

C34C4



MEMORANDUM

TO: Planning Commissioners

FROM: Justin Golbabai; *JRG*
Planning and Development Review Department

DATE: October 4, 2012

SUBJECT: NPA-2012-0005.1 La Estancia Del Rio
C14-2012-0067 La Estancia Del Rio

City staff has received a request for postponement for a neighborhood plan amendment (NPA-2012-0005.01) and rezoning (C14-2012-0067) of property located at 1700 ½ Frontier Valley Drive (see attached Exhibit AA). Staff has provided the requester with information on how to request this postponement at the October 9, 2012 Planning Commission Meeting (see attached Exhibit BB).

I am available by phone or email to answer any additional questions you may have.

Justin Golbabai
Senior Planner
Planning and Development Review Department
(512) 974-6439
Justin.Golbabai@austintexas.gov

Exhibit AA

From: Stefan Wray [REDACTED]
Sent: Thursday, October 04, 2012 12:16 AM
To: Golbabai, Justin; Heckman, Lee
Cc: [REDACTED]
[REDACTED] Guernsey, Greg;
Rusthoven, Jerry; Valenti, Margaret; Edwards, Sue; Meredith, Maureen
Subject: Request to Postpone 1700 1/2 Frontier Valley Case on PC Oct. 9 agenda

Dear Justin Golbabai and Lee Heckman,

I'm sorry to bring to your attention yet another issue with the Montopolis Neighborhood Plan Contact Team.

On September 30, I wrote a complaint to the MNPCT Chair Susana Almanza alleging that the meeting notification and agenda for the Oct. 4 MNPCT meeting violated Section 25-1-801(2) which states that "the contact team is a separate body apart from any other . . ." (see below).

The problem is that the MNPCT has been combining its meetings with the Montopolis Neighborhood Association (MNA) meetings. According to other staff in the Planning and Review Dept. there is nothing wrong with the MNPCT holding a meeting on the same evening and at the same location as the MNA meetings. But there need to be separate meeting notifications, separate agendas, separate sign in sheets, and separate minutes, as well as a clear demarcation between when one meeting begins and the other ends.

Whereas some MNPCT members suggested that the Chair should ignore my complaint, Director Greg Guernsey and Margaret Valentii did not. They will be meeting with the MNPCT Chair some time next week or the following week to discuss.

I've asked the MNPCT to consider not meeting on Oct. 4 until this and other matters are addressed between the MNPCT Chair and City Staff.

The reason for postponing the 1700 1/2 Frontier Valley case is because this case is also on the agenda of the Oct. 4 MNPCT meeting that has been called into question.

If COA staff agree that it is an improperly called meeting, i.e. a defect in the process, then by logical extension any decisions or recommendations coming out of that meeting are void.

It is worth waiting and to put this all on hold until there can be some resolution at the MNPCT level.

I suppose you could argue that what the MNPCT does or doesn't do is not relevant to the Planning Commission process, but that hasn't been the recent history. This zoning and NPA case started at the MNPCT level.

- Stefan Wray

Begin forwarded message:

From: Stefan Wray [REDACTED]
Subject: COA Staff to meet with MNPCT Chair to discuss improper Joint MNPCT & MNA Meeting Notice and other issues
Date: October 3, 2012 10:44:55 PM CDT
To: Texas PODER Austin [REDACTED],

[REDACTED] Angelica Hernandez
[REDACTED] Candace Carpenter [REDACTED]
Corazon Renteria [REDACTED] Fred McGhee [REDACTED]
Gabriel Vega [REDACTED] Georgia Steen [REDACTED]
Israel Lopez [REDACTED] Joey Rodriguez [REDACTED]
[REDACTED] Joshua Collier [REDACTED] Librado [REDACTED]
[REDACTED] Pam Thompson [REDACTED] Pat Johnson [REDACTED]
[REDACTED] >, Theresa Mendoza [REDACTED]
[REDACTED] , Angelica Noyola [REDACTED] millie muniz [REDACTED]
[REDACTED] Diana Gomez [REDACTED] Michelle [REDACTED]
Rojas [REDACTED] Jackson Marilyn [REDACTED]
[REDACTED] [REDACTED]

Cc: Greg Guernsey [REDACTED] Margaret Valenti [REDACTED]
[REDACTED] , Amelia Lopez [REDACTED]
Frank Del Castillo [REDACTED] "A. Ron Thrower" [REDACTED]
[REDACTED]

MNPCT Executive Board and others,

City of Austin's Director of Planning and Development Review Greg Guernsey and Contact Team Coordinator Margaret Valenti are going to meet with MNPCT Chair Susana Almanza to discuss the issue of dual meetings and other irregularities.

