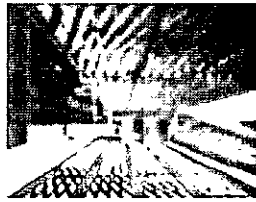


AGENDA

Thursday, June 10, 2010

The Austin City Council will convene at 10:00 AM on
Thursday, June 10, 2010 at Austin City Hall
301 W. Second Street, Austin, TX

AUSTIN CITY CLERK
POSTING: DATE/TIME
2010 JUN 4 PM 5 55



Mayor Lee Leffingwell
Mayor Pro Tem Mike Martinez
Council Member Chris Riley, Place 1
Council Member Randi Shade, Place 3
Council Member Laura Morrison, Place 4
Council Member William Spelman, Place 5
Council Member Sheryl Cole, Place 6

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.

9:55 AM -- Invocation

Rev. Harvey Rhodes, New Hope Missionary Baptist Church

10:00 AM -- City Council Convenes

Approval of Minutes

1. Approve the minutes of the Austin City Council regular meeting of May 27, 2010.

Contract and Land Management

2. Authorize the negotiation and execution of the conveyance of approximately one-acre tract of land, out of the Garner Mayes Survey No. 501, in Travis County, Texas, locally known as 9310 FM 812 to TJFA, L.P., for the fair market value of \$10,389 as determined by a sealed bid auction held on April 13, 2010. Revenue generating sale of property. Funds received must be used in the Airport Noise Mitigation Program in accordance with federal regulations.
3. Approve a resolution authorizing the filing of eminent domain proceedings for the Pleasant Valley from St. Elmo to Button Bend Project to acquire 3.430 acres and 0.1404 acres of right of way; 2,961 sq. ft. and 13,099 sq. ft. of permanent slope and drainage easements and 2,775 sq. ft. of temporary working space, in the amount of \$413,454. The owner of the needed property interests is BARKLEY FAMILY FARM PARTNERSHIP, LTD., a Texas Limited Partnership. The property is located at 2501 E. St. Elmo Road, Austin, Travis County, Texas 78744. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department.
4. Authorize the use of the Competitive Sealed Proposal project delivery method in accordance with Local Government Code, Chapter 271, Subchapter H for the historical renovation and construction of a new African-American Cultural and Heritage Facility.
5. Authorize execution of Work Authorization Amendment No. 2 to Construction Manager at Risk contract with MWH CONSTRUCTORS, INC., Broomfield, CO, for a Guaranteed Maximum Price of \$22,808,997 for Work Package No. 3B – Early Out Site Excavation, Clearwells, and Clarifiers for the Water Treatment Plant No. 4 (WTP4). Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Goals were established for each specific construction bid package. To be reviewed by Water and

Wastewater Commission on June 9, 2010.

6. Authorize execution of a construction contract with HILL COUNTRY CONCRETE & MASONRY SUPPLY, INC, Kerrville, TX, for the Wheless Lane Substation Wall in an amount not to exceed \$145,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid of one (1) bid received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 6.68% MBE and 1.21% WBE subcontractor participation. Recommended by the Electric Utility Commission.
7. Authorize execution of a construction contract with CASH CONSTRUCTION CO., INC., Pflugerville, TX, for the South Congress 12-inch Wastewater Line Upgrade project in the amount of \$953,752 plus a \$95,375 contingency, for a total contract amount not to exceed \$1,049,127. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of eleven (11) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 10.80% MBE and 3.57% WBE subcontractor participation. To be reviewed by Water and Wastewater Commission on June 9, 2010.
8. Authorize execution of a construction contract with CASH CONSTRUCTION CO., INC., Pflugerville, TX, for the West Gate Extension Roadway Improvements from Cameron Loop to Cohoba Drive in the amount of \$4,467,261 plus a \$223,363.05 contingency, for a total contract amount not to exceed \$4,690,624.05. Funding in the amount of \$73,647 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$4,616,977.05 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Lowest bid of seven (7) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by achieving good faith efforts with 7.45% MBE and 3.58% WBE subcontractor participation. To be reviewed by the Water and Wastewater Commission on June 9, 2010.
9. Authorize execution of change order #3 to the construction contract with AUSTIN UNDERGROUND, INC., Lago Vista, TX, (MBE/MH-88.08%) for the Oak Lawn Neighborhood Storm Drain Improvements in the amount of \$215,973, for a total contract amount not to exceed \$1,674,834.61. Funding in the amount of \$215,973 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Business Owned Business Enterprise Procurement Program) with 88.08% MBE PRIME and 1.53% MBE and 7.47% WBE subcontractor participation to date, including this change order.
10. Authorize negotiation and execution of an amendment to the professional services agreement with CAROLLO ENGINEERS, P.C., Austin, TX, for professional engineering services for the construction and warranty phase of the new Water Treatment Plant No. 4 (WTP4) project, in an amount of \$22,164,272, for a total contract amount not to exceed \$64,282,806. Funding is available in the Fiscal Year 2009-2010 Amended Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 12.74% MBE and 17.31% WBE subconsultant participation to date, including this amendment. To be reviewed by the Water and Wastewater Commission on June 9, 2010.

