



Austin City Council MINUTES

APRIL 7, 1994 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all of the Council.

MINUTES APPROVED

1. Approval of Minutes for Regular Meeting of March 24, 1994 and Special Meeting of March 23, 1994

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Brent White, to discuss "Vote No on all of the Charter Amendments."
Not Present
3. Ms. Patricia Valls-Trelles, to discuss Animal Shelter, Spay/Neuter Program.
Not Present
4. Mr. Mark Gentle, to discuss Barton Springs Pool Algae Bloom.
5. Mr. John Johnson, to address City Council.
6. Mr. Richard Trachtenberg, to discuss City issues.
7. Mr. Leonard Lyons, to discuss "There's no accounting for our accountant to refuse to be accountable; Let's put Brack on the tube, before Bruce puts it on the block."
8. Mr. Lance Winters, to discuss Austin CableVision and praise City staff for their hard work in looking after the public via their staff recommendation.
9. Mr. Greg Powell, to discuss City issues.
10. Mrs. Carol Guthrie, to discuss City issues.
11. Mr. Michael L. Brandes, appearing to request a Legal opinion from the City Attorney regarding the legality of the County Clerk's office facilitating the implementation of the City's "Domestic Partner" Insurance Policy.
Not Present

CITY MANAGER REPORT

12. Update on the status of the contract between the City of Austin, Travis County and PCA Health Plans of Texas, Inc.

Report presented by Sue Milam, Director of Health & Human Services Department; Stacy Holt and Dr. Bruce Weiss of PCA Health Plan; Mike Abkowitz of the Health & Human Services Department and by Paul Tovar of VISTA.

ITEMS CONTINUED FROM PREVIOUS MEETINGS

13. Amend Section 13-2, Article IV, Division 4, Part I of the Land Development Code to restrict fence construction beyond the shoreline at City lakes to remove hazards to navigation. (To be reviewed by Planning Commission on April 5, 1994.) [Public Hearing Closed - No Citizen Sign-up]
Planning Commission Recommendation: subject to the addition of "within 90 days" at the end of Part 2, Section C iv of the Ordinance.

Ordinance No. 940407-A approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

14. Appeal by Mr. Dan Molina and Mr. Dan Pike of the Planning Commission's decision to approve a Hill Country Roadway site plan for the Twin Rock Apartments, 7700 Capital of Texas Highway North. (Public Hearing Closed - No Citizen Sign-up)

Report presented by Mike English and Michael Cosentino of the Law Department.

No Action; Therefore, Appeal Denied.

15. Authorize negotiation and execution of Phase II of a four phase professional services agreement with RADIAN CORPORATION, Austin, Texas, for additional environmental engineering and testing services for the Mabel Davis Park Landfill Site Assessment and Remediation Project, in the amount of \$212,000, for a total contract amount of \$365,951. (Funding was included in the 1993-94 Capital Budget of the Solid Waste Services Fund.) 22.42% MBE, 11.26% WBE Subcontractor participation. (Related to Items 71 & 72)

Approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

ORDINANCES

16. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2701 and 2801 Century Park Blvd., Case no. C14-92-0108, from IP, Industrial Park to MF-3-CO, Multi-family Residence (medium density)-Conditional Overlay, AUSTIN CENTURY PARK, LTD. (Ralph Reed), by Brown, McCarroll & Oaks, Hartline (Henry Gilmore). First reading on December 3, 1992, vote: 6-0-1 (Council Member Reynolds abstained - the applicant was Franklin Federal Bancorp). Conditions to be met: The current applicant requests that Council add a second condition to the rezoning case by requiring payment in lieu of parkland dedication at the time of site plan review.
17. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 3001 and 3201 Century Park Blvd., and 13502 Elm Ridge Lane, Case no. C14-92-0109, from IP, Industrial Park to MF-3-CO, Multi-family Residence (medium density)-Conditional Overlay, AUSTIN CENTURY PARK, LTD. (Ralph Reed), by Brown, McCarroll & Oaks, Hartline (Henry Gilmore). First reading on December 3, 1992, vote: 6-0-1 (Council Member Reynolds abstained - the applicant was Franklin Federal Bancorp). Conditions to be met: The current applicant requests that Council add a second condition to the rezoning case by requiring payment in lieu of parkland dedication at the time of site plan review.

