

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 1, 2007**

Invocation: Rev. Linda Kessie, Grace United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 1, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:17 a.m.

Announcement of Proposed Items for Upcoming Council Meetings.

The Mayor asked Council Members to report on upcoming agenda items:

- ◆ Mayor Wynn and Mayor Pro Tem Dunkerley indicated there would be an action item to support City sponsorship of an event for South by Southwest (SXSW).
- ◆ Mayor Wynn and Council Member Martinez indicated a National Wildlife Certification opportunity would be on a future agenda.
- ◆ Council Members Martinez and Leffingwell said there would be direction to staff to study dual purchasing of natural gas opportunities between Austin Energy and Texas Gas
- ◆ Council Member Martinez indicated there would be an item on a future agenda to adopt ethical procurement (of garments) practices to prohibit the use of sweatshops.
- ◆ Council Member Cole and Mayor Pro Tem Dunkerley said there would be an item for IH35 makeover project to beautify the area between 6th and 8th Streets.
- ◆ Council Member Cole and Mayor Pro Tem Dunkerley indicated there would be a Waller Creek presentation and a request for Council to approve the TIF district and seek County approval.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of February 15, 2007.
The minutes from the regularly scheduled meeting of February 15, 2007 were approved.
2. Approve an ordinance amending the Fiscal Year 2006-2007 Operating Budget of Ordinance No. 20060911-001 to create the Business Retention and Enhancement Fund, to appropriate revenue in the amount of \$766,722 for the fund beginning balance, and to show projected fund expenditures in the amount of \$766,722 for the purpose of retaining and attracting businesses to designated areas of Congress Avenue and East 6th Street. Revenue in the amount of \$766,722 is available from various funding sources including \$715,415 from temporary use of Right-of-Way (ROW) fees and sales, and \$51,307 in license

agreement fees that have been collected and are anticipated to be collected within the BRE Program revenue area.

Ordinance No. 20070301-002 was approved.

3. Authorize execution of three nine-month contracts under the Ryan White Title III HIV Early Intervention grant for the delivery of HIV-related services with AIDS SERVICES OF AUSTIN, INC., Austin, TX, in an amount not to exceed \$115,099, with one three-month extension option in the amount of \$38,366, for a total 12-month contract amount of \$153,465, and four 12-month renewal options in an amount not to exceed \$153,465 per renewal option, for a total contract amount not to exceed \$767,325; AUSTIN-TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER C.A.R.E. PROGRAM, Austin, TX in an amount not to exceed \$28,812, with one three-month extension option in the amount of \$9,604, for a total 12-month contract amount of \$38,416, and four 12-month renewal options in an amount not to exceed \$38,146 per renewal option, for a total contract amount not to exceed \$192,080; and COMMUNITY ACTION, INC., Austin, TX, in an amount not to exceed \$56,668, with one three-month extension option in the amount of \$18,889, for a total 12-month contract amount of \$75,557, and four 12-month renewal options in an amount not to exceed \$75,557 per renewal option, for a total contract amount not to exceed \$377,785. Funding in the amount of \$220,579 is available in the Fiscal Year 2006-2007 Operating Budget of the Health and Human Services Department (HHSD) Special Revenue Fund, Ryan White Title III HIV Emergency Relief Services grant. The contract period is January 1, 2007 to September 30, 2007. The grant period is January 1, 2007 to December 31, 2007.

The motion authorizing the execution of three contracts was approved.

4. Approve an ordinance amending the Fiscal Year 2006-2007 Financial Services Department Capital Budget of Ordinance No. 20060911-002 to transfer \$2,000,000 to the Library Department Capital Budget; and amending the Fiscal Year 2006-2007 Library Department Capital Budget of Ordinance No. 20060911-002 to appropriate the \$2,000,000 transfer from the CIP Contingency Program to the North Village Branch Library Replacement Project. Funding in the amount of \$2,000,000 is available in the Fiscal Year 2006-2007 CIP Contingency (Related to #15).

Ordinance No. 20070301-004 was approved.

5. Approve the negotiation and execution of a loan to McCullen Academy Incorporated dba Baby Boomers Academy, Austin, Texas, in compliance with applicable federal requirements, including Title 24 Code of Federal Regulations Section 85.40 performance goals, under the Neighborhood Commercial Management Program in an amount not to exceed \$90,000 for the development of a private children's preparatory academy to be located at a proposed site on RR 620 South of FM 2222, Austin, TX. Funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108. This loan is subject to completion of the federal environmental assessment and fund release process.

The motion authorizing the negotiation and execution of a loan was approved.

