

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 8, 2007**

Invocation: Pastor Byron Radle, Maranatha Christian 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 8, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:20 a.m.

Announcement of Proposed Items for Upcoming Council Meetings.
The Mayor asked Council Members to report on upcoming agenda items:

- Council Member Martinez and Mayor Wynn will bring forward an item to create a Charter Revision Task Force to review the following charter revisions for inclusion on the ballot in May, 2008: geographical representation for City Council members; Council salaries to be in the charter so citizens can vote on them; and a provision to allow candidates to retire campaign debt when personal loans have been made to support their campaign. The Mayor will be adding some additional items.
- Council Member Cole, as the City's representative to the Police Retirement Board, will bring forward changes to the retirement system as it pertains to designating beneficiaries if there is no spouse and the amount of funding the Police Board would have to contribute to the Retirement Board.

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 Martinez' motion, Council Member Cole's second on a 5-0 vote. Council Member Kim was off the dais. Council Member McCracken was absent.

1. Approval of the minutes of the Austin City Council from the special called meeting of February 23, 2007 and the regularly scheduled meeting of March 1, 2007.
This item was postponed to March 22, 2007.

Items 2 and 3 were pulled for discussion.

4. Authorize negotiation and execution of a professional services agreement with NEXTPROJECT, 3910 Pete's Path, Austin, TX for artwork in an amount not to exceed \$60,000. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Public Works Department. Recommended by the Art in Public Places Panel and the Arts Commission.
The motion authorizing the negotiation and execution of a professional services agreement was approved.

5. Approve an ordinance amending the Fiscal Year 2006-2007 Financial Services Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by an amount not to exceed \$2,350,000 for the IH 35 Makeover Project. Funding in the amount of \$250,000 will be from grant funding; funding in the amount of \$600,000 will be available in the IH-35 Parking special revenue fund; funding in the amount of \$1,500,000 will be provided by the future issuance of non-tax supported certificates of obligation (Related to item #6).
Ordinance No. 20070308-005 was approved.
 6. Approve a resolution declaring the City's official intent to reimburse itself from the proceeds of tax-exempt Certificates of Obligation in a maximum principle amount of \$1,500,000 for construction costs related to the IH-35 Makeover Project. Funding in the amount of \$1,500,000 in non-tax related Certificates of Obligation to be August 2007 or later (Related to item #5).
Resolution No. 20070308-006 was approved.
 7. Approve negotiation and execution of an amendment to the outside counsel contract with Scott, Douglass & McConnico, LLP, Austin, TX, for legal representation in the appeal of FPL Energy Upton Wind I, L.P. v. City of Austin; Case No. 07-06-00145-CV; in the 7th Court of Appeals of Texas, in an amount of \$20,000, for a total contract amount of \$1,005,000. Funding is available in the Fiscal Year 2006-2007 Operating Budget of Austin Energy.
The motion authorizing the negotiation and execution of an amendment was approved.
- Item 8 was pulled for discussion after the Austin Housing Finance Corporation meeting.**
- Item 9 was pulled to be heard after the related Executive Session item.**
- Item 10 was pulled for discussion after the Austin Housing Finance Corporation meeting.**
11. Approve an ordinance authorizing the acceptance of \$85,287 in supplemental grant funds from the State of Texas, Auto Theft Prevention Authority; and amending the Fiscal Year 2006-2007 Austin Police Department Operating Budget Special Revenue Fund of Ordinance No. 20060911-001 to appropriate \$85,287 for the Austin Police Department Auto Theft Interdiction Project. Supplemental funding is available from the State of Texas, Automobile Theft Prevention Authority for the grant period of September 1, 2006 - August 31, 2007. No match is required.
Ordinance No. 20070308-11 was approved.
 12. Authorize the negotiation and execution of an Agreement between the City and SafePlace to provide coordination, counseling, safety planning and referrals for victims of family violence cases handled by the Austin-Travis County Family Violence Protection Team (FVPT), utilizing grant funding in an amount not to exceed \$750,000. Funding is available from the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office as a part of a grant award received by the City for the grant period November 1, 2006 through October 31, 2008.
The motion authorizing the negotiation and execution of an agreement was approved.
 13. Approve an ordinance establishing regulation of game rooms and amusement redemption machines within the City; and creating offenses.
Ordinance No. 20070308-013 was approved.
 14. Authorize execution of a construction contract with LAUGHLIN-THYSSEN, INC, Houston, TX, for the Austin Clean Water Program: Barton Heights/Kinney Avenue Water and Wastewater Improvements Project in the amount of \$6,093,535 plus a \$304,676.75 contingency for a total contract amount not to exceed \$6,398,211.75. Funding is available in the Fiscal Year 2006-2007 Capital Budget of the Austin