Item 16-17 approved on Councilmember Garcia's motion, Councilmember Shea's second, 5-0-1 vote, Councilmember Reynolds abstaining.

18. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7507 Old Bee Caves Road, Case No. C14-93-0115, from "I-RR", Interim Rural Residence to "GO-CO", General Office-Conditional Overlay, DAVID IKARD, by The Faust Group (Bill Faust). First reading on November 18, 1993; Vote: 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Condition of SOS ordinance overlay imposed by Council, Ordinance No. 940407-B
19. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1805 East 7th Street, Case No. C14-93-0162, from "GO", General Office to "CS-1-CO", Commercial Liquor Sales-Conditional Overlay, SANTA CRUZ CENTER FOR CULTURE, by Roen Salinas. First reading on February 24, 1994; Vote 5-0, Mayor Todd out of the room. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council. Ordinance No. 940407-C
20. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code amending a Planned Development Agreement rezoning property locally known as Waterford Centre, 9000-9212 Waterford Centre Boulevard, Case No. C14r-85-143 Amendment. Existing zoning "LI-PDA", Limited Industrial Services-Planned Development Agreement, SAGE-WATERFORD LTD. (Ralph E. Reed), by Brown McCarroll & Oaks Hartline (Henry H. Gilmore). First reading on December 9, 1993; Vote: 4-0, Councilmember Garcia out of the room, Mayor Todd and Mayor Pro Tem Urdy absent. Conditions met as follows: Development restricted to that shown on the Site Plan attached as an Exhibit to the ordinance, modifying the portion of the site plan known as Waterford Centre, Block C, Lots 1-4. Other conditions: Planned Development Area text has been amended to include the PDA restrictions for the entire Waterford Centre subdivision, a subdivision of record in Volume 87, Pages 53C and D of the plat records of Travis County. Ordinance No. 940407-D

Item 18-20 approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

21. Approve rate ordinance for Austin CableVision (ACV) that will establish maximum charges for Basic service, installations, and equipment charges; order refunds of payments from September 1, 1993 to the effective date of the ordinance for these services; submit rate ordinances and staff report to the Federal Communications Commission (FCC) to support the City's complaint concerning Standard service rates. (Reduction of \$35,000 in franchise fee revenues.) [Recommended by Cable Commission]
Postponed to April 14, 1994

Health and Human Services (Items 22-26)

22. Authorize acceptance of \$3,661 in additional grant funds from the Texas Department of Health, Housing Opportunities for People with AIDS (HOPWA), and a six (6) month extension of the grant period; amend Ordinance No. 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating an additional \$3,661 for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$113,915.
Ordinance No. 940407-E

23. Authorize acceptance of \$327,388 in additional grant funds from the Texas Department of Health, Ryan White/Title II grant program; amend Ordinance No: 930915-A, the 1993-94 operating budget, amending the Special Revenue Fund by appropriating an additional \$327,388 for the Health and Human Services Department Special Revenue Fund, for a total grant amount of \$1,011,040; and authorizing 1.5 additional grant funded full time equivalent (FTE) positions. (Related to Item 24)
Ordinance No. 940407-F