Fire

11. Approve an ordinance accepting \$611,360 in Assistance to Firefighters Grant funds from the Federal Emergency Management Agency; and amending the Fiscal Year 2009-2010 Fire Department Operating Budget Special Revenue Fund of Ordinance No. 20090915-002 to appropriate \$611,360 for the installation of Diesel Exhaust Evacuation Systems at Austin fire stations. Funding is available from FEMA Fiscal Year 2009 Assistance to

Firefighters Grant program (\$611,360). An in - kind match of \$152,840 is available from the Fire Department's Operating Budget. The grant period is May 22, 2010 to May 21, 2011.

Law

12. Authorize execution of an amendment to the legal services contract with the law firm of Fulbright & Jaworski, L.L.P., to provide legal services regarding public improvement district bonds and other public finance aspects of the proposed development agreement for the Whisper Valley development project in an amount not to exceed \$50,000, for a total contract amount not to exceed \$75,000. The developer for Whisper Valley, CLUB DEAL 120 WHISPER VALLEY, LIMITED PARTNERSHIP, has agreed to reimburse the total amount of \$75,000 to the City for legal services rendered by Fulbright & Jaworski, L.L.P. Funding in the amount of \$50,000 will be provided from developer reimbursements.
13. Authorize negotiation and execution of a professional services agreement with Kelly Hart & Hallman in an amount not to exceed \$185,000 for legal services in connection with the negotiation and execution of contracts for the development of a Municipal Recycling Facility and the provision of recycling services. Funding in the amount of \$185,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department.

Parks and Recreation

14. Authorize negotiation of a 20 year agreement with Young Men's Christian Association dba YMCA of Austin, a Texas non-profit corporation, for the development and operation of a recreation center located at 1000 West Rundberg Lane, Austin, Texas, for public use in an amount not to exceed \$8,600,000. \$1,794,987 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. Funding for future appropriation is contingent upon approval in future budgets and will come from funds approved in Proposition 3 of the 2006 Bond Program. Recommended by the Parks and Recreation Board.

Police

15. Approve an ordinance authorizing the acceptance of \$303,089 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$303,089 for the education component of the traffic safety grant program. Funding in the amount of \$303,089 is available from the MCSAP High Priority Grant. No match is required.
16. Approve an ordinance authorizing the acceptance of \$895,514 in grant funds from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration; and amending the Fiscal Year 2009-2010 Police Department Special Revenue Fund of Ordinance No. 20090914-002 to appropriate \$895,514 for the enforcement component of the traffic safety grant program. Funding in the amount of \$895,514 is available from the MCSAP High Priority Grant. A 20% match is required and will be met with existing staff salaries and benefits.
17. Approve an ordinance authorizing the acceptance of grant funds in the amount of \$539,358 from the Downtown Austin Alliance; and amending the Fiscal Year 2009-2010 Police Department Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to appropriate an additional \$110,358 for a total of \$539,358 in funding for the Downtown Ranger Program. Funding is available from the Downtown Austin Alliance from May 1, 2010 through April 30, 2011.

Purchasing Office

18. Authorize award, negotiation and execution of a professional services contract with R.W. BECK, INC., Austin, TX, for consulting services for performing an affordability

benchmarking of Austin Energy customers' rates/bills in an amount not to exceed \$81,400. Funding is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Professional Service. 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 Electric Utility Commission was notified of this purchase on May 17, 2010.