6. Approve the negotiation and execution of a loan to SGSS, LTD dba Primizie, Austin, Texas, in compliance with applied federal requirements, including Title 24 Code of Federal Regulations Section 85.40 performance goals, under the Neighborhood Commercial Management Program and the East 11th and 12th Street Redevelopment Program in an amount not to exceed \$200,000 to construct a restaurant and purchase equipment to be located at 1000 East 11th Street, Austin, TX. \$100,000 in funding is available in the Neighborhood Housing and Community Development Department Special Revenue Fund - Neighborhood Commercial Management Program Section 108; \$100,000 in funding is available in the East 11th and 12th Street Redevelopment Program Section 108, for a maximum loan investment of \$200,000. This loan is subject to completion of the federal environmental assessment and fund release process.

The motion authorizing the negotiation and execution of a loan was approved.

7. Approve an ordinance amending the Fiscal Year 2006-2007 Financial Services Department Capital Budget of Ordinance No. 20060911-002 to transfer \$700,000 to the Parks and Recreation Department Capital Budget; and amending the Fiscal Year 2006-2007 Parks & Recreation Department Capital Budget of Ordinance No. 20060911-002, to appropriate the \$700,000 transfer from the CIP Contingency Program for the Turner-Roberts Recreation Center project. Funding in the amount of \$700,000 is available in the Fiscal Year 2006-2007 CIP Contingency. (Related to #16)
Ordinance No. 20070301-007 was approved.
8. Approve a resolution to authorize the fee simple acquisition of Lot 4, Block H, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5511 Vine Hill Drive from John Paul Diaz Sr. and Theresa Diaz, for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$115,000 for the land and improvements and \$14,900 in owner-assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$139,900. Funding in the amount of \$139,900 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070301-008 was approved.
9. Approve a resolution to authorize the fee simple acquisition of Lot 17, Block J, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6903 Onion Crossing Court from David P. Gomez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$100,000 for the land and improvements and \$14,900 in owner-assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$124,900. Funding in the amount of \$124,900 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070301-009 was approved.
10. Approve a resolution to authorize the fee simple acquisition of Lot 4, Block H, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6904 Onion Crossing Drive from Connie L. Mickelson for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$35,000 for the land and improvements and \$50,000 in owner-assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$95,000. Funding in the amount of \$95,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070301-010 was approved.
11. Approve a resolution to authorize the fee simple acquisition of Lot 2, Block J, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 6909 Onion Crossing Drive from Linda Tabor for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$36,000 for the land and improvements and \$52,000 in owner-assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$98,000. Funding in the amount of \$98,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20070301-011 was approved.
12. Approve negotiation and execution of an amendment to the purchase contract with Montopolis Land Company to increase the non-refundable earnest money payment in the amount of \$106,000 for a total amount not to exceed \$200,000, related to the acquisition of approximately 50 acres located along Hergotz Road and Thompson Lane, Austin, Travis County, TX. Funding in the amount of \$106,000 is in the Fiscal Year 2005-2006 Capital Improvement Budget of the Austin Water Utility.

The motion authorizing the negotiation and execution of an amendment to the purchase contract was approved.

13. Authorize execution of an Interlocal Agreement between the City and the TEXAS DEPARTMENT OF TRANSPORTATION to provide funds received from W and G Partnership, Ltd. for signing and striping modifications on the northbound and southbound frontage roads of Loop 1 at the Barton Skyway Bridge. Funding in the amount of \$23,737 has been provided by W and G Partnership, Ltd. to be deposited into an escrow account for this project (Related to #14).

The motion authorizing the execution of an interlocal agreement was approved.

14. Authorize execution of a contract with W and G PARTNERSHIP, LTD, to receive funds from this company and apply them towards signing and striping modifications on the northbound and southbound frontage roads of Loop 1 at the Barton Skyway Bridge. Funding in the amount of \$24,528 has been provided by W and G Partnership, Ltd. to be deposited into an escrow account for this project. (Related to #13).

The motion authorizing the execution of a contract was approved.

15. Authorize execution of a construction contract with WILLIAMS AND THOMAS dba JAMAIL and SMITH CONSTRUCTION, Austin, TX, for the North Village Branch Library in an amount of \$3,526,956, plus a \$73,044 contingency for a total contract amount not to exceed \$3,600,000. Funding in the amount of \$3,600,000 is included in the Fiscal Year 2006-2007 Capital Budget of the Library Department. Lowest of five bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts. 7.91% MBE and 1.06% WBE subcontractor participation. (Related to #4).

The motion authorizing the execution of a construction contract was approved.

16. Authorize execution of a construction contract with JOURNEYMAN CONSTRUCTION, L.P., (MBE/MA 22.27%), Austin, TX, for the Turner-Roberts Recreation Center Project in the base bid amount of \$3,530,000 and \$33,600 for six alternates for a sub-total amount of \$3,563,600 plus a \$356,360 contingency, for a total contract amount not to exceed \$3,919,960. Funding in the amount of \$3,919,960 is available in the Fiscal Year 2006-2007 Capital Budget of the Parks and Recreation Department. Best proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts. 2.44% MBE and 13.69% WBE subcontractor participation (Related to #7).

The motion authorizing the execution of a construction contract was approved.