RESOLUTIONS

24. Authorize negotiation and execution of amendments, totaling \$239,292, to contracts with nine (9) community organization for HIV services under the Texas Department of Health, Ryan White/Title II grant program, for combined total contracts not to exceed \$722,202; AIDS SERVICES OF AUSTIN, in the amount of \$66,387, for a total contract amount of \$230,378; COMMUNITY ACTION, in the amount of \$25,113, for a total contract amount of \$94,166; PEDIATRIC AIDS LEAGUE, in the amount of \$28,095, for a total contract amount of \$46,998; PROJECT TRANSITIONS, in the amount of \$16,013, for a total contract amount of \$96,079; WATERLOO COUNSELING CENTER, in the amount of \$8,101, for a total contract amount of \$48,604; CTHF HIV STUDY GROUP, in the amount of \$44,427, for a total contract amount of \$60,097; ALLGO/INFORME SIDA, in the amount of \$22,799, for a total contract amount of \$58,139; HIV WELLNESS CENTER, in the amount of \$17,315, for a total contract amount of \$43,991; and ATC/MHMR CARE UNIT, in the amount of \$11,042, for a total contract amount of \$43,750. (Funding is provided from the Texas Department of Health, Ryan White/Title II grant program.) (Related to Item 23)
25. Ratify application for and authorize acceptance of \$70,000 in grant funds from the Office of the Governor, Criminal Justice Division, Juvenile Justice and Delinquency Prevention Act Funds, for a Juvenile Offender Employment program. (City's in-kind match for equipment expenses is \$4,090 - funding is available in the 1993-94 operating budget of the Health and Human Services Department; funding in the amount of \$14,000 for the second year, \$28,000 for the third year, \$42,000 for the fourth year, and \$56,000 for the fifth year is subject to availability of funding in future budgets.)
26. Approve execution of two (2) twelve (12) month supply agreements with the following: GENERAL MEDICAL CORPORATION, Austin, Texas, for the purchase of medical and dental supplies for use by the Health and Human Services Department/Travis County Health Department, in an amount not to exceed \$550,000, with the option to extend for two (2) twelve month periods in the amounts of \$640,000 and \$730,000 respectively; and with TAYLOR MEDICAL INC., Round Rock, Texas, for the purchase of laboratory supplies, in an amount not to exceed amounts of \$60,000 and \$70,000 respectively, for total contract amounts of \$1,920,000 and \$180,000 respectively. [Funding in the amounts of \$275,000 and \$25,000 is available in the 1993-94 General Fund, Federally Qualified Health Clinics (FQHC) Fund, Special Revenue Fund operating budgets for the Health and Human Services Department; funding for the remaining six (6) months and the extension options is contingent upon availability of funding in future budgets. Low bid of five (5). No M/WBE Subcontracting opportunities were identified.]

27. Approve negotiation and execution of a contract with OCE-BRUNING, Austin, Texas, for a three (3) year lease of an Engineering Copier and related supplies for the Department of Planning and Development, in an amount not to exceed \$270,551 with options to renew for \$79,704 for the 4th year and the 5th year for a total amount not to exceed \$429,959. (Funding in the amount of \$45,030 is available in the 1993-94 operating budget of the Department of Planning and Development; funding for the remainder of the initial lease term and extension options is contingent upon availability of funding in future years.) Single bid. No M/WBE Subcontracting opportunities were identified.
28. Approve selection (RFQ) of five architectural firms: CASABELLA ARCHITECTS (MBE), Austin, Texas; ARCHITECTURE + PLUS (WBE), Austin, Texas; THE WILLIAMS COMPANY, AIA, Austin, Texas; ELLIOTT AND HAMILL ARCHITECTS, Austin, Texas; KLUG + BOERNER/ARCHITECTS + PLANNERS, Austin, Texas; for an Architectural Services Rotation List to provide professional services for the removal of architectural barriers in parks and recreation facilities for compliance with the Americans with Disabilities Act (ADA), for a period of two years or until available funding is expended, in the amount of \$250,000 (estimated amount of approximately \$50,000 per firm). [Funding is included in the 1993-94 Capital Budget of the Parks and Recreation Department.] M/WBE Subcontracting participation cannot be determined at this time because actual scope of work is not known.
29. Approve execution of one (1) twelve (12) month service agreement to TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH) Austin, Texas, for the mowing of medians and triangles for the Parks and Recreation Department, in an amount not to exceed \$39,000, with two (2) twelve (12) month extension options in an amount not to exceed \$39,000 per extension, for a total amount not to exceed \$117,000. [Funding in the amount of \$16,250 is available in the 1993-94 operating budget of the Parks and Recreation Department; funding in the amount of \$22,750 for the final seven (7) months of the original contract period and the extension options is contingent upon availability of funding in future budgets.]