19. Authorize award and execution of two contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of 16 medium-duty vehicles in an amount not to exceed \$754,298.25. Funding in the amount of \$142,763.66 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$293,149.11 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$152,546.36 is available in the Fiscal Year 2009-2010 Vehicle Acquisition Fund. Funding in the amount of \$107,214.30 is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department. Funding in the amount of \$35,402.47 is available in the Fiscal Year 2009-2010 Capital Budget of the Health and Human Services Department. Funding in the amount of \$23,222.35 is available in the Fiscal Year 2009-2010 Capital Budget of the Municipal Court. 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. Recommended by the Water and Wastewater Commission and Electric Utility Commission.
20. Authorize award and execution of a 36-month requirements supply contract with RECYCLED ENGINE COOLANT, INC., Buda, TX for the supply of recycled antifreeze in an estimated amount not to exceed \$436,800, with three 12-month extension options in an estimated amount not to exceed \$207,360 for the first extension option, \$248,832 for second extension option, and \$298,598 for the third extension option, for a total estimated contract amount not to exceed \$1,191,590. Funding in the amount \$40,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 32 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 2-9D 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.
21. Authorize award and execution of a 36-month requirements service contract with TOWN & COUNTRY GLASS, Cedar Creek, TX to provide automotive glass repair and replacement services for automobiles, trucks, and other City equipment in an estimated amount not to exceed \$273,000, with three 12-month extension options in estimated amounts not to exceed \$129,600 for the first extension option, \$155,520 for the second extension option, and \$186,624 for the third extension option, for a total estimated contract amount not to exceed \$744,744. Funding in the amount of \$25,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Services Division. Funding for the remaining 33 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 2-9C 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 ratification of an amendment to increase the contract with AMERICAN EUROCOPTER, Grand Prairie, TX for repairs made to the Austin Police Department's EC 120b helicopter main gearbox in a total revised amount not to exceed \$73,094.90. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Police Department. Contract Amendment. 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.

23. Approve the award and negotiation of a contract with ALLIED WASTE SERVICES OF AUSTIN, Del Valle, TX for the provision of recycling services. Authorization to execute a contract upon successful negotiations will be by separate City Council action in the future. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Solid Waste Services Department. Funding for the remaining months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of seven responsible and responsive 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). Firm MBE/WBE participation will be negotiated as part of the final contract. To be reviewed by the Solid Waste Advisory Commission on June 9, 2010.
24. Authorize award and execution of a contract with REPUBLIC ITS, Grand Prairie, TX for the purchase of 600 each pedestrian head traffic signal modules for the Transportation Department in an amount not to exceed \$116,100. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Transportation Department. Lowest bid of nine 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.
25. Authorize award and execution of a 36-month requirements supply contract with JAE CONSTRUCTION, Austin, TX, for topsoil and sandy loam in an estimated amount not to exceed \$1,598,502, with three 12-month extension options in an estimated amount not to exceed \$532,834 for each extension option, for a total estimated contract amount not to exceed \$3,197,004. Funding in the amount of \$36,330 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding in the amount of \$6,033 is available in the Fiscal Year 2009-2010 Operating Budget of Public Works. Funding in the amount of \$135,248 is available in the Fiscal Year 2009-2010 Operating Budget of Parks & Recreation Department. Funding for the remaining 32 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.

Treasury Office

26. Approve an ordinance authorizing the execution of a First Amendment to the Standby Purchase Agreement and a Second Amended and Restated Letter Agreement between the City of Austin and Landesbank Baden Wurttemberg relating to the City of Austin, Texas Water and Wastewater System Variable Rate Revenue Refunding Bonds, Series 2004 and the approval of all related documents. No Fiscal impact during Fiscal Year 2009-2010. The fee remains unchanged at 0.75% per annum.

Item(s) from Council

27. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
28. Approve a resolution inviting the National League of Cities to hold its 2014 Congress of Cities and Exposition in Austin, Texas. (Mayor Lee Leffingwell, Council Member William Spelman and Council Member Randi Shade)
29. Approve a resolution to initiate code amendments to limit the number of certain historic landmark nominations per month and to direct the City Manager to confer with the Historic Landmark Commission on preservation tax incentives and the allocation of City resources for preservation. (Council Member William Spelman, Council Member Randi Shade and Mayor Pro

Tem Mike Martinez)

30. Approve issuance of a street event permit for the 8th Annual Keep Austin Weird Festival, a fee paid event, to be held on the South First Street/Drake Bridge between Cesar Chavez Drive and Riverside Drive; and waiver of payment to the City of a percentage of admission fees. This event is scheduled from Friday, June 25 at 6:00 p.m. through Sunday, June 27, 2010 at 11:00 p.m. (Council Member Randi Shade, Council Member Laura Morrison and Council Member Chris Riley)

