



Austin City Council MINUTES

For April 19, 1990

Council Chambers, 307 West Second Street, Austin, Texas

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

MINUTES APPROVED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of April 5, 1990. (5-0 Vote, Councilmembers Barnstone and Urdy out of the room)

CITIZEN COMMUNICATIONS

Sam Grisvold and Felix R. Rosales Jr., discussed aviation. Sue Schorer, Steve Sawyer and David N. Elliott discussed City issues and the City Council. Mrs. T. Galyean talked about extending parking for the Senior Activity Center located at 29th Street and North Lamar. R. Luthor Carpenter talked about cable television. Mrs. Walter Moore discussed friends of the Austin Public Library. Maria A. Castorena wants to establish funding for Women in Transition program at YWCA, Austin. Mary Hausmann discussed the Sexually Oriented Business Ordinance.

BOARD AND COMMISSION REPORTS

Mary Pelzel presented the Construction Activity Report for Construction Advisory Committee.

A report on the status of the Convention and Visitors Commission was heard by Council.

CONSENT ORDINANCES

The Council, on Councilmember Urdy's motion, Councilmember Barnstone's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (5-0 Vote, Councilmembers Humphrey and Carl-Mitchell out of the room)

Variance

Approved a request from Pamela Bacon for a variance from the requirement to dedicate right-of-way for Riverside Drive. (Case No. SPC-90-0025AS/C14p-85-052)

Waiver of Immunization Charges During Epidemic

Amended Ordinance No. 870514-R to allow the waiver of immunization charges by the City Health Authority in the event of an epidemic. (The 1989-90 revenue impact of this fee waiver is estimated to be \$4,300.00)

Cats and Dogs

Approved an ordinance amending Chapter 3-3 allowing registration of cats and dogs to be administered by a designee of the City of Austin.

Animal Shelter Advisory Committee

Approved an ordinance establishing an Animal Shelter Advisory Committee.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted the following resolutions. (6-0 Vote, Councilmember Nofziger out of the room)

Release of Easement

Authorized release of a portion of the five foot Public Utility Easement and Drainage Easement along the southwest line of Lot 16, Block A, Scenic Brook West, Section 3 Phase I recorded in Book 65, Page 84 of the Plat Records of Travis County, Texas, locally known as 7100 Dunkirk Drive.

Water Line Easement

Authorized release of the ten foot Water Line Easement of record in Volume 2504, Page 508 of the Real Property Records of Travis County, Texas and located on Lot 3, Rutland Drive Business Park, Section Seven, locally known as 2000 Centimeter Circle. (Request submitted by Bob Liverman on behalf of Crow Austin #4 (A), a Texas Limited Partnership.)

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire a Lateral Support Easement containing 623 square feet of land and a Temporary Construction Easement containing 1868 square feet of land out of the Santiago Del Valle Grant No. 24 in Austin, Travis County, Texas, owned by Gene Thornton for the Burleson Road Improvement Project.

Authorized the filing of Eminent Domain Proceedings to acquire title to 396 square feet of land and a ten foot temporary work space easement containing 2084.5 square feet of land out of Lot 2 of the Conoco Addition, a subdivision in Austin, Travis County, Texas, owned by Hays City Corporation dba Tex-Con Oil Company of Austin, Texas, for the Burleson Road Improvement Project.

Rental Rehabilitation Program

Authorized application for and acceptance of Rental Rehabilitation Program (RRP) funds for Fiscal Year 1989-90 from the Department of Housing and Urban Development (HUD) in the amount of \$357,000.00.

License Agreement

Amended the fee payment from \$200.00 annually to a full term one time payment of \$2,000.00 for License Agreement with Enserch Corporation for a 6-inch gas distribution main crossing City-owned railroad right-of-way near Milepost 75.36. (\$200.00 paid by Licensee for 1988-89 period will be credited to Licensee leaving a balance of \$1,800.00 due to the City)

Springdale Road Utilities

Approved an agreement with Travis County, in an amount not to exceed \$160,000.00 for the relocation of water and wastewater utilities for the County's Springdale Road C.I.P. project. C.I.P. No. 388 227 0904.