Water Utility. Lowest of four 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. 5.55% MBE and 7.32% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

15. Authorize execution of a construction contract with CASH CONSTRUCTION COMPANY, LTD., Pflugerville, TX, for the Austin Clean Water Program: Govalle 3-Montopolis Drive Area Project in the amount of \$3,064,907.98 plus a \$153,245.40 contingency, for a total contract amount not to exceed \$3,218,153.38. Funding is in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Lowest of six 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 achievements of Good Faith Efforts. 7.46% MBE and 1.34% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

16. Authorize execution of a construction contract with AUSTIN UNDERGROUND, INC., (MBE/MH 96.28 %), Lago Vista, TX, for the Austin Clean Water Program: East 11th Street Alley Wastewater Improvements Project in an amount not to exceed \$874,795. Funding is in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Lowest of six 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) by meeting the goals. 0.00% MBE and 3.72% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

17. Authorize execution of a construction contract with HAEGELIN CONSTRUCTION CO., Ltd., Austin, TX, for the Windemere/Sarah's Creek Wastewater Extension Project in an amount not to exceed \$250,914.30. Funding is available in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. Lowest of ten 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) by meeting the goals. 13.34% MBE and 8.23% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

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

18. Authorize negotiation and execution of an amendment to the professional services agreement with CAMP DRESSER & MCKEE (CDM) Austin, TX, for additional construction phase services for the Ullrich Water Treatment Plant Expansion Projects in the amount of \$490,730 for a total contract amount, including all phase of services (design through construction as indicated below), not to exceed \$23,689,384. Funding is in the Fiscal Year 2006-2007 Capital Improvement Budget of the Austin Water Utility. 18.85% MBE and 44.82% WBE subconsultant participation to date. Recommended by the Water and Wastewater Commission.

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

19. 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 an area bounded by Avenue N to the north, Parmer Lane (FM 734) to the south, Loop 1 (MoPac Expressway) (North) East Frontage Road to the west, and Metric Boulevard to the east. The boundaries of Lamplight Village Neighborhood Organization, The North Shields Neighborhood Association, and The Ridge at Scofield Homeowners Association are included in this area. Funding in the amount of \$10,450 is available in the Fiscal Year 2006-2007 Operating Budget of the Public Works Department for the installation of necessary signs.

Ordinance No. 20070308-019 was approved.

20. Authorize award and execution of a 36-month requirements service contract with CARRIER COMMERCIAL SERVICES, Austin, TX, for maintenance and repair services to the water-cooled chiller and condenser water systems in an estimated amount not to exceed \$186,864, with three 12-month extension options in an estimated amount not to exceed \$62,288 per extension option, for a total estimated contract amount not to exceed \$372,728. Funding in the amount of \$36,335 is available in the Fiscal Year 2006-2007 Operating Budget of the Austin Convention Center 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 2-9C 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 motion authorizing the award and execution of a requirements service contract was approved.
21. Authorize execution of a contract through the State of Texas Multiple Award Schedule (TXMAS) with GLOBAL INDUSTRIES, INC. C/O FURNITURE MARKETING GROUP, Austin, TX, for the purchase and installation of modular furniture at the Rutherford Lane Campus in an amount not to exceed \$63,616.12. Funding is available in the Fiscal Year 2006-2007 Approved Capital Improvement Project Fund of the Finance and Administrative Services Department, Building Services Division. Cooperative purchase. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Woman-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
22. Authorize award and execution of a contract with PARNELL USA, INC., Phoenix, AZ, for the purchase of fuel injection system kits in an amount not to exceed \$263,400. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. 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.
23. Authorize award and execution of a contract with AMC INDUSTRIES, San Antonio, TX, for a computerized irrigation control system in amount not to exceed \$81,962. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Parks and Recreation Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a contract was approved.
24. Authorize award and execution of a contract with OSBURN MATERIALS INC., San Antonio, TX, for golf green mix and bunker sand in amount not to exceed \$187,790. Funding is available in the Fiscal Year 2006-2007 Operating Budget of the Parks and Recreation Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a contract was approved.