Item(s) to Set Public Hearing(s)

31. Set a public hearing to receive citizen comment on the City's Draft Annual Action Plan for Fiscal Year 2010-2011, as required by the U.S. Department of Housing and Urban Development (HUD), and the Community Development 2010-2011 Program as required by Texas Local Government Code Chapter 373. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). March 10, 2010 - Community Development Commission conducted a public hearing.
32. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Charles Haren and Mrs. Casta Calderon-Haren for an existing development that converted a garage into conditioned area at the existing single-family residence at 332 Heartwood Drive, which is partially in the 25-year floodplain and entirely in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
33. Set a public hearing to consider an ordinance regarding floodplain variances requested by the owner, Mr. Craig Davis of SDP Properties, LLC, for an existing development that converted a garage into conditioned area at the existing single-family residence at 207 Heartwood Drive, which is in the 25-year and the 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
34. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Scott Harpst and Ms. Patricia Kirksey for an existing development that converted a garage into conditioned area at the existing single-family residence at 300 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
35. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Rogelio Moreno for an existing development that converted a garage into conditioned area at the existing single-family residence at 301 Thistlewood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
36. Set a public hearing to consider an ordinance regarding floodplain variances requested by Ms. Jennifer Pierre Louis for an existing development that converted a garage into conditioned area at the existing single-family residence at 302 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
37. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Ben Hartman and Mrs. Alice Hartman for an existing development that converted a garage into conditioned area at the existing single-family residence at 316 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.

38. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Robert Abeita for an existing development that converted a garage into conditioned area at the existing single-family residence at 317 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
39. Set a public hearing to consider an ordinance regarding floodplain variances requested by Ms. Susie Osio for an existing development that converted a garage into conditioned area at the existing single-family residence at 318 Heartwood Drive, which is in the 25-year and 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
40. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. Alfredo Hernandez for an existing development that converted a garage into conditioned area at the existing single-family residence at 326 Heartwood Drive, which is in the 25-year and the 100-year floodplains of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
41. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. George Mullins for an existing development that converted a garage into conditioned area at the existing single-family residence at 334 Heartwood Drive, which is partially in the 25-year floodplain and entirely in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
42. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. George Mullins for an existing development that converted a garage into conditioned area at the existing single-family residence at 400 Heartwood Drive, which is partially in the 25-year floodplain and entirely in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.
43. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. John Anguiano and Mrs. Lupe Anguiano for an existing development that converted a garage into conditioned area at the existing single-family residence at 401 Heartwood Drive, which is in the 100-year floodplain of Williamson Creek. (Suggested date and time: June 24, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). There is no unanticipated fiscal impact.

10:30 AM -- Morning Briefings

44. Briefing on the Waller Creek District Master Plan
45. Downtown Bicycle Boulevard Plan
46. Presentation on Social Media Policy for Boards and Commissions

12: 00 PM -- Citizen Communications: General

Camille Perry – Noise from outdoor music venues

Kenneth Snyder – Northridge Acres subdivision the third world

Dan Miller – Watershed at Brodie Wild

Pamela Monday – Concern about development on the watershed

Gus Peña – City issues

Frank Harren – Transportation in the context of comprehensive planning

Jeff Lewis – Building project that has been held up by the City of Austin at 2206 East 14th Street

Alex San Martin – Noise next door

Mity Myhr Clay - Building permit issued in error - on my street at 4605 Avenue B that is in clear violation of our neighborhood zoning plan

Robert James - Building Permit issued for a duplex project at 4605 Avenue B that is NOT in compliance with our NCCD

Executive Session

47. Discuss legal issues relating to the attorney-client privilege and to communications made during a closed session of the City Council authorized under the Open Meetings Act. (Private Consultation with Attorney - Section 551.071)
48. Discuss legal issues related to possible changes to the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program (City Code Chapters 2-9A to 2-9D). (Private Consultation with Attorney - Section 551.071)

2:00 PM -- Discussion and Possible Action on Bond Sales

49. Approve an ordinance authorizing the issuance of City of Austin, Texas, Electric Utility System Revenue Refunding Bonds, Series 2010A and City of Austin, Texas Electric Utility System Revenue Refunding Bonds, Taxable Series 2010B (Direct Subsidy-Build America Bonds), in an amount not to exceed \$240,000,000, and approval of all related documents.

