means of implementing a Property Assessed Clean Energy program or other kind of financing program for energy conservation improvements to residences and businesses.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley )
64. Approve a resolution allocating \$25,000 from the Holly Good Neighbor Program After School funds to The Overton Group for the implementation of the HILO curriculum in day care facilities in and around the Holly neighborhood, directing the City Manager to allocate funding only after matching funds have been demonstrated, and directing the City Manager to develop performance measures to track the program's effectiveness.

( Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo )

65. Approve a resolution directing the City Manager to amend City Code Chapter 13-2 related to taxicab franchise permits and ownership requirements; and to prepare a report regarding taxicab franchise agreement terms.

( Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo )

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

66. Set a public hearing to consider the permanent use of approximately 1,517 square feet of land for construction, use, maintenance, repair, and replacement of the existing electric transmission lines for the Seaholm District Redevelopment and the new Central Library Project through dedicated parkland known as Town Lake Shoal Beach and the Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time, January 12, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
67. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the St. John/Coronado Hills Combined Neighborhood Plan. The boundaries for St. John/Coronado Hills Combined Neighborhood Planning Area are Anderson Lane on the north; US Hwy 290 on the southeast; and Middle Fiskville Road to E. Huntland Drive to Twin Crest Drive to E. Croslin Street and generally along the lot line to N US Hwy 183 on the west. (Suggested date and time: February 9, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).
68. Set a public hearing to consider an ordinance regarding floodplain variances requested by the property owners Bryan Treat and Paige Reynolds to convert the existing garage into a living area at the single-family house at 5506 Windward Drive, which is in the 25-year and 100-year floodplains of Fort Branch Creek. (Suggested date and time: January 12, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
69. Set a public hearing to consider an ordinance authorizing the negotiation and execution of an Interlocal Development Agreement between the City of Austin and Austin Independent School District to establish site development standards for the Bowie High School practice fields located at 3700 & 3800 Slaughter Lane; and waiving the requirement of City Code Section 25-1-903(A). (Suggested date and time: January 12, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
70. Set a public hearing to receive public comments on Austin Energy's proposed electric rates. (Suggested date and time: January 12, 2012 at 4:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).

### **Non-Consent**

### **Morning Briefings**

71. Presentation on 2011 capital needs assessment.

## **Executive Session**

72. Discuss legal issues related to Consumer Service Alliance of Texas, Inc., v. City of Austin, Cause No. D-1-GN-11-003142 in the 250th Judicial District Court of Travis County, Texas (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
73. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
74. Discuss the proposed sale or lease of the Green Water Treatment Plant site for redevelopment ( Real Property - Section 551.072 ).

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

75. C14-2011-0049 – Pioneer Hill – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9900-10324 Dessau Road (Lake Creek Watershed) from traditional neighborhood district (TND) zoning to multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning for Tract 1, townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3, community commercial-conditional overlay (GR-CO) combining district zoning for Tract 4, and limited industrial-conditional overlay (LI-CO) combining district zoning for Tracts 5A and 5B, with conditions. First Reading approved with conditions on August 4, 2011. Vote: 7-0. Second Reading approved with additional conditions on September 22, 2011. Vote: 5-0, Council Members Martinez and Spelman-off the dais. Owner/Applicant: Continental Homes of Texas, LP/D.R. Horton (Richard N. Maier), Estate of Fred Morse (Scott Morse). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Sherri Sirwaitis, 974-3057.
76. C14-2011-0080 – Gyro Plus, L.L.C. – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5106 Nixon Lane (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on October 20, 2011. Vote: 7-0. Applicant/Agent Gyro Plus, L.L.C. (Mohammad Arami). City Staff: Clark Patterson, 974-7691.
77. C14-2011-0117 - Crestview Station Residential - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 950 Banyon Street (Waller Creek Watershed) from transit-oriented development-neighborhood plan (TOD-NP) combining district zoning to transit-oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. First reading approved on November 10, 2011. Vote 7-0. Applicant: Continental Homes (Richard Maier). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.