Item 22-29 approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

30. Approve negotiation and execution of an Interlocal Agreement for a two-year research project with the Center for Research in Water Resources of the University of Texas at Austin to develop a Barton Springs/Edwards Aquifer groundwater model to analyze and predict total watershed impacts, enabling the City to estimate cumulative effects of prior and future urbanization, in the amount of \$52,000. (Funding is available in the 1993-94 operating budget of the Environmental and Conservation Services Department.) [Recommended by the Environmental Board]

Postponed for 1 week by Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 4-0 vote, Mayor Todd and Councilmember Reynolds out of the room.

31. Approve execution of a contract with KUSTOM SIGNALS, INC., Lenexa, Kansas, for the purchase of forty (40) hand held radar units for use by the Police Department, in an amount not to exceed \$45,600. (Funding in an amount of \$26,220 is available in the 1993-94 operating budget for the Police Department; \$19,380 is available from Seized Funds.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.

32. Approve execution of a contract with WAYEST SAFETY INC., Dallas, Texas, for the purchase of replacement parts for Scott breathing air apparatus, in an amount not to exceed \$57,411.17 (Funding is available in the 1993-94 operating budget of the Fire Department.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

Item 31-32 approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

33. Approve execution of a twelve (12) month service agreement with St. David's Community Hospital Health & Fitness Center, Austin, Texas, to provide physical examinations of firefighters and fire cadet applicants, and to provide drug screening tests of fire cadet applicants, in an amount not to exceed \$78,860. (Funding is available in the 1993-94 operating budget for the Fire Department.) Best proposal of two (2). No M/WBE Subcontracting opportunities were identified.

Deleted on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

34. Approve negotiation and execution of a seven (7) year lease with One Commodore Inc., for 7,498 net usable square feet of office space at One Commodore Plaza, located at 800 Brazos Street, for the Office of Minority Business Affairs, in the amount of \$678,814. (No fiscal impact for FY 1993-94 - Rent for the remainder of FY 1993-94 will be abated. Funding for the remainder of the contract will be contingent upon availability of funding in future budgets.)

Deleted on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

35. Approve the filing of eminent domain proceedings to acquire fee simple title to a parcel of land containing 2,736 square feet of land, and, a temporary construction easement containing 1,008 square feet of land out of the east 79 feet and the center 59 feet of the North 160 feet of Outlot 34, Division E in Austin, Travis County, Texas, owned by William Calvin Otto, James Joseph Otto, Carolyn Trawick, Jessie R. White as Attorney-In-Fact for Lillian W. White, Betty W. Adams, Anna W. Neugent and the Estate of Robert B. Weldon, Jr., the Otto Family Heirs for the Traffic Systems Management design plans for Martin Luther King at Guadalupe Project. (Appraised value is \$89,800.)

36. Approve execution of a twelve (12) month maintenance agreement with JOHNSON CONTROLS, INC., Austin, Texas, for the monitoring and maintenance of heating, ventilation and air conditioning (HVAC) equipment at Palmer Auditorium, Robert Mueller Airport, and the Austin Police Department/Municipal Court Building, in an amount not to exceed \$42,468, with the option to extend for two (2) twelve (12) month periods in an amount not to exceed \$42,108 per extension period, for a total amount of \$126,684. (Funding in the amount of \$24,772 is available in the 1993-94 operating budgets for the various departments; funding for the final six (6) months of the original contract period (\$21,234) and the extension options is contingent upon availability of funding in future budgets.) Low bid of five (5). No M/WBE Subcontracting opportunities were identified.