\$10,999,443 in the first year debt service requirement and \$250 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2010-2011 Proposed Budget of the Utility Revenue Bond Redemption Fund.

2:00 PM -- Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

50. C14-2009-0102(PART) - Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 3 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these

regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude Tract 3 from the overlay district. First reading approved on March 11, 2010. Vote: 5-1, Martinez-Nay, Shade-Abstained. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657. A valid petition has been filed in opposition to this rezoning request.

2:00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

- 51 PH. NPA-2009-0012.03(PART) - Upper Boggy Creek Vertical Mixed Use Neighborhood Plan Amendment, Tract 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 020801-92, 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 office to mixed use/office on Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area, bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds). Planning Commission Recommendation: To change the Future Land Use Map from office to mixed use/office on Tract 3. Applicant and Agent: Planning and Development Review Department. City Staff: Jacob Browning, 974-7657.
- 52 PH. C14-2009-0089 - Indian Hills - 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 N FM 973 Road (Elm and Decker Creek Watersheds) from unzoned, public (P) district zoning and development reserve (DR) district zoning to multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning. Staff Recommendation: To grant multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning. Owner/Applicant: Club Deal 116 Indian Hills TX, LP (Doug Gilliland). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Joi Harden, 974-2122.
- 53 PH. C14-2009-0159 - 2807 Del Curto Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2807 Del Curto Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: Ace Bartlett and Polly Family Living Trust (Tim Bartlett). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.
- 54 PH. C14-2010-0035 - 1800 Nueces - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the 1800 Nueces (Shoal Creek) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use (DMU) district zoning. Planning Commission Recommendation: to grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Coore & Crenshaw (Scott Sayers) Agent: Coore & Crenshaw (Scott Sayers) City Staff: Clark Patterson, 974-7691.
- 55 PH. C14-2010-0017 - Great Hills Country Club - 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 5914 Lost Horizon Drive (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant

community-commercial-conditional overlay (GR-CO) combining district zoning.
Applicant: Great Hills Golf Club of Austin, Inc. (Larry Harper). Agent: Randall Jones & Associates Engineering, Inc. (R. Brent Jones). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

- 56 PH. NPA-2010-0022.01 - 1307 Newning Avenue, Newning Avenue Townhomes - Conduct a public hearing and approve an ordinance amending Ordinance No. 20050929-Z001, the Greater South River City 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 higher-density single family for the properties located at 1307 Newning Avenue. (Blunn Creek Watershed). Staff Recommendation: To grant higher-density single family land use designation. Planning Commission Recommendation: To deny higher-density single family land use designation. Applicant: Brenda Reese. Agent: Brenda Reese. City Staff: Maureen Meredith, 974-2695.
- 57 PH. C14-2010-0039 - Newning Avenue Townhomes- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1307 Newning Avenue (Blunn Creek Watershed) from family residence-neighborhood combining conservation district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to urban family residence- neighborhood combining conservation district-neighborhood plan (SF-5-NCCD-NP) combining district zoning. Staff Recommendation: To grant urban family residence-neighborhood combining conservation district-conditional overlay-neighborhood plan (SF-5-NCCD-CO-NP) combining district zoning. Planning Commission Recommendation: To deny urban family residence-neighborhood combining conservation district- neighborhood plan (SF-5-NCCD-NP) combining district zoning. Applicant: Brenda Reese. Agent: Brenda Reese. City Staff: Stephen Rye 974-7604.
- 58 PH. C14-85-288.166(RCA) - Sunset Ridge - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 8401 Southwest Parkway (Williamson Creek Watershed; Barton Creek Watershed-Barton Springs Zone) to amend a portion of the Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Owner/Applicant: Los Indios Ventures, Inc. (Tim Jamail). City Staff: Wendy Rhoades, 974-7719.
- 59 PH. C14-2010-0042 - Sunset Ridge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 Southwest Parkway (Williamson Creek Watershed; Barton Creek Watershed-Barton Springs Zone) from industrial park-neighborhood plan (IP-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Owner/Applicant: Los Indios Ventures, Inc. (Tim Jamail). City Staff: Wendy Rhoades, 974-7719.
- 60 PH. C814-2009-0094 - Whisper Valley PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9605 N FM 973 Road, 9501 N FM 973 Road, Taylor Lane, Nez Perce Trace, 8312 Taylor Lane, and 9015 Taylor Lane (Colorado River and Gilleland Creek Watersheds) from unzoned 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. Owner/Applicant: Club Deal 120 Whisper Valley LP (Doug Gilliland). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Jerry Rusthoven, 974-3207.
- 61 PH. NP-2010-0027 - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Central West Austin Combined Neighborhood Plan. The combined planning area is bounded to the north by 35th Street