17. Authorize negotiation and execution of an amendment to the professional services agreement with WILBUR SMITH ASSOCIATES (Non-DBE), Houston, TX, for engineering services for the construction phase of the Lance Armstrong Bikeway in the amount of \$50,000 for a total contract amount not to exceed \$723,736.78. Funding in the amount of \$50,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department. 33.79% DBE subconsultant participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved.

18. Approve an ordinance amending Section 12-4-24 of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by 35th Street (West), Shoal Creek, Loop 1 (MoPac Expressway) (North), Windsor Road, and 24th Street (West); and amending Ordinance No. 20061214-022 to correctly reflect boundary streets for Crestview Neighborhood in the caption of the

ordinance. Funding in the amount of \$8400 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20070301-018 was approved.

19. Authorize award and execution of a contract with PRIESTER-MELL & NICHOLSON INC, Austin, TX, for 138kV high strength insulators in an amount not to exceed \$49,446. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a contract was approved.
20. Authorize award and execution of a seven-month requirements supply contract with VAUGHN MANUFACTURING CORP., Salisbury, MA, for the purchase of digital load control water heater timers in an estimated amount not to exceed \$163,349, with two 12-month extension options in an estimated amount not to exceed \$280,027 per extension option, for a total estimated contract amount not to exceed \$723,403. Funding in the amount of \$163,349 is available in the Fiscal Year 2006-2007 Approved Operating Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract was approved.
21. Authorize award, negotiation and execution of a contract with ABOUTWEB LLC, Rockville, MD, to provide professional services for eCOMBS, eCAPRIS, and other related city-wide software systems for the Financial and Administrative Services Department in an amount not to exceed \$450,000. Funding is available in the 2006-2007 Capital Budget of the Financial and Administrative Services Department. Professional Service. This contract will be awarded in compliance with Chapter 2-9 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 purchase.
The motion authorizing the award, negotiation and execution of a contract was approved.
22. Authorize award and execution of a 36-month requirements supply contract with INGRAM LIBRARY SERVICES, INC., La Vergne, TN, for the purchase of books and cataloging/processing services in an estimated amount not to exceed \$6,394,398, with three 12-month extension options in an estimated amount not to exceed \$2,131,466 per extension option, for a total estimated contract amount not to exceed \$12,788,796. Funding in the amount of \$870,355 is available in the Fiscal Year 2006-2007 Operating Budget of the Library Department. Funding in the amount of \$373,000 is available in the Fiscal Year 2006-2007 Capital Budget of the Library Department. Funding for the remaining 29 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract was approved.
23. Authorize award and execution of Amendment No. 2 to a contract with APPLIED BIOSYSTEMS, Foster City, CA, for DNA lab supplies to increase the contract in an amount not to exceed \$38,077, and to increase the two remaining extension options in an amount not to exceed \$47,212 per extension option, for a total revised contract amount not to exceed \$261,229. Funding in the amount of \$22,212 is available the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. This

contract was awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of amendment number 2 to a contract was approved.

24. Authorize award and execution of a contract with MATTHEWS SPECIALTY VEHICLES, Greensboro, NC, for the purchase of one Thomas rear engine mobile breath alcohol testing unit (BATU) in an amount not to exceed \$251,096. Funding is available in the Fiscal Year 2006-2007 Special Revenue Fund of the Austin Police Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a contract was approved.**
25. Authorize award and execution of a 24-month requirements supply contract with MILLER UNIFORMS & EMBLEMS, Austin, TX, for bomber jackets in an estimated amount not to exceed \$117,290, with two 12-month extension options in an estimated amount not to exceed \$58,645 per extension option, for a total estimated contract amount not to exceed \$234,580. Funding in the amount of \$33,525 is included in the Fiscal Year 2006-2007 Operating Budget of the Austin Police Department. Funding in the amount of \$685 is available in the 2006-2007 Operating Budget of the Public Safety Emergency Management Department. Funding for the remaining four 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. **The motion authorizing the award and execution of a 24 month requirements supply contract was approved.**
26. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Animal Advisory Commission</u> Lisa McClain	Council Member Cole's	Appointment
<u>Child Care Council</u> Cindy Rojas Rodriguez	Council Member McCracken's	Appointment
<u>Commission on Immigrant Affairs</u> Margarita Decierdo	Consensus	Appointment
<u>MBE/WBE and Small Business Enterprise Advisory Committee</u> Barbra Boeta	Consensus (representative - Professional Organization)	Appointment
Shawn Taylor-Lemieux	Consensus (representative – Certified Contractor)	Appointment

Urban Forestry Board

Keith Babberney

Council Member Leffingwell's

Appointment

Appointments to an Intergovernmental BodyCommunity Action Network Resource Council (CAN)

Resolution No. 20070301-026 was approved appointing Council Member Cole as a representative to the Community Action Network Resource Council (CAN) replacing Council Member Kim.

Items 27 and 28 were pulled to be heard after the related Executive Session items.