37. Approve execution of a twelve (12) month Service Agreement with JAVELINA CONSTRUCTION, INC., New Braunfels, Texas, for street edge and surface milling to be used by the Street and Bridge Division of the Department of Public Works and Transportation, in an amount not to exceed \$556,610.99, with one (1) twelve (12) month extension option in an amount not to exceed \$556,610.99, for a total amount not to exceed \$1,113.221.98. [Funding in the amount of \$127,593.22 is available in the 1993-94 operating budget of the Transportation Fund; \$371,073.22 was included in the 1993-94 Capital Budget of the Department of Public Works and Transportation; funding in the amount of \$185,537.07 for the remaining four (4) months and the extension option is contingent upon availability of funding in future budgets.] Low bid of three (3). 39.6% MBE, 5.6% WBE Subcontractor participation.

Item 35-37 approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

38. Approve a request by Al's Food Mart, 3503 Webberville Road, to waive the minimum separation distance requirement set forth in Section 8-3-4 of the City Code, between the store, which intends to sell alcoholic beverages, and the Friendship Baptist Church.

Approved subject to the condition that this is a waiver for the individual applicant, Ali Abed Abu-Safi, and expires with the sale and or transfer of the operation to any other individual, either by lease or any other arrangement on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 vote.

3:30 P.M. BOARD OF DIRECTOR'S MEETING OF AUSTIN HOUSING FINANCE CORPORATION

The Mayor will recess the City Council meeting. A Board meeting of the Austin Housing Finance Corporation (AHFC) will be conducted. Following adjournment of the AHFC Board meeting, the City Council will be reconvened. Items 39-40 are AHFC agenda items to be considered by the Austin Housing Finance Corporation's Board of Directors.

39. Approve Minutes of March 3, 1994.
40. Approve the structure, demand, and financing documents of the Travis County Housing Finance Corporation's 1994 Single Family Mortgage Revenue Refunding Bonds Series A and Single Family Mortgage Revenue Bonds Series B programs and authorizing the consent of the corporation to the sale of the Residual Assets of Travis County's Residential Mortgage Bonds, Series 1991.

ITEMS FROM COUNCIL

41. Approve a resolution declaring "June is Jazz" in Austin. (Mayor Pro Tem Michael "Max" Nofziger and Councilmember Goodman)

Approved resolution and funding up to \$5,000 on Mayor Pro Tem Nofziger's motion, Councilmember Goodman's second, 6-0 vote.

42. Approve a resolution in support of two tree planting projects to be implemented Trees for Austin. (Mayor Pro Tem Michael "Max" Nofziger)

Approve resolution with the deletion of Spicewood Springs and Mesa portions on Mayor Pro Tem Nofziger's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Shea out of the room.

43. Set a public hearing on proposed amendments to the Land Development Code (Sections 13-1-200, 13-1-202, and 13-1-241) adding notice and public hearing procedures for hearings required under Chapter 26, of the Texas Parks and Wildlife Code, for the protection of public parks and recreational lands. (Suggested date and time: April 28, 1994 at 4:30 p.m.) [Mayor Pro Tem Michael "Max" Nofziger and Councilmember Brigid Shea]
44. Set a public hearing to consider whether there are feasible and prudent alternatives to the use of an easement through Zilker Park for the South Austin Outfall, Phase II, under Chapter 26, of the Texas Parks and Wildlife Code or other appropriate authority. (Suggested date and time: April 28, 1994 at 5:00 p.m.) [Mayor Pro Tem Michael "Max" Nofziger and Councilmember Brigid Shea]

Item 43-44 approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

45. Approve a Campaign Finance Reform Ordinance. (Councilmembers Brigid Shea and Gus Garcia)

Approve 1st reading on Councilmember Shea's motion, Councilmember Garcia's second, 5-0 vote, Councilmember Reynolds out of the room.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