Contracts

Approved the following contracts:

AUSTIN FORD TRACTOR, Austin, Texas, for the purchase of a heavy tractor loader backhoe in the amount of \$48,236.00. (Amount included in the FY 1989-90 budget for General Services Department)

DAVIS TRUCK EQUIPMENT, San Antonio, Texas, for the purchase of six refuse bodies (used for curbside pickup of garbage), in the total amount of \$114,000.00 with the option to purchase an additional eighteen units over the next thirty-six months. (Included in the FY 1989-90 budget for General Services Department)

Lease Agreement

Authorized entering into a Lease Agreement with Jay Williamson, Trustee, for 4,200 square feet in Cameron Plaza, a retail shopping center located at 7110 Cameron Road, for a health care facility for the Health and Human Services Department. (Funding for the lease of this facility is part of the Health Department budget for FY 1989-90, the rental rate for this property will be \$2,000 per month for five years or \$24,000.00 per annum for the base lease; includes taxes, insurance and common area maintenance)

Parkland Maintenance

Approved Parkland Maintenance, Operation and Improvements Agreement, to allow construction maintenance and operation of the Umlauf Sculpture Garden and Visitor's Center by private groups on City parkland.

Public Hearing Set

Set a public hearing on Adoption of Impact Fee C.I.P. and Impact Fees for Water and Wastewater: May 24, 1990 at 5:00 P.M.

TOM MILLER DAM

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance officially designating the reconstructed Austin Dam as Tom Miller Dam, and directed the City Manager to direct staff to initiate procedures to ensure that the dam is officially listed as Tom Miller Dam on all government documents. (6-0 Vote, Mayor Pro Tem Shipman out of the room)

NEW EMPLOYEES FOR PLANNING DEPARTMENT

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the FY 1989-90 General Fund Operating Budget in the amount of \$60,300.00 to add five full-time employees (FTES) to the Department of Planning and Development. (Funding for these positions from the Community Development Program was transferred into the department's budget by Council action on March 15, 1990)

ITEMS PULLED OR POSTPONED

Postponed to April 26, 1990 is consideration of approving second/third readings of an ordinance revising Chapter 9-6 related to lobbying by clarifying registration and reporting requirements and adding principal registration.

Pulled from the agenda was a resolution to set a public hearing to discuss the Bergstrom Feasibility Study and Airport Projects.

PUBLIC HEARING - INCREASING TAXICAB RATE OF FARE

Mayor Cooke opened the public hearing set for 2:15 P.M. to discuss increasing the taxicab rate of fare and amending the definition of waiting time in Section 8-7-61 of the City Code. Speakers cards are on file in the City Clerk's office.

Motion

Councilmember Barnstone made a motion to move approve the Urban Transportation Commission recommendation.

Mayor Cooke asked, "That is sending this back to the sub-committee, is that what we are doing? Bill, (Stockton), I wasn't in here when you made your report."

Bill Stockton stated, "You do not have an ordinance before you today. You can't take action today, but you can direct the City Manager to direct staff as to how you want the ordinance prepared and we can bring it back in that form. Or you can send it back to the sub-committee for additional input."

Mayor Cooke said, "What I hear you saying, is to recommend that an ordinance be brought back to Council for the modification, or the increase, if you will." Councilmember Barnstone agreed and said that was the motion.

Second to the Motion

Councilmember Carl-Mitchell seconded the motion.

Councilmember Barnstone referred to earlier discussion concerning the law that prohibits sharing a taxicab from the airport by two parties. Mr. Stockton said, "To be sure I am understanding what you want, you are saying that if a cab has more than one passenger that they will pay the rate of that one passenger as long as there is only one passenger on board and it would be up to the two, three or four passengers to decide how to distribute that fare between them. That's what you wanted to say?" Councilmember Barnstone replied, "Right. That is what I am saying, exactly.....well it's coming back in ordinance form so you can....just give us recommendations on that."

Councilmember Carl-Mitchell said he would go ahead to get this on the agenda but he would like to see other options as he has not seen this done in other cities. "I'm open to looking at it but I would like to see draft language."

After more speakers were heard, Mayor Cooke asked for a re-statement of the motion.

Motion Re-Stated

Councilmember Barnstone restated the motion as follows: "To direct the staff to bring back an ordinance in conformity with the Urban Transportation Commission's recommendation for a rate increase, as well as options for the Council to consider at that time concerning the question about multiple fares at the airport."

Mr. Stockton asked if the fares were only airport related or if they would apply to all fares. Councilmember Barnstone asked him to bring back options.

Roll Call on Motion

7-0 Vote

PUBLIC HEARING - LAND DEVELOPMENT CODE AMENDMENT

Mayor Cooke opened the public hearing set for 3:00 P.M. on amending the Land Development Code relating to applications for subdivision plat approval. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, closed the public hearing, waived the requirement for three

readings and finally passed an ordinance approving amending the Land Development Code relating to applications for Subdivision Plat approval. (6-0 Vote, Mayor Pro Tem Shipman out of the room)

HUMANE SOCIETY

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving a three year contract with the Humane Society to provide impoundment shelter and animal registration services at a base cost of \$677,425.00 per year. (7-0 Vote)

CONVENTION CENTER

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, adopted a resolution approving a contract award to J.C. EVANS CONSTRUCTION, Austin, Texas, for site earthwork on the Austin Convention Center, in the amount of \$217,500.00. C.I.P. Project No. 493 827 1000. (\$217,500.00 included in C.I.P. Project No. 493 827 1000 from Convention Center bonds) (6-0 Vote, Mayor Pro Tem Shipman out of the room.)