29. Approve a resolution amending the City's Legislative Program to add opposition to House Bill 904 and direct the City Manager to inform the members of the Austin area delegation of the City's position. (Council Member Mike Martinez, Council Member Jennifer Kim, and Council Member Brewster McCracken)
Resolution No. 20070301-029 was approved.
30. Approve a resolution to amend the City's Legislative Program to support the passage of certain "meet and confer" pieces of legislation covering City of Austin non-civil service employees. (Council Member Mike Martinez, Council Member Sheryl Cole, and Council Member Lee Leffingwell)
Resolution No. 20070301-030 was approved.
31. Set a public hearing to receive input on the proposed construction of the Waller Creek tunnel and consider action to seek the participation of Travis County as a financing partner. (Suggested date and time: March 8, 2007 at 6:00 PM, Austin City Hall, 301 W. Second Street, Austin, TX) (Council Member Sheryl Cole and Mayor Pro Tem Betty Dunkerley)
The public hearing was set for March 8, 2007, 6:00 p.m. at the Austin City Hall, 301 West Second Street, Austin, Texas.
32. Approve waiver of certain fees and requirements, and authorize payment of certain costs for the Celebration of Texas Independence Day, Inc.'s 2007 Celebrate Texas Parade and Run to be held on March 3, 2007. (Mayor Will Wynn, Mayor Pro Tem Betty Dunkerley, and Council Member Sheryl Cole)
The motion authorizing the waiver of certain fees and requirements and authorizing payment of certain costs was approved.
33. Approve waiver of Parks and Recreation rental fees in an amount not to exceed \$280, for the Olive Baptist Church Event, to be held on March 23, 2007 at the Carver Museum. (Council Member Sheryl Cole and Mayor Pro Tem Betty Dunkerley)
The motion authorizing the waiver of Parks and Recreation rental fees in an amount not to exceed \$280 was approved.
34. Approve the waiver of certain fees and requirements under Chapter 14 of the Code for Southwest Key's Go for the Gold 10K and Fiesta 5K Fun Run, to be held on March 10, 2007. (Council Member Brewster McCracken, Council Member Jennifer Kim, and Council Member Mike Martinez)
The motion authorizing the waiver of certain fees and requirements was approved.
35. Approve the wavier of EMS standby fees in an amount not to exceed \$475 for the Austin Marathon Kids Final Mile Celebration to be held on March 24, 2007, at the Austin Independent School District's Tony Burger Stadium, located at 3200 Jones Road. (Mayor Will Wynn and Council Member Jennifer Kim)
The motion authorizing the waiver of EMS standby fees in an amount not to exceed \$475 was approved.

36. Set a public hearing to receive citizen comments on community needs in order to develop the following documents on (1) the annual Action Plan Fiscal Year 2007-2008, required by the U.S. Department of Housing and Urban Development (HUD); and (2) Texas Local Government Code Chapter 373 Community Development 2007-2008 Program which includes proposed funding allocations for Fiscal Year 2007-2008. The public hearing is in accordance with the City's Citizen Participation Plan, which sets forth the City's policies and procedures for citizen participation in the Consolidated Plan. (Suggested date and time: March 8, 2007 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set for March 8, 2007 at 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, Texas.
37. Set a public hearing on an appeal by Nicki Mebane and Walter Olenick of the Planning Commission's decision to approve a revision to a conditional use permit (LDC 25-2-491) to increase the number of beds from 35 to 58 for a transitional housing use in CS-CO, Commercial Services, for Bannum, Inc. located at 1109 E 52nd St. (Site Plan Number: SPC-05-0027A). (Suggested date and time: March 22, 2007, at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX) Conditional Use Permit approved by Planning Commission. Parking variance denied by Board of Adjustment.
The public hearing was set for March 22, 2007 at 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, Texas.
38. Set a public hearing to discuss and receive public comments regarding the addition of an Industrial Rider to the Large Primary Service - Special Contract Riders I & II in the Electric Rate Schedule in Exhibit A of Ordinance No. 20060911-004. (Suggested date and time: March 8, 2007 at 6:00 PM, Austin City Hall, 301 W. Second Street, Austin, TX) Recommended by the Electric Utility Commission.
The public hearing was set for March 8, 2007 at 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, Texas.

Item 39 was a briefing item set for 10:30 a.m.

Items 40 through 47 were Executive Session items.

Item 48 was an action on Executive Session item.

Items 49 through 66 were zoning items set for 4:00 p.m.

Items 67 and 68 were Public Hearings and Possible Action items set for 6:00 p.m.

BRIEFINGS

39. Presentation of Recommendations to Improve City Services to Downtown Austin
The presentation was made by Bert Lumbreras, Assistant City Manager; Rodney Gonzales, Assistant Director of Economic Growth and Redevelopment Services; Chris Noble, Lieutenant of Austin Police Department; Cathy Ellison, Acting Chief of Police; and Mike Young, Commander for Downtown Area for Austin Police Department.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:39 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters

as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Items 40 through 45 were discussed later in Executive Session.