and 38th Street, to the south by Lady Bird Lake (west of MoPac) and 24th Street (east of Mopac), to the east by Lamar Boulevard, and to the west by Lady Bird Lake. To be reviewed by Planning Commission on June 22, 2010.

- 62 PH. C14-2010-0051 – Windsor Road Neighborhood Planning Area Rezonings – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Windsor Road Neighborhood Planning Area, generally bounded by West 35th Street and West 38th Street to the north, North Lamar Boulevard to the east, Windsor Road to the south and MoPac Expressway to the west (Johnson Creek, Shoal Creek Watersheds). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Central West Austin Combined Neighborhood Plan, NP-2010-0027, on 2 tracts of land (1.775 acres). Under the proposed Windsor Road NPCD, the following design tools are proposed to be applied area-wide: “parking placement and impervious cover restrictions” and “garage placement”. Another design tool that could be approved by City Council is the “front porch setback” design tool. The following special use option is proposed to be applied area-wide: “small-lot amnesty”. Other special use options that could be approved by City Council on a neighborhood-wide basis include: “cottage”, “urban home”, “secondary apartment”, and “corner store”. Other special use options that could be approved by City Council on a parcel-specific basis include “residential infill”, “neighborhood urban center”, and “neighborhood mixed-use building”. There is also a proposal to create more restrictions on front and side yard parking, and mobile food vending. The City Council may approve a zoning change to any of the following: rural residence (RR); single family residence large lot (SF-1); single family residence standard lot (SF-2); family residence (SF-3); single family residence small lot (SF-4A); single family residence condominium site (SF-4B); urban family residence (SF-5); townhouse & condominium residence (SF-6); multifamily residence limited density (MF-1); multifamily residence low density (MF-2); multifamily residence medium density (MF-3); multifamily residence moderate-high density (MF-4); multifamily residence high density (MF-5); multifamily residence highest density (MF-6); neighborhood office (NO); limited office (LO); general office (GO); community recreation (CR), neighborhood commercial (LR); community commercial (GR); warehouse/limited office (W/LO); general commercial services (CS); commercial-liquor sales (CS-1); and public (P). A conditional overlay (CO), historic landmark combining district (H), historic area combining district (HD), mixed use combining district overlay (MU), vertical mixed use building (V), or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To approve rezonings that implement the land use recommendations of the Windsor Road Neighborhood Plan. Planning Commission Recommendation: To be reviewed on June 22, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865.
- 63 PH. C14-2010-0052 – West Austin Neighborhood Group Planning Area Rezonings – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the West Austin Neighborhood Group Neighborhood Planning Area, generally bounded by West 35th Street to the north, MoPac Expressway to the east, Lady Bird Lake to the south and Lake Austin to the west (Johnson Creek, Lake Austin, Lady Bird Lake, Taylor Slough South, Taylor Slough North Watersheds). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Central West Austin Combined Neighborhood Plan, NP-2010-0027, on 14 tracts of land (18.37 acres). Under the proposed West Austin Neighborhood Group NPCD, the following design tools are proposed to be applied area-wide: “parking placement and impervious cover restrictions” and “garage placement”. Another option that could be approved by City Council is the “front porch setback” design tool. The following special use option is proposed to be applied area-wide: “small-lot amnesty”. Other special use options that could be approved by City Council on a neighborhood-wide basis include: “cottage”, “urban home”, “secondary apartment”, and “corner store”. Other special use options that could be approved by City Council on a parcel-specific basis include “residential infill”, “neighborhood urban center”, and “neighborhood mixed-use building”. There is also a proposal to create more