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, adopted a resolution approving a construction contract award to J.C. EVANS CONSTRUCTION, Austin, Texas, for site demolition on the Austin Convention Center, in the amount of \$134,023.81. C.I.P. Project No. 493 827 1000. (\$134,023.81 included in C.I.P. Project No. 493 827 1000 from Convention Center bonds)(6-0 Vote, Mayor Pro Tem Shipman out of the room.)

RELOCATION OF CITY DRAINAGE EASEMENT

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance to cause to be relocated or provide \$15,496.77 in funds for the relocation of a City Drainage Easement located at 4122 E. 12th Street. (5-2 Vote, Mayor Cooke and Councilmember Barnstone voted No.)

PUBLIC HEARING - APPROVAL OF THE CONVENTION CENTER SITE PLAN

Mayor Cooke opened the public hearing on approval of the Convention Center Site Plan. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, closed the public hearing, approved the Convention Center site plan; waived the requirement for three readings and finally passed an ordinance establishing development regulations applicable to the Austin Convention Center, 500 E. 1st File SP-90-0028C, and 217 Red River Street, File SP-90-0029C (which includes the Convention Center footprint, the Trask House and Detention facilities). (6-0 Vote, Councilmember Urdy out of the room.)

WASTEWATER DISCHARGE PERMITS

The Council, on Councilmember Barnstone's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving a Professional

Engineering Services Agreement with Bickerstaff, Heath & Smiley, 98 San Jacinto Blvd., Austin, Texas, for legal assistance in matters relating to the renewal of the City's wastewater discharge permits in an amount not to exceed \$195,000.00, included in FY 1989-90 Operating Budget for Water and Wastewater Utility. (5-0 Vote, Councilmembers Nofziger and Urdy out of the room)

PROFESSIONAL ENGINEERING SERVICES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution to approve CH2M HILL, 8140 N. Mopac Expressway, Building 1, Suite 200, Austin, Texas, to provide professional engineering services for the South Austin Regional Wastewater Treatment Plant Control and Instrumentation Improvements in an amount of \$360,000.00, included in budget for C.I.P. Project No. 437-237-0912) (6-0 Vote, Councilmember Barnstone out of the room)

EXECUTIVE SESSION

Mayor Cooke announced Council would enter into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

(a) Sierra Club, Save Barton Creek Association, Allandale Neighborhood Association, Texas Association for Public Transportation and Koenig Lane Business Association v. Austin Transportation Study Policy Advisory Committee, Texas State Department of Highways and Public Transportation, City of Austin and Travis County

(b) City of Austin v. 244 Joint Venture

2. Review and discussion of Land Acquisition - Section 2, Paragraph f

(a) U.S. Highway 183/290 Project

RECESS

Council recessed its meeting from 4:05 to 5:00 P.M.

U.S. HIGHWAY 183/290 PROJECT

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution authorizing real property acquisitions for U.S. Highway 183/290 Project in the amount of \$124,750.00 for a 113,427 square foot parcel. (6-1 Vote, Councilmember Barnstone voted No.)

(Later in the Day)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted a resolution authorizing real property acquisitions for

U.S. Highway 183/290 Project in the amount of \$48,602.00 for a 23,144 square foot parcel. (6-0 Vote, Councilmember Humphrey out of the room.)

LEGAL SERVICES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, authorized payment in the amount of \$2,000.00 of additional fees for legal services of Bankston, Wright & Greenhill for the City of Austin v. 244 Joint Venture appeal. (7-0 Vote)

COUNCIL WORKSESSION

Council held a worksession on the Issue Paper: Health/Hospital Services.

ENTERPRISE ZONES

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution amending the City-designated Enterprise Zone to add two areas which include a portion of Harris Branch Business Park and the "Old South Austin Industrial District", and to add boundary guidelines. (6-1 Vote, Councilmember Barnstone voted No.)

LOW INCOME HOUSING

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution directing the City Manager or her designee to pursue an agreement for approval by Council with the Housing Authority of Travis County and the Housing Authority of the City of Austin regarding the acquisition of properties for low income housing. (6-0 Vote, Councilmember Humphrey out of the room.)