46. Discuss the possible acquisition of approximately 5.564 acres of real property in Northeast Austin. (Real Property - Section 551.072)
47. Discuss the sale of an interest in real property located at 920-926 West 3rd Street (301 North Lamar Boulevard) (Real Property - Section 551.072--Related to #48).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:21 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Danny Stamper - Firefighters' Pension

Becky Brooks - Firefighters' Pension

Larry McKee - Austin Firefighters' Pension Fund

Paul Maldonado - Austin Firefighters' Pension Fund

Laura Matau spoke for John Kindschi - Firefighters' Pension

Jake Sullivan - Firefighters' Pension

Ray Hendricks - Firefighters' Pension Fund

Linda Hutson - Smoking in Public Places be enforced at all Capital Metro Bus Stops

Aage Sund - Trans Fat

Colin Clark - Protecting Barton Springs

ACTION ON EXECUTIVE SESSION

48. Approve an ordinance authorizing the City Manager to accept or reject sealed bid offers for the sale of a tract of land consisting of 11,376 square feet, locally known as 920-926 West 3rd Street (301 North Lamar Boulevard), Austin, TX (Related to #47).
Ordinance No. 20070301-048 rejecting all bids was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 1:07 p.m.

EXECUTIVE SESSION CONTINUED

40. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)

41. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.
42. Discuss legal issues related to the possible acquisition of approximately 5.564 acres of real property in Northeast Austin. (Private Consultation with Attorney, Section 551.071)
This item was withdrawn
43. Evaluate the performance of and consider compensation and benefits for the Municipal Court Presiding Judge. (Personnel Matters - Section 551.074 - Related to #27).
44. Consider compensation and benefits for the Municipal Court Associate and Substitute Judges. (Personnel Matters - Section 551.074 - Related to #27).
45. Evaluate the performance of and consider compensation and benefits for the Municipal Court Clerk. (Personnel Matters - Section 551.074 - Related to #28)

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 4:07 p.m.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 4:08 p.m. to go into the Board of Director's Meeting of the Austin Housing Finance Corporation. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 4:15 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

50. C14-05-0186 - 404 Sterzing - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 404 Sterzing (Town Lake Watershed) from general commercial services (CS) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on March 9, 2006. Vote: 6-0 (Kim off the dais). Applicant: Marjorie Saad. Agent: John Wooley. City Staff: Robert Heil, 974-2330.
Ordinance No. 20070301-050 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved with the following additional prohibited uses and conditional overlay. The additional prohibited uses are: agricultural services, automobile rental; automobile repair, automobile washing, bail bonds, commercial blood plasma center, commercial parking lot, convenience storage, pawnshop, vehicle storage, recreational vehicle storage, scrape and salvage services, and service station uses. The additional conditional overlay is to limit the total amount of non-residential square footage to a maximum of 10,000 square feet.
51. C14-05-0189 - 1900 Barton Springs Rd. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900 Barton Springs Rd. (Town Lake Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning and limited office-conditional overlay (LO-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on March 9, 2006. Vote: 6-0 (Kim off the dais). Applicant and Agent: John Wooley. City Staff: Robert Heil, 974-2330.

Ordinance No. 20070301-051 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved with the following additional prohibited uses and conditional overlay. The additional prohibited uses are: agricultural services, automobile rental; automobile repair, automobile washing, bail bonds, commercial blood plasma center, commercial parking lot, convenience storage, pawnshop, vehicle storage, recreational vehicle storage, scrape and salvage services, and service station uses. The additional conditional overlay is to limit the total amount of non-residential square footage to a maximum of 10,000 square feet.

54. C14-06-0183 - CLB/7th and Rio Grande - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 605 and 615 West 7th Street (Shoal Creek Watershed) from community commercial (GR) district zoning to central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. First reading approved on February 15, 2007. Vote: 6-0 (Wynn-abstained). Applicant: Michael J. McGinnis. Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele M. Rogerson). City Staff: Jorge E. Rousselin, 974-2975.

This item was withdrawn because it is a duplicate of number 55 on this agenda.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem Dunkerley's motion, Council Member McCracken's second on a 7-0 vote.