46. C14-94-0003 - MV WALNUT CREEK, LTD. (Rick Marcellin), by The Faust Group (William Faust), U.S. Hwy. 290 & E. U.S. Hwy. 183. From I-RR to LI. Planning Commission Recommendation: To Grant RR, Rural Residence, for that area determined to be within the boundaries of the 100-year floodplain of Buttercup Creek, IP, Industrial Park for area north of the creek, and LI-CO, Limited Industrial-Conditional Overlay, with the provisions of the overlay limiting floor-to-area ratios (FARS) and/or square footages as follows: (1) Basic Industry - 0.0886 FAR or 218,385 sq. ft.; (2) Custom and/or Light Manufacturing - 0.210 FAR or 518,310 sq. ft.; (3) Convenience Storage - 0.296 FAR or 729,400 sq. ft.; (4) Limited Warehousing and Distribution - 0.183 FAR or 450,200 sq. ft.; (5) General Retail Sales (General) and (Convenience) - 13,269 sq. ft.; (6) Restaurant (Drive-in; Fast Food) - 3,163 sq. ft.; (7) Restaurant (General) - 9,735 sq. ft.; (8) Food Sales - 11,359 sq. ft.; (9) Financial Services - 11,500 sq. ft.; (10) prohibit access to Sansom Road; (11) prohibition of any use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials on the tracts bordering Sansom Road; (12) prohibit access to Ferguson Road for Lot 159; and (13) 100 feet of undisturbed buffer for lots on Sansom Road; and (5) compliance with an Integrated Pest Management Program (restrictive covenant).

Approve 1st Reading of Ordinance with following changes to Planning Commission Recommendation: To Grant W/L0, Warehouse/Limited Office zoning for lots north of creek; LI-C0, Limited Industrial-Conditional Overlay zoning for south of creek; and W/L0, Warehouse-Limited Office zoning for 3 lots fronting on Sansom Road. Change #13 to read: 25 feet. Add condition #13 to read: Buffer for lots on Sansom Road, "Plus A Landscaped Berm" on Councilmember Goodman's motion, Councilmember Garcia's second, 6-0 vote.

47. C14-93-0127 - CITY OF AUSTIN, by Department of Planning and Development, 5801-5913 East Stassney Lane. From SF-6 to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot).
48. C14-93-0128 - CITY OF AUSTIN, by Department of Planning and Development, 4903-5007 Nuckols Crossing. From SF-6 to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot).
49. C14-93-0129 - CITY OF AUSTIN, by Department of Planning and Development, 5401 Nuckols Crossing. From SF-6 to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot).
50. C14-93-0130 - CITY OF AUSTIN, by Department of Planning and Development, 5105-5205 Nuckols Crossing and 5200 East Stassney Lane. From SF-6 to SF-2. Planning Commission Recommendation: To Grant SF-2, Single Family Residence (standard lot).

Item 47-50 close public hearing on Councilmember Goodman's motion, Councilmember Shea's second, 5-0 vote, Councilmember Garcia out of the room.

Approve rollback to SF-2 on item 50 and leave item 47-49 as SF-6 on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 vote.

51. C14-94-0009 - MICHAEL TOOMEY, by Strasburger & Price (Richard Suttle), West Yager Lane and Park Drive. From GO & GR to MF-3. Planning Commission Recommendation: To Grant MF-3-C0, Multifamily Residence (medium density)-Conditional Overlay, subject to: (1) no further development be allowed if Yager Lane and IH 35 intersection fails (restrictive covenant); (2) properties will no longer access Yager Lane after Park North is constructed; (3) allow a maximum of 20 units per acre; (4) no development in Water Quality Transition Zone (W.Q.T.Z.); and (5) compliance with the Integrated Pest Management Program (restrictive covenant).
52. C14-94-0010 - MICHAEL TOOMEY, by Strasburger & Price (Richard Suttle), West Yager Lane and Park Drive. From LO & LR to MF-3. PLANNING COMMISSION RECOMMENDATION: To Grant MF-2-C0, Multifamily Residence (low density)-Conditional Overlay, subject to: (1) no further development be allowed if Yager Lane and IH 35 intersection fails (restrictive covenant); (2) properties will no longer access Yager Lane after Park North is constructed; (3) allow a maximum of 15 units per acre; (4) no development in Water Quality Transition Zone (W.Q.T.Z.); and (5) compliance with an Integrated Pest Management Program (restrictive covenant).