WORKSESSION - BERGSTROM FEASIBILITY STUDY

Council held a worksession to hear the presentation and discussion of the Bergstrom Feasibility Study. After a lengthy discussion, the following motion was made:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, in principle, adopted the proposed time frame and requested the Aviation Sub-Committee to report back to Council on May 10, 1990 with a definitive time line. (6-1 Vote, Councilmember Barnstone voted No)

AVIATION ITEMS

Report Postponed

Postponed to May 10, 1990 is the Aviation Subcommittee report.

Reversionary Interest Re B.A.F.B.

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second,

adopted a resolution that states that the City of Austin owns a reversionary interest in all the land that the City purchased for the acquisition of Bergstrom Air Force Base. (7-0 Vote)

Manor Airport

Council had before them for consideration an item from Councilmember Barnstone to direct the City Manager to issue a stop work order on all contracts pertaining to the Manor Airport in the event the Bergstrom Study shows Bergstrom feasible.

Motion - DIED FOR LACK OF SECOND

Councilmember Barnstone made a motion to approve. There was no second, so motion died for lack of a second.

Motion

Councilmember Carl-Mitchell made a motion "to direct the City Manager to suspend work on the land acquisition process for the Manor site for the new airport by issuing stop-work orders for additional work on the site until August 1, 1990, in order to complete the Bergstrom Air Force Base feasibility study; the City Manager is also instructed to continue all activities, including authorizing additional services, in order to complete the feasibility study for Bergstrom". Mayor Pro Tem Shipman seconded the motion.

Councilmember Carl-Mitchell explained that this is for land acquisition process. He said the aerial mapping going on before vegetation gets to heavy should not be stopped..it needs to be completed. City Manager Barnett explained, "The contract for aerial mapping was done in two phases when you approved it. Before the second phase can begin you have to take specific action, so in effect they would just complete the work on the first phase, which is almost done and then you just would not issue any notice to proceed on the second phase and that would accomplish it".

Friendly Amendment

Councilmember Humphrey offered a friendly amendment to divide the question and exclude ZR&R contract due to a conflict of interest. Councilmember Carl-Mitchell accepted the friendly amendment.

Motion to Amend Motion - Not Accepted

Councilmember Barnstone stated: "Let me make motion to amend to direct the City Manager to stop work with the definition that stop work means no overhead, no payments to the consultants".

Councilmember Carl-Mitchell said he would not accept the amendment because "the major reason is I think it important that we keep that expertise on board. There is a nominal fee associated with that and if we had to cancel the contracts we would have to go out on a new RFP and re-bid everything. That takes a lot of time. I want to be sure when a decision is reached on August 1st we have the experts we need on board to proceed, whatever direction we are going

to go at that point in time and not have to go through a 30-60 day process to re-issue contracts".

Roll Call on Motion - Excluding ZR&R Contract

7-0 Vote

Roll Call on Motion - Including ZR&R Contract

5-0 Vote, Councilmember Humphrey abstained, Councilmember Urdy out of the room.

VOLUME SERVICES, INC.

Council had before them for consideration a resolution to authorize negotiating a contract with Volume Services, Inc., La Salle, Chicago, for a food and beverage concession operation at Palmer Auditorium and City Coliseum.

Motion

Councilmember Urdy made a motion to "send back to the Minority Business Office for evaluation of the MB/WBE sub-contract participation". Councilmember Carl-Mitchell seconded the motion.

Substitute Motion

Councilmember Barnstone offered a substitute motion to "support the staff recommendation and to ask that the contract be negotiated so it will be in full compliance with minority participation and brought back to Council when the staff is satisfied and the Council is satisfied that they are in compliance with minority participation". Mayor Pro Tem Shipman seconded the motion.

Ms. Iris Jones, City Attorney, said that legally "we cannot make minority participation a requirement and I don't even want to suggest that we even imply that that's what we are doing. I would not recommend that as your legal counsel".

After further discussion, the roll was called on both motions.

Substitute Motion - FAILED

3-4 Vote, Councilmember Nofziger, Councilmember Urdy, Councilmember Humphrey and Mayor Cooke voted No.

Roll Call on Main Motion

4-3 Vote, Councilmember Humphrey, Mayor Cooke and Councilmember Barnstone voted No.

WAIVING OF PARK FEES FOR EARTH DAY CONCERT AND FAIR

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance approving waiving park fees of \$400.00 for the use of

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Waterloo Park on April 21st and 22nd. The park will be used by Non-Profit Organization in celebrating Earth Day Concert and an Earth Day Fair. (6-1 Vote, Mayor Cooke voted No.)

ADJOURNMENT

Council adjourned its meeting at 11:45 P.M.