56. NP-05-0021 (Part) - East Riverside/Oltorf Combined Neighborhood Plan - 1818 S. Lakeshore Blvd. - Conduct a public hearing and approve an ordinance amending Ordinance 20061116-055, adopting the East Riverside/Oltorf Combined Neighborhood Plan, to establish a land use designation of Mixed Use on the future land use map for 1818 S. Lakeshore Blvd. The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east and State Highway 71 (Ben White Boulevard East) on the south. Staff Recommendation: To grant mixed use designation. Planning Commission Recommendation: To grant mixed use designation. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen 974-7226
- The first reading of the ordinance for mixed use designation on the future land use map was approved.**

57. C14-05-0112 - Riverside Neighborhood Plan Combining District - 1818 S. Lakeshore Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1818 S. Lakeshore Blvd. (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. The proposed zoning change will create the Riverside Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan. Under the proposed Riverside NPCD, "Small Lot Amnesty", "Garage Placement", "Impervious Cover and Parking Placement Restrictions" and "Prohibited Parking in the Front Yard" may apply. Staff Recommendation: To grant multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.
- The first reading of the ordinance for multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning was approved.**

58. C14-06-0085.SH - Zachary Scott Subdivision Tract 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10016-10136 Old Lockhart Highway East of Bradshaw Road (Rinard Creek Watershed) from interim-rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single-family residence-small lot (SF-4A) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning with conditions. Applicant: Lennar Buffington Zachary Scott, L.P. (Bryan Sims). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr.). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20070301-058 for single-family residence-small lot (SF-4A) district zoning with conditions was approved.
59. C14-06-0084.SH - Zachary Scott Subdivision Tract 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10142-10620 Bradshaw Road (Onion Creek and Rinard Creek Watersheds) from interim-rural residence (I-RR) district zoning to single-family residence-small lot (SF-4A) district zoning. Staff Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-small lot (SF-4A) district zoning. Applicant: Lennar Buffington Zachary Scott, L.P. (Bryan Sims). Agent: Cuatro Consultants, Ltd. (Hugo Elizondo, Jr.). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 20070301-059 for single-family residence-small lot (SF-4A) district zoning was approved.
60. C14-06-0210 - Burger King - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7105 IH-35 North Service Road (Buttermilk Branch Watershed) from limited industrial service (LI) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Leemak, L.P. (Fazil Malik). Agent: A.J. Ghaddar, P.E. and Associates (A.J. Ghaddar). City Staff: Robert Heil, 974-2330.
This item was withdrawn.
61. C14-06-0211 - Valdez Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2819-2823 Manor Drive (Boggy Creek Watershed) from neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: Valdez Trust (F. Gary & Doyle Valdez). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Robert Heil, 974-2330.
The first reading of the ordinance for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved.
62. C14-06-0230 - Nomad Wine and Cheese - conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1213-1215 Corona Drive (Tannehill Branch Watershed) from general commercial services (CS) district zoning to commercial-liquor sales-conditional overlay (CS-1-CO) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) district zoning. Planning Commission Recommendation: To

grant commercial-liquor sales-conditional overlay (CS-1-CO) district zoning. Applicant: Sam Calliham. Agent: Permit Me (Maureen Morphew). City Staff: Robert Heil, 974-2330.

The first reading of the ordinance for commercial-liquor sales-conditional overlay (CS-1-CO) district zoning was approved.

ZONING DISCUSSION ITEMS

49. C14-05-0112 - Riverside Neighborhood Plan Combining District (Tracts 45 and 45B)- Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning two tracts locally known as 1801-1919 E. Riverside Drive (Tract 45) and 1905 E. Riverside Drive (Tract 45B) (Town Lake Watershed). The proposed zoning change will create the Riverside Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan. Under the proposed Riverside NPCD, "Small Lot Amnesty", "Garage Placement", "Impervious Cover and Parking Placement Restrictions" and "Prohibited Parking in the Front Yard" may apply. The City Council may approve a zoning change to any of the following: Rural Residential (RR); Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence - Moderate-High Density (MF-4); Multi-family Residence - High Density (MF-5); Multi-family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LD); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. First and second readings approved on November 16, 2006. Vote 6-0-1 (Kim-abstained). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil 974-2330 and Melissa Laursen 974-7226

The following motion made by Council Member Martinez and seconded by Council Member Kim failed on a 3-4 vote. Those voting aye were: Council Members Kim, Martinez, and McCracken. Those voting nay were: Mayor Wynn, Mayor Pro Tem Dunkerley, and Council Members Cole and Dunkerley. The motion was for Tracts 45 and 45B to be zoned (GR-NP) and allow a mixed use urban neighborhood center.

Ordinance No. 20060301-049 for GR-NP zoning on Tract 45 and CS-1-NP zoning on 45B, allowing mixed use building and neighborhood urban center special uses on Tracts 45 and 45B was approved on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 5-2 vote. Council Members Kim and Martinez voted nay.

52. C14H-05-0017 - Baugh-Colby House - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1102 Enfield Road (Shoal Creek Watershed) from multi-family residence-medium density-neighborhood plan (MF-3-NP) district zoning to multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning. First and second readings approved on December 14, 2006. Vote: 6-1 (Leffingwell-Nay). Applicant: Historic Landmark Commission. Agent: Neighborhood Planning and Zoning Department. City Staff: Steve Sadowsky, 974-6454. Valid Petitions have been submitted in opposition to this rezoning request.

The motion to approve the second reading of the ordinance and adding the 12,000 square foot minimum lot size that was made by Council Member Leffingwell failed due to the lack of a second.