25. Authorize negotiation and execution of an amendment to the Interlocal Agreement between the City and the Lago Vista regarding a process for the release of territory to the jurisdiction of the City of Lago Vista to provide opportunities for connection to centralized wastewater facilities. There is no unanticipated fiscal impact. A fiscal note is not required. Recommended by the Environmental Board.

The motion authorizing the negotiation and execution of an amendment to the interlocal agreement 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>Child Care Council</u>		
Louanne Aponte	Consensus	Reappointment
Albert Black	Consensus	Reappointment
Sue Carpenter	Consensus	Reappointment
Joene Grissom	Consensus	Reappointment
Dr. Avis Jones Wallace	Mayor Pro Tem Dunkerley's	Reappointment
Althea Huston	Consensus	Reappointment
Rhonda Paver	Consensus	Reappointment
Cristela Perez	Consensus	Reappointment
Gale Spear	Consensus	Reappointment

27. Approve a resolution directing the City Manager to conduct a study in cooperation with Texas Gas Service to determine what functions could be combined with Austin Energy to reduce overall costs, such as: fuel purchasing; billing; meter installation; reading and repair; customer service; connecting and disconnecting service; and, provide the results of the study to the City Council on or before September 19, Resolution No. **20070308-027** was approved with the friendly amendment from Council Member Martinez to change the date for providing the results of the study to the City Council to December 20, 2007.

28. Approve a resolution directing the City Manager to appoint a Habitat Team and Team Leader to pursue certification for the City of Austin as a National Wildlife Federation Community Wildlife Habitat site. (Council Member Lee Leffingwell Mayor Will Wynn Council Member Mike Martinez)
Resolution No. 20070308-028 was approved.

29. Approve a resolution amending the City's Legislative Program to initiate action modifying the Capital Metropolitan Transportation Authority board to increase the City's proportional representation to reflect actual ridership by City residents. (Council Member Lee Leffingwell Council Member Brewster McCracken)
This item was withdrawn.

30. Authorize reimbursement to Austin Crane Company in an amount not to exceed \$411.40, for fees charged under City Code Chapter 14-8 for the street closure associated with an interment in the State Cemetery. (Mayor Will Wynn Council Member Lee Leffingwell Council Member Sheryl Cole)
The motion authorizing the reimbursement to Austin Crane Company in an amount not to exceed \$411.40 was approved.