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

78. NPA-2011-0025.02 – Landscape Resources – Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, 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) on property locally known as 7401 Old Bee Caves Road (Williamson Creek) from Mixed Residential to Mixed Use land use. Staff Recommendation: Not recommended. Planning Commission Recommendation: To be reviewed December 13, 2011. Applicant/Owner: WEAPSA, L.L.C.. Agent: A. Ron Thrower. City Staff: Maureen Meredith, 974-2695.
79. C814-2009-0139.02 – Bull Creek PUD Amendment #2 – 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 4909 FM 2222 (Bull Creek Watershed; Lake Austin Watershed) from interim-lake austin (I-LA) district zoning and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: Booth Family Living Trust (David Booth). Agent: Armbrust & Brown, L.L.P. (David Armbrust). City Staff: Clark Patterson, 974-7691.
80. C14-2011-0135 – Howard Schain’s Rezoning – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6400 South 1st Street (Williamson Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Owner/Applicant: Schain Properties (Howard Schain). Agent: Moncada Consulting (Phil Moncada). City Staff: Wendy Rhoades, 974-7719.
81. C14-2011-0047 – 801 S. Lamar – Conduct a public hearing and approve an ordinance amending Chapter 25-2- of the Austin City Code by rezoning property locally known as 801 South Lamar Boulevard from family residence (SF-3) district zoning to general commercial services – vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant general commercial services – vertical mixed use building (CS-V) combining district zoning. Planning Commission recommendation: To grant general commercial services – vertical mixed use building (CS-V) combining district zoning. Applicant: 801 Ltd., (Daryl Kunik). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.
82. C14-2011-0055 – Kessler Zoning Change – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12502 Tomanet Trail (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff recommendation: To recommend neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To forward to City Council without a recommendation. Owner/Applicant: Illan David Kessler. City Staff: Sherri Sirwaitis, 974-3057.
83. C14-2011-0130.SH – 2712 E. 12th Street – Conduct a public hearing and approve an

ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2712 E. 12th Street (Boggy Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant transit oriented development-neighborhood plan- conditional overlay (TOD-NP-CO) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant transit oriented development- neighborhood plan-conditional overlay (TOD-NP-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: South End MLK TOD, LLP. Agent: Pegasus Planning, LLC (Sean Garretson). City Staff: Heather Chaffin, 974-2122.

84. C14H-2010-0025 – McCrummen-Wroe House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 Windsor Road (Shoal 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. Applicants: David and Kimberly Hood, owners. City Staff: Steve Sadowsky, 974-6454.
85. C14H-2011-0001 – Shoal Creek Houses – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 623 and 702 Wood Street (Shoal Creek Watershed) from multi-family residence-medium density (MF-3) district zoning to multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.
86. C14H-2011-0003 – Clarkson-Crutchfield House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4001 Avenue G (Waller Creek Watershed) from family residence-historic district-neighborhood conservation (SF-3-HD-NCCD) combining district zoning to family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence -historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning with the conditions. Planning Commission Recommendation: To be reviewed on December 13, 2011. Applicants: Howard Liljestrand and Blinda McClelland, owners. City Staff: Steve Sadowsky, 974-6454.
87. C14H-2011-0004 – W.T. and Valerie Mansbendel Williams House – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3820 Avenue F (Waller Creek Watershed) from

family residence-historic district-neighborhood conservation (SF-3-HD-NCCD) combining district zoning to family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-historic district-neighborhood conservation (SF-3-H-HD-NCCD) combining district zoning. Planning Commission Recommendation: To be reviewed on December 13, 2011. Applicant: David Conner, owner. City Staff: Steve Sadowsky, 974-6454.


### **Tax Increment Financing Board**


88. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the The Tax Increment Financing (TIF) Board #15 Following adjournment of the TIF Board meeting the City Council will reconvene (The AHFC agenda is temporarily located at <http://www.ci.austin.tx.us/edims/document.cfm?id=141963>).

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

89. Conduct a public hearing to receive public comments and consider a resolution adopting proposed amendments to the Neighborhood Housing and Community Development Citizen Participation Plan.
90. Conduct a public hearing and consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an economic development agreement with US Farathane Corporation.
91. Conduct a public hearing and consider an ordinance amending Title 1 and Title 11 of the City Code to revise the City's historic preservation program, including changes to the criteria for designating historic landmarks, property tax exemptions for historic landmarks, and provisions relating to properties located within National Register and Local Historic Districts.

### **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.