There was a motion by Council Member McCracken, seconded by Council Member Cole to approve the third reading for multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning.

The substitute motion by Mayor Pro Tem Dunkerley, seconded by Council Member Martinez to postpone action to April 5, 2007 failed on a 2-5 vote. Those voting aye were: Mayor Pro Tem Dunkerley and Council Member Martinez. Those voting nay were: Mayor Wynn and Council Member's Cole, Kim, Leffingwell, and McCracken.

Ordinance No. 20070301-052 for multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

53. NP-05-0021 (Part) - East Riverside/Oltorf Combined Neighborhood Plan (Tracts 45 and 45B) - Approve third reading of an ordinance amending Ordinance 20061116-055, adopting the East Riverside/Oltorf Combined Neighborhood Plan, to establish a land use designation of Mixed Use on the future land use map for the following tracts: 1801-1919 E. Riverside Drive (Tract 45) and 1905 E. Riverside Drive (Tract 45B). The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east and State Highway 71 (Ben White Boulevard East) on the south. First and second readings approved on November 16, 2006. Vote 6-0-1. (Kim-abstained). Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen 974-7226

Ordinance No. 20060301-053 designating Mixed Use on the Future Land Use Map for Tracts 45 and 45B was approved on Council Member Cole's motion, Council Member McCracken's second on a 6-0 vote. Council Member Kim abstained.

27. Approve an ordinance relating to the compensation and benefits for the Municipal Court Judges (Recommended by the Judicial Committee -Related to items #43 and #44). (Mayor Will Wynn Council Member Sheryl Cole Council Member Mike Martinez)
Ordinance No. 20070301-027 was approved on Council Member Cole's motion, Council Member Leffingwell's second on a 7-0 vote. The compensation for the presiding judge is \$4,111.20 per pay period, associate judge is \$3,677.60 per pay period and substitute judge is \$39.47 per hour. The cost of living adjustment will be considered in annual budget process and the effective date is January 1, 2007.
28. Approve an ordinance relating to the compensation and benefits for the Municipal Court Clerk (Recommended by Judicial Committee -Related to #45). (Mayor Will Wynn Council Member Sheryl Cole Council Member Mike Martinez)
Ordinance No. 20070301-028 was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The compensation for the court clerk is \$3,934.40 each pay period. The Municipal Court Clerk's vacation package was changed to match what other employees are getting, effective October 1, 2006.

Mayor Wynn recessed the Council Meeting at 5:29 p.m.

LIVE MUSIC

Idgy Vaughn

PROCLAMATIONS

Proclamation -- Peace Corps Week -- to be presented by Mayor Will Wynn and to be accepted by Michelle Lalonde

Distinguished Service Award -- Raul Calderon -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Proclamation -- Fire Island Glass -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by Matthew LaBarbera and Teresa Ueltschey

Proclamation -- Entrepreneurship Week USA -- to be presented by Council Member Jennifer Kim and to be accepted by Chelsea McCullough

Mayor Wynn called the Council Meeting back to order at 6:31 p.m.

DISCUSSION ITEMS CONTINUED

63. C14-06-0220 - Thornton Bungalows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2206-2210 Thornton Road (West Bouldin Creek Watershed) from urban family residence-conditional overlay (SF-5-CO) combining district zoning to single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning. Staff Recommendation: To grant single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning. Planning Commission Recommendation: To grant single-family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning. Applicant: Thornton Cottages Austin, L.P. (James Austin). Agent: Stansberry Engineering (Blayne Stansberry). City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance for the Planning Commission recommendation of family residence-condominium-conditional overlay (SF-4B-CO) combining district zoning limiting the development to 14 units, and adopting staff's conditional overlay of 50% impervious cover and no parking limits was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 7-0 vote.

64. C14-06-0121 - The Domain - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-11000 Burnet Road, 11100-11900 Burnet Road; 2800 Block of Braker Lane and 3300 West Braker Lane (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions. Planning Commission Recommendation: To be reviewed on February 13, 2007. Applicant: RREEF Domain, L.P. (Chad Marsh). Agent: Drenner+Golden, Stuart, Wolff, L.L.P. (Michele Haussmann). City Staff: Jorge E. Rousselin, 974-2975.

The motion to close the public hearing and grant major industrial-planned development area (MI-PDA) combining district zoning with the addition of low albedo roofing materials, one star construction for the total site and two star construction for 50% of the office and residential construction was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

The motion to close the public hearing and grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions with the addition of low albedo roofing materials, one star construction for the total site and two star construction for

50% of the office and residential construction was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

67. Conduct a public hearing for the full purpose annexation of the following annexation areas: (1) Avery Ranch Area, Group 2: Approximately 45 acres in Williamson County south of the intersection of Avery Ranch Boulevard and Nearabout Road.; and (2) Blazier Elementary School Area: Approximately 16 acres in southern Travis County south of the intersection of Thaxton Road and Nuckols Crossing Road. The public hearing was closed on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was off the dais.