But this meeting won't be happening until next week.

Doesn't it make sense to see what the City says about dual MNA MNPCT agendas, notifications, meetings, etc and other issues before proceeding with another MNPCT meeting?

- Stefan Wray

Begin forwarded message:

On Sun, Sep 30, 2012 at 9:34 AM, Stefan Wray [REDACTED] wrote:

To: Susana Almanza, MNPCT Chair
From: Stefan Wray, MNPCT Member
Date: September 30, 2012
Re: Joint MNPCT & MNA Meeting Violates City Ordinance

City Ordinance states that "The neighborhood plan contact team is a separate body apart from any other existing or future neighborhood organization." See reference below.

The meeting notification, below and attached, for the October 4 2012 meeting calls it a "Montopolis Neighborhood Plan Contact Team and Montopolis Neighborhood Association Meeting" and it is joint agenda.

It appears that having a joint or combined meeting of the Montopolis Neighborhood Plan Contact Team and the Montopolis Neighborhood Association violates the definition of a contact team as noted in Section 25-1-801(2).

It would seem that the validity of any decisions made at a meeting that violates a City Ordinance may be called into question.

I am requesting that this October 4 meeting be rescheduled for a later date and that a new separate 10 day notification be sent for a separate meeting of the Montopolis Neighborhood Plan Contact and that a separate meeting notification be sent for a separate Montopolis Neighborhood Association meeting.

ARTICLE 16. NEIGHBORHOOD PLAN AMENDMENTS.

§ 25-1-801 DEFINITIONS.

In this article:

(1) **DIRECTOR** means the director of the Planning and Development Review Department

(2) **NEIGHBORHOOD PLAN CONTACT TEAM** means the individuals designated to implement an adopted neighborhood plan. The neighborhood plan contact team is a neighborhood organization that qualifies as an interested party for purposes of notice, appeal, and other processes if all other qualifications for interested party status are satisfied. **The neighborhood plan contact team is a separate body apart from any other existing or future neighborhood organization.**

On Sep 19, 2012, at 4:55 PM, PODER Austin, Texas wrote:

Montopolis Residents- Please mark your calendar to attend the next Montopolis Neighborhood Contact Team and Montopolis Neighborhood Association Meeting on **Thursday, October 4th, 2012 at 6 pm at the Montopolis Recreation Center.**

Agenda:

1. Approval of July 30th, 2012 Minutes
2. Amendment for FLUM (Future Land Use Map) & Zoning for case C14-2012-0067 & NPA-2012-0005.01 from CS-MU to Multifamily (MF-3). 1700 ½ Frontier Valley Drive

3. Review & make decision on case NPA-2012-005.03 - 7003 East Riverside Drive to Change future land use map (FLUM) from Single Family to Multifamily (applicant will be invited to present)
4. Update on Montopolis Greenbelt
5. Update on Roy Guerrero Colorado River Park Playground
6. Review Neighborhood Partnering Grant- Joey Rodriguez
7. Strategies for passage of Bond Initiative for new Montopolis Recreation Center
8. Roy Guerrero Park Cleanup- J. Zac Tolbert

p.s. please forward email to others in your neighborhood association and/or HOA

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PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org
<MNPCT Meeting Oct 4th, 2012.doc>

Stefan Wray

Location: Austin, Texas
Email: [REDACTED]
Phone: 512-983-5852
Skype: stefwray
LinkedIn: <http://www.linkedin.com/in/stefanwray>

Stefan Wray

Location: Austin, Texas
Email: [REDACTED]
Phone: 512-983-5852
Skype: stefwray
LinkedIn: <http://www.linkedin.com/in/stefanwray>

Exhibit BB

From: Heckman, Lee

Sent: Thursday, October 04, 2012 9:08 AM

To: Stefan Wray

Cc: Golbabai, Justin; Meredith, Maureen; Rusthoven, Jerry; Guernsey, Greg; Valenti, Margaret

Subject: RE: Request to Postpone 1700 1/2 Frontier Valley Case on PC Oct. 9 agenda

Mr. Wray:

We will include your email in the staff reports to the Planning Commission and note that you are requesting a postponement. As was the case the last time these applications were considered by the Commission, as requester, you will be asked to state the reason(s) for the postponement request and proposal a length of time for the postponement. It will be up to the Commission whether or not to grant the postponement.

If I may be of further assistance, please contact me.

Lee Heckman, AICP
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505 Barton Springs Road, 5th Fl
Austin, Texas 78704

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