Item 51-52 close public hearing on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Mayor Pro Tem Nofziger out of the room.

Item 51-52 approve Planning Commission Recommendation noting that the Applicant's lawyer and City legal will get together to figure out what goes on the CO or restrictive covenant, and that the amendment to the Planning Commission Recommendation is that the western most parcel has been changed to 18 units per acre as opposed to the 20 previously; 1st reading of Ordinance on Councilmember Goodman's motion, Councilmember Shea's second, 6-0 vote.

53. C14-94-0016 - MORADO CIRCLE LTD. (Harvey Doerring), by Site Specifics (Bobbie Jo Cornelius), 10700 Misting Falls Trail. From LO to MF-1. PLANNING COMMISSION RECOMMENDATION: To Grant MF-1-CO, Multifamily Residence, (Limited Density)-Conditional Overlay, with the following conditions: (1) limit the density to a total of 25 units for all three tracts, (2) limit height to a maximum of 35 feet, and (3) compliance with an Integrated Pest Management Program.
ORDINANCE NO. 940407-G
54. C14-94-0017 - MORADO CIRCLE LTD. (Harvey Doerring), by Site Specifics (Bobbie Jo Cornelius), 10617 Morado Circle. From LO to MF-1. PLANNING COMMISSION RECOMMENDATION: To Grant MF-1-CO, Multifamily Residence, (Limited Density)-Conditional Overlay, with the following conditions: (1) limit the density to a total of 25 units for all three tracts, (2) limit height to a maximum of 35 feet, and (3) compliance with an Integrated Pest Management Program.
ORDINANCE NO. 940407-H
55. C14-94-0018 - MORADO CIRCLE LTD. (Harvey Doerring), by Site Specifics (Bobbie Jo Cornelius), 10701 Misting Falls Trail. From LO to MF-1. PLANNING COMMISSION RECOMMENDATION: To Grant MF-1-CO, Multifamily Residence, (Limited Density)-Conditional Overlay, with the following conditions: (1) limit the density to a total of 25 units for all three tracts, (2) limit height to a maximum of 35 feet, and (3) compliance with an Integrated Pest Management Program.
ORDINANCE NO. 940407-I
56. C14H-94-0002 - WELLS-LARUE HOUSE, 4524 Avenue F. From SF-3 to SF-3-H. Planning Commission Recommendation: To Grant SF-3-H, Family Residence-Historic based on designation criteria items (1), (2), (3), (6), (9), (11), (12) and (13).
ORDINANCE NO. 940407-J
57. C14H-94-0005 - PIONEER FARMS, 11418 Sprinkle Cut-Off Road. From DR to DR-H. Planning Commission Recommendation: To Grant DR-H, Development Reserve-Historic based on designation criteria items (1), (2), (8), (11), (12) and (13); subject to compliance with the Integrated Pest Management Program.
ORDINANCE NO. 940407-K
58. C14-94-0028 - JELD-WEN, INC. (Jay Schindler), by Austin Permit Service (Melissa Whaley), 600 Industrial Blvd. From I-SF-3 to LI. PLANNING COMMISSION RECOMMENDATION: To grant LI-CO, Limited Industrial Services Conditional Overlay, zoning with conditions.
ORDINANCE NO. 940407-L

Item 53-58 approved on Councilmember Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmember Shea out of the room.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

59. 4:30 P.M. - Rename Prowse Street, from the intersection of Santa Rita Street and Prowse Lane north-easterly to the end of the right-of-way, to the intersection of Prowse Lane and Santa Rosa Street, to Julian Teran Street. (Councilmembers Gus Garcia and Brigid Shea)