68. Conduct a public hearing and consider floodplain variances requested by Mr. Mickey Bentley on behalf of Mr. William Sisco and Ms. Elizabeth Sisco to allow construction of a duplex at 5613 Joe Sayers Avenue in the 100-year and 25-year floodplains of the Hancock Branch of Shoal Creek and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain to exclude the footprint of the proposed duplex. The public hearing was closed and Ordinance No. 20070301-068 restricting the size of the structure to 3,336 square feet of gross floor area as defined by the McMansions ordinance on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-1 vote. Council Member Leffingwell voted nay.

55. C14-06-0183 - CLB/7th and Rio Grande - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 605 and 615 West 7th Street (Shoal Creek Watershed) from community commercial (GR) district zoning to central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning. First reading approved on February 15, 2007. Vote: 6-0 (Wynn-abstained). Applicant: Michael J. McGinnis. Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele M. Rogerson). City Staff: Jorge E. Rousselin, 974-2975. The citizen request for a postponement died for lack of a motion.

Ordinance No. 20070301-055 for central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with the following additions was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn recused himself. The following additions will apply if the building or structures in the development are constructed over 60 feet in height: 75% of the gross floor area shall be for residential uses; provide 2 levels of underground parking; the above ground garage will be screened; 75% of the ground floor facing 7th and Rio Grande Streets must be pedestrian oriented uses; access to the parking garage shall restrict residential access to Rio Grande Street; loading spaces/service access will be from the alley; cocktail lounge use is not permitted anywhere in the building; development on the property may not exceed 11:1 FAR; limited to less than 2,000 vehicle trips per day; 15 foot building setback on 7th Street required for any building over 68 feet in height; 7 foot building setback on Rio Grande required for any building over 68 feet in height. The following three items would be subject to a public restrictive covenant, if the buildings or structures go over 60 feet in height: participation in the Great Streets Program for the portions of the project fronting along Rio Grande and 7th Streets, participation in the Green Builder Program – 2 star level, and a live music venue is not permitted in any building.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Martinez' motion, Council Member Cole's second on a 5-0 vote. Council Members Kim and Leffingwell were off the dais. .

65. NPA-06-0019.01 - East Avenue PUD - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-56, the Central Austin Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish high density-mixed use designation on the future land use map (FLUM) for the property located at 3400 N. IH. 35 (Concordia University). Staff Recommendation: To approve mixed use designation. Planning Commission Recommendation: To approve high density mixed use designation. Applicant: Concordia University (David Kluth). Agent: Alice Glasco Consulting (Alice Glasco) and Armbrust and Brown, L.L.P. (Richard Suttle). City Staff: Mark Walters, 974-7695.
- The public hearing was held open and the first reading of the ordinance for high density mixed use designation was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote with the following framework as approved by staff. Council Member Kim was off the dais. The frame work is as follows: General Working PUD Terms 1) conceptual internal drive and block plan, 2)great streets streetscape cross-sections, 3) maximum building height zones plan, 4) #zoning district default to be determined, 5) *maximum impervious cover limit, 6) cap of 175,000 sf medical office use, 7) *list of prohibited uses, 8) urban core parking standards, 9) design standards and mixed use ordinance, 10) *list of project-specific design standards (eg, parking garages), 11) *maximum footprint limitations for towers, certain retail users, 12) one acre in publicly-accessible green space and central plaza space, 13) \$750,000 contribution earmarked for area parks improvements, 14) *on-site water quality through sustainable environmental site design techniques, 15) *sustainable building design – minimum 2-star GBP rating, 16) *offsite TIA-recommended roadway improvements, on-site controls traffic controls, 17)*affordable living – car share for 5% units @ 80% MFI, 18) continued neighborhood communication of project updates, 19) required architectural design review process, 20) *NH plan amendment to establish maximum height limits for CANPAC and use/site development regulations for church property, 21) FLUM to reflect proposed zoning; Outstanding Issue: affordable housing component (developer assumed no affordable housing in agreeing to maximum building heights).
66. C814-06-0175 - East Avenue PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 North IH-35 Service Road (Waller Creek and Boggy Creek Watersheds) from general office-neighborhood plan (GO-NP) combining district zoning; limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning; and general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Planning Commission Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. Applicant: Concordia University (David Kluth). Agent: Alice Glasco Consulting (Alice Glasco) and Armbrust and Brown, L.L.P. (Richard Suttle). City Staff: Jorge E. Rousselin, 974-2975.
- The public hearing was held open and the first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions was approved on Council Member Martinez' motion, Council Member Cole's second on a 6-0 vote with the following framework as approved by staff. Council Member Kim was off the dais.

Mayor Wynn adjourned the meeting at 10:16 p.m. without objection.

The minutes for the Regular Meeting of March 1, 2007 were approved on this the 22nd day of March, 2007 on Council Member McCracken's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem Dunkerley was absent.