31. Approve waiver of \$180 per pass fee for 10 annual passes to the Barton Springs Pool to be used by the Friends of Barton Springs for its auction to raise money to fund volunteer efforts at the pool. (Council Member Lee Leffingwell Council Member Sheryl Cole Council Member Mike Martinez)
The motion authorizing the waiver of \$180 per pass fee for 10 annual passes to the Barton Springs Pool was approved.
32. Approve waiver of Park rental fees for Spamarama, to be held on April 7, 2007, in Waterloo Park. (Council Member Lee Leffingwell Council Member Mike Martinez Council Member Jennifer Kim)
The motion authorizing the waiver of park rental fees for Spamarama was approved.
33. Approve waiver of fees and requirements under Chapter 14 of the Code, and authorize payment of certain costs for the South by Southwest Festival to be held on March 9 -18, 2007; and an amendment to Resolution No. 021003-40 relating to co-sponsorship. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)
The following two actions were approved the motion authorizing the waiver of fees and requirements and Resolution No. 20070308-033.
34. Set a public hearing to consider the use of approximately 0.085 acre for a wastewater line, 0.180 acre for temporary work space and 0.359 acre temporary ingress egress to construct, use, maintain, repair, and replace a wastewater line for construction of a portion of the Govalle 1 - West of Lamar Project through dedicated parkland known as Barton Creek Greenbelt, in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: April 5, 2007 at 6:00 p.m., Austin City Hall, Council Chambers, 301 West 2nd Street, Austin, TX). All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by the Parks Board; the Water and Wastewater Commission; and, the Environmental Board.
The public hearing was set for April 5, 2007 at 6:00 p.m. at Austin City Hall, Council Chambers, 301 West 2nd Street, Austin, Texas.

Items 35 through 39 were Executive Session items.

Items 40 through 44 were zoning items set for 4:00 p.m.

Item 45 was a briefing item set for 6:00 p.m.

Items 46 through 49 were Public Hearings and Possible Action items set for 6:00 p.m.

DISCUSSION ITEMS

2. Approve a resolution declaring the City of Austin's official intent to reimburse itself from November 2006 Proposition 1 General Obligation Bonds to be issued for expenditures in the amount of \$10,000,000 related to street reconstruction and sidewalk reconstruction and improvements; to reimburse itself from November 2006 Proposition 2 General Obligation Bonds to be issued for expenditures in the amount of \$37,000,000 related to Watershed Protection Master Plan Projects and Open Space preservation and; to reimburse itself from November 2006 Proposition 3 General Obligation Bonds to be issued for expenditures in the amount of \$10,500,000 related to park facilities, facility improvements and facility renovations and parkland acquisition and development; to reimburse itself from November 2006 Proposition 4 General Obligation Bonds to be issued for expenditures in the amount of \$650,000 related to Community and Cultural facility projects; to reimburse itself from November 2006 Proposition 5 General Obligation Bonds to be issued for expenditures in the amount of \$5,000,000 related to affordable housing programs; and to reimburse itself from November 2006 Proposition 7 General Obligation Bonds to be issued for expenditures in the amount of \$21,850,000 related to public safety facility projects.

Funding of \$85,000,000 in General Obligation Public Improvement Bonds to be issued in August 2007 or later. Supported by the 2006 Bond Oversight Committee with recommendations. (Related to item #3).

Resolution No. 20070308-002, (as posted) and the following motion were approved on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was absent. The motion directed staff to bring to Council as soon as possible an additional budget allocation of \$500,000 to fund completion of the construction documents for the next phase of the Mexican American Cultural Center's (MACC) Master Plan and to bring the appropriate reimbursement resolution in the amount of \$4,500,000 to finance expenditures for the project's construction phase.

3. Approve an ordinance amending the Fiscal Year 2006-2007 Public Works Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$9,000,000 for street reconstruction, and \$1,000,000 for sidewalks, for a total increase of \$10,000,000; amending the Fiscal Year 2006-2007 Watershed Protection and Development Review Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$7,000,000 for Watershed Protection Master Plan projects and \$30,000,000 for open space, for a total increase of \$37,000,000; amending the Fiscal Year 2006-2007 Parks and Recreation Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$6,350,000 for park facilities, facility improvements and facility renovations, and by \$4,150,000 for parkland acquisition and development, for a total increase of \$10,500,000; amending the Fiscal Year 2006-2007 Neighborhood Housing and Community Development Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$5,000,000 for affordable housing programs; amending the Fiscal Year 2006-2007 Municipal Court Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$16,000,000 for a new municipal courthouse facility; amending the Fiscal Year 2006-2007 Health and Human Services Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$850,000 for a Animal Shelter facility; amending the Fiscal Year 2006-2007 Financial and Administrative Services Department Capital Budget of Ordinance No. 20060911-002 to increase appropriations by \$650,000 for the Austin Film Studios, and by \$5,000,000 for the Public Safety Training Facility project, for a total increase of \$5,650,000. Funding in the amount of \$85,000,000 will be provided by the future issuance of Public Improvement Bonds, approved by the voters on November 7, 2006. Supported by the 2006 Bond Oversight Committee with recommendations.(Related to item #2).