restrictions on front and side yard parking, and mobile food vending. The City Council may approve a zoning change to any of the following: rural residence (RR); single family residence large lot (SF-1); single family residence standard lot (SF-2); family residence (SF-3); single family residence small lot (SF-4A); single family residence condominium site (SF-4B); urban family residence (SF-5); townhouse & condominium residence (SF-6); multifamily residence limited density (MF-1); multifamily residence low density (MF-2); multifamily residence medium density (MF-3); multifamily residence moderate-high density (MF-4); multifamily residence high density (MF-5); multifamily residence highest density (MF-6); neighborhood office (NO); limited office (LO); general office (GO); community recreation (CR), neighborhood commercial (LR); community commercial (GR); warehouse/limited office (W/LO); general commercial services (CS); commercial-liquor sales (CS-1); and public (P). A conditional overlay (CO), historic landmark combining district (H), historic area combining district (HD), mixed use combining district overlay (MU), vertical mixed use building (V), or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To approve rezonings that implement the land use recommendations of the West Austin Neighborhood Group Neighborhood Plan. Planning Commission Recommendation: To be reviewed on June 22, 2010. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Paul DiGiuseppe, 974-2865.

4:00 PM -- Public Hearings and Possible Actions

- 64 PH. Conduct a public hearing and consider an ordinance amending City Code sections 25-10-3 and 25-10-103 and adding a new section 25-10-157 authorizing the placement of memorial markers in the public right-of-way. To be reviewed by the Planning Commission on June 8, 2010.

- 65 PH. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owner's engineer, Mr. Bradley Lingvai, on behalf of the owners to construct a new single-family house at 419 W. Johanna Street, which is in the 25-year and 100-year floodplains of East Bouldin Creek. There is no unanticipated fiscal impact. October 12, 2009- Board of Adjustments approved a variance from LDC Section 25-2-774(C)(2) to construct a principal structure to the rear of the lot and to change the use of the existing lot to create a two-family residential use in a SF-3-NP, Family Residence-Neighborhood Plan.

- 66 PH. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to create a new residential use, Conservation Single-Family Residential. To be reviewed by Planning Commission on June 8, 2010.

- 67 PH. Conduct a public hearing and consider a resolution granting a request by Walgreen Company for a waiver from the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a school, for Walgreen's #06189, located at 12550 Metric Blvd.

- 68 PH. Conduct a public hearing and consider an appeal of the Planning Commission's decision to approve a four-year site plan extension for Western Oaks Retail Center, located at 4625 W. William Cannon Drive (SPC-2007-0439C(XT2)).

5:30 PM -- Live Music

Double Portion

5:30 PM -- Proclamations


Proclamation -- Classical Music Festival -- to be presented by Mayor Lee Leffingwell and to be accepted by Matt Hinsley


Mayor's Fitness Council Partner Certificates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

6:00 PM -- Public Hearings and Possible Actions

- 69 Conduct a public hearing and consider an appeal of the Zoning and Platting
PH. Commission's decision to deny a Conditional Use Site Plan application for a Hospital
 Services General (Jefferson Rehabilitation Hospital), located at 1600 W. 38th Street.

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.

2010 Austin City Council Meeting Dates

Meetings	Cancelled Dates
	January 7, 2010
January 14, 2010	
	January 21, 2010
January 28, 2010	
February 4, 2010	
February 11, 2010	
	February 18, 2010
February 25, 2010	
	March 4, 2010
March 11, 2010	
	March 18, 2010
March 25, 2010	
	April 1, 2010
April 8, 2010	
	April 15, 2010
April 22, 2010	
April 29, 2010	
	May 6, 2010
May 13, 2010	
	May 20, 2010
May 27, 2010	
	June 3, 2010
June 10, 2010	
	June 17, 2010
June 24, 2010	
	July 1, 2010
	July 8, 2010
	July 15, 2010
	July 22, 2010
July 28, 2010 (Budget Work Session)	
July 29, 2010	
August 4, 2010 (Budget Work Session)	
August 5, 2010	
	August 12, 2010
August 18, 2010 (Budget Work Session)	
August 19, 2010	
August 25, 2010 (Budget Work Session)	
August 26, 2010	
	September 2, 2010
	September 9, 2010
September 13,14,15, 2010 (Budget Readings)	
	September 16, 2010
September 23, 2010	
September 30, 2010	
	October 7, 2010
October 14, 2010	
	October 21, 2010
October 28, 2010	
November 4, 2010	
	November 11, 2010
November 18, 2010	
	November 25, 2010
	December 2, 2010
December 9, 2010	
December 16, 2010	
	December 23, 2010
	December 30, 2010