Close public hearing and approve Ordinance No. 940407-N on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

60. 5:00 P.M. - Amend the Subsection 504.2.1.3 of Appendix Chapter 53 of the Building Code governing the energy efficiency of water heaters in apartments and single family dwellings by banning the use of electric water heating as the primary source for hot water in new single and multi-family dwellings larger than 500 sq. ft. (Recommended by Resource Management Commission and Building and Fire Code Board)
Postpone until April 14, 1994 on Councilmember Reynolds' motion, Councilmember Shea's second, 3-3 vote, Mayor Pro Tem Nofziger and Councilmember Garcia and Shea vote NO.

Approve 1st reading with the direction to staff to work with the Apartment Association on any difficulties on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote.

61. 5:30 P.M. - Amend Section 13-2-2 of the Land Development Code, revising the definition of "Condominium Residential", to allow detached condominiums. (Recommended by Planning Commission)
Close public hearing and approve Emergency Passage of Ordinance No. 940407-O on Councilmember Reynolds' motion, Councilmember Garcia's second, 6-0 vote.

62. 6:45 P.M. - Amend Sections 13-2-5, 13-2-221, 13-2-1, 13-2-273 and 13-2-235 of the Land Development Code, defining the telecommunication towers, and establishing permitted and conditional use requirements for locations of such towers. (Mayor Bruce Todd and Councilmember Ronney Reynolds)

Close public hearing and approve Ordinance No. 940407-P on Councilmember Reynolds' motion, Councilmember Shea's second, 6-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Council held executive session 6:55 to 7:45 P.M. for discussion on Items 67-70.

The City Council will announce it will go into Executive Session, if necessary, 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 the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item listed on this agenda.

63. Seek legal advice on amendments to Chapters 5-7 of the Austin City Code, Minority-Owned and Women-Owned Business Enterprise Procurement Program. Discussed during the Executive Session held the morning of this date.
64. Discuss landfill issues associated with Mabel Davis Park. Discussed during the Executive Session held the morning of this date.
65. Discuss Donna Minks v. City of Austin, Civil Action No. A-93-CA-237-SS; United States District Court; Western District of Texas; Austin Division.
Deleted
66. Discuss Marie Kershner, et al v. City of Austin, Civil Action No. A-93-CA-381-SS; United States District Court; Western District of Texas; Austin Division.
Deleted
67. Discuss City of San Antonio, Texas, et al v. Westinghouse Electric Corporation, Cause No. 90-5-00684-C, in the 23rd District Court of Matagorda County, Texas.
68. Discuss Houston, Lighting & Power Company v. City of San Antonio, et al., Cause No. 88-923-E, in the 101st District Court of Dallas County, Texas.
69. Discuss The City of Austin v. Houston, Lighting & Power Company, Cause No. 94-007946, in the 14th Judicial District Court of Harris County, Texas.
70. Discuss ownership interest in South Texas Nuclear Plant.

ACTION ON THE FOLLOWING

71. Amend Ordinance No. 930915-A, the 1993-94 operating budget, to accept \$49,571.50 in payment for escrow from Montecito J.V.; and appropriating \$49,571.50 to the Environmental Remediation Fund of the Environmental and Conservation Services Department for the purpose of remediating landfill gas in the area of the Montecito J.V. property adjacent to Mabel Davis Park. (Related to Items 15 & 72)
72. Authorize execution of a Joint Participation and Right of Entry Agreement with Montecito J.V. for the purpose of remediating landfill gas in the area of the Montecito J.V. property adjacent to Mabel Davis Park. (Related to Items 15 & 71)

Item 71-72 approved on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote.

ADJOURN at 9:07 p.m. on Councilmember Shea's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds out of the room.

Recessed from 3:37 to 3:50 p.m. on Councilmember Shea's motion, Councilmember Garcia's second, 6-0 vote.

Approved on 14th day of April, 1994 on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0 vote.