Ordinance No. 20070308-003 was approved on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was absent.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:28 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.

No items were finished in this executive session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:04 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Pat Johnson - A Convicted Child Molester Could Be Picking Up a Mother or a 16 Year Old Daughter
Thanks to Assistant City Manager Mike McDonald

Jimmy Castro - Star of Texas Fair & Rodeo

Elizabeth Frisch - Restoration Living Center

Paul Robbins - City Issues

Don Williamson - KAB II

Peggy Jennings - Town Lake Center - Animal Advisory Commission

Lorri Michel - Town Lake Animal Center - Animal Advisory Commission

Larry Tucker - Town Lake Animal Center - Animal Advisory Commission

Delwin Goss - Behavior of Members of Animal Advisory Commission

Ryan Clinton - Animal Welfare Issues

Mayor Wynn recessed Council Meeting to go into Executive Session at 12:41 p.m.

EXECUTIVE SESSION CONTINUED

35. Discuss legal issues concerning legislation in the 80th Legislative Session. (Private Consultation with Attorney - Section 551.071)
36. Discuss legal issues concerning development at Northcross Mall. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.
37. Discuss legal issues related to various agreements with the Austin Revitalization Authority. (Private Consultation with Attorney - Section 551.071)
38. Discuss legal issues relating to the labor negotiations for a Meet and Confer contract with the Austin Public Safety Officers Association. (Private Consultation with Attorney - Section 551.071)
This item was withdrawn.
39. Discuss possible acquisition, sale, lease or exchange of various interest in real property to acquire approximately 150 acres of real property located in Southeast Austin off Riverside Drive. (Real Property - Section 551.072)

Executive Session ended and Mayor Wynn recessed the Council Meeting at 2:36 p.m.

Mayor Wynn called the Council Meeting back to order at 3:36 p.m.

DISCUSSION ITEMS CONTINUED

9. Authorize negotiation and execution of an amendment to the Anderson Hill Redevelopment Program Loan Agreement with the Austin Revitalization Authority. Funding is available in the Neighborhood

Housing and Community Development Department (NHCD) Special Revenue Fund Community Development Block Grant Program Income.

The motion authorizing the negotiation and execution of an amendment was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was absent.

BOARD OF DIRECTORS MEETING OF AUSTIN HOUSING FINANCE CORPORATION.

Mayor Wynn recessed the Council Meeting at 3:39 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 3:42 p.m.

DISCUSSION ITEMS CONTINUED

8. Authorize the negotiation and execution of a service agreement with the Austin Housing Finance Corporation in an amount not to exceed \$5,000,000 to manage and operate various affordable housing programs funded with City general obligation housing bonds. Funding in the amount of \$5,000,000 will be provided by the future issuance of general obligation bonds, approved by the voters on November 7, 2006.

The motion authorizing the negotiation and execution of a service agreement was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was absent.

10. Approve a resolution adopting guidelines for the implementation of General Obligation affordable housing bonds.

Resolution No. 20070308-10 was approved on Council Member Martinez' motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was absent.

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 Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Council Member McCracken was absent.

40. C14-04-0196.01 - Horn Building - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Guadalupe Street and Avenue A (Waller Creek Watershed) from neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to change a condition of zoning. First reading approved on February 15, 2007. Vote: 7-0. Applicant and Agent: Horn Building Partnership (Richard Horn). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 20070308-040 was approved.

41. C814-06-0068 - St. David's PUD - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 919-1025 East 32nd Street; 918-1004 East 32nd Street; 900 East 30th Street; and 3000-3018 North IH-35 (Waller Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning; general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning; and community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Second reading approved on January 11, 2007. Vote: 7-0. Applicant: Columbia/St. David's healthcare System, L.P. (Malcom Belisle);

St. David's Healthcare Partnership (Bruno & Judith Ybarra). Agent: Clark, Thomas & Winters, P.C. (John M. Joseph). City Staff: Jorge E. Rousselin, 974-2975.

This item was postponed to April 5, 2007 at the owner's request.

ZONING ITEM

42. C14-06-0191 - Fox Hill - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11421-11717 South IH-35 Service Road Northbound (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to rural residence-conditional overlay (RR-CO) combining district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2. Staff Recommendation: To grant rural residence (RR) district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2 with conditions. Zoning and Platting Commission Recommendation: To grant rural residence (RR) district zoning for Tract 1 and multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning for Tract 2 with conditions. Applicant: Onion Associates, Ltd. (Bruce T. Morrison). Agent: Vaughn & Associates, Ltd. (Rick Vaughn). City Staff: Wendy Walsh, 974-7719.

This item was postponed to March 22, 2007 at the staff's request on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Council Member McCracken was absent.

ZONING DISCUSSION ITEMS

43. NPA-06-0019.01 - East Avenue PUD - Approve second/third readings of 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. I.H. 35 (Concordia University). First reading approved on March 1, 2007. Vote: 6-0 (Kim off the dais). Applicant: Concordia University (David Klugh). Agent: Alice Glasco Consulting (Alice Glasco) and Armbrust & Brown, L.L.P. (Richard Suttle). City Staff: Mark Walters, 974-7695.

The public hearing was held open and the second reading of the ordinance, as adopted on the first reading, was approved on Council Member Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was absent. Council requested that the item be brought back for final action on March 22, 2007.

44. C814-06-0175 - East Avenue PUD - Approve second/third readings of 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. First reading approved on March 1, 2007. Vote: 6-0 (Kim off the dais). Applicant: Concordia University (David Klugh). 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 second reading of the ordinance, as adopted on the first reading, was approved on Council Member Cole's motion, Council Member Martinez' second on a 6-0 vote. Council Member McCracken was absent. Council requested that the item be brought back for final action on March 22, 2007.

Mayor Wynn recessed the Council Meeting at 4:40 p.m.

LIVE MUSIC

Matt Hubbard

PROCLAMATIONS

Proclamation -- Purchasing Month -- to be presented by Mayor Will Wynn and to be accepted by Byron Johnson and George Monnat

Proclamation -- Red Cross Month -- to be presented by Mayor Will Wynn and to be accepted by Derrick Chubbs

Mayor Pro Tem Dunkerley called the Council Meeting back to order at 6:05 p.m.

BRIEFING

45. Briefing on the Waller Creek project and IH 35 make over project.
The presentation was made by Council Member Cole and Mayor Pro Tem Dunkerley.

PUBLIC HEARING AND POSSIBLE ACTION

46. Conduct 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.
The public hearing was closed and Resolution No. 20070308-046 was approved on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member McCracken was absent.
47. 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, Council Member Kim's second on a 6-0 vote. Council Member McCracken was absent.
48. Conduct a public hearing under the Citizen Participation Plan to receive comments on community needs to develop (1) the annual Action Plan Fiscal Year 2007-2008, required by the U.S. Department of Housing and Urban Development; and (2) the Texas Local Government Code Chapter 373 Community Development 2007-2008 Program.
The public hearing was closed on Council Member Leffingwell's motion, Council member Martinez' second on a 6-0 vote. Council Member McCracken was absent.
49. Conduct a public hearing and approve an ordinance adding 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. Recommended by the Electric Utility Commission.
This item was postponed to April 5, 2007 on Council Member Kim's motion, Council Member Cole's second on a 6-0 vote. Council Member McCracken was absent.

Mayor Wynn adjourned the meeting at 7:26 p.m. without objection.

The minutes for the Regular Meeting of March 8, 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.