



# Austin City Council MINUTES

For May 31, 1990

Council Chambers, 307 West Second Street, Austin, Texas

*City*

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Nofziger.

## MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, approved minutes for regular meeting of May 24, 1990. (4-0 Vote, Councilmembers Carl-Mitchell and Urdy out of the room, Councilmember Nofziger absent)

## CITIZEN COMMUNICATIONS

Sue Schorer addressed City issues. Tim Hamblin discussed cable television issues. R. Luthor Carpenter discussed cable television issues. David Elliott talked about Austin. Steve Mendoza Jr. asked for waiver of fee for the East Side sheltered section of Fiesta Gardens to be used on Saturday July 21, 1990. Elaine Juliano discussed capitol recovery fees concerning a sewage line. Cyndy Perkins invited the Mayor and Councilmembers to attend the Center for Battered Women's Thirteenth Anniversary celebration. Enrique Lopez and Lori C. Renteria discussed City's Bergstrom feasibility study. Sabino Renteria did not speak.

## ITEMS POSTPONED

Postponed to June 7, 1990 is discussion of contract awards to Planergy Inc.

Postponed to June 7, 1990 is reconsideration of an agreement with the State Department of Highways and Public Transportation, approved by the City Council on January 18, 1990, to exclude the installation of a center turn lane on Balcones Drive between RM 2222 and Parkcrest Drive.

Postponed to June 28, 1990 is discussion of a resolution negotiating and entering into an agreement to lease the Arthur B. DeWitty Building at 2209 Rosewood Avenue to the Austin Housing Authority for 10 years.

Postponed to June 7, 1990 is discussion of proposal to establish a Sister city relationship between Austin, Texas and Oita City, Japan.

Approval of the appointment of a Relief Judge for Municipal Court was postponed to June 7, 1990.

**PAVING ORDINANCE**

The Council, on Councilmember Humphrey's motion, Councilmember Barnstone's second, waived the requirement for three readings and finally passed an ordinance approving repealing Ordinance No. 860711-E, which declared the necessity for paving and improvements of Shelby Lane. (5-0 Vote, Councilmember Carl-Mitchell out of the room, Councilmember Nofziger absent)

**CONSENT RESOLUTIONS**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Nofziger absent)

**Eminent Domain: U.S. Highway 183**

Authorized the filing of Eminent Domain Proceedings to acquire fee simple title to the following:

0.204 acre of land and a permanent water and wastewater easement containing 1,995 square feet of land out of the James D. Goode Survey No. 30, located in Austin, Travis County, Texas, owned by Crow-Gottesman-Hill #37, a Limited Partnership for the U.S. Highway 183 Improvement Project.

0.231 acre of land and a permanent waterline easement containing 7,672 square feet of land out of the James Rogers Survey No. 19, in Austin, Travis County, Texas, owned by USAA/Kenston Balcones Executive Center, a Joint Venture composed of Ken Huddleston and USAA Financial Services Company, a Texas Corporation for the U.S. Highway 183 Improvement Project.

.2000 acre of land and a permanent waterline easement of two tracts of land containing 9,508 square feet of land out of Lot 2 of the Arboretum at Great Hills, a subdivision in Austin, Travis County, Texas, owned by Crow-Gottesman-Shafer #9, a Texas Limited Partnership for the U.S. Highway 183 Improvement Project.

0.166 acre of land, fee simple title to a car wash building located on the same 0.166 acre of land, and a permanent water and wastewater easement containing 2,479 square feet of land out of the James D. Goode Survey No. 30, located in the City of Austin, Travis County, Texas, owned by Susan K. Kim for the U.S. 183 Improvement Project.

0.376 acre of land and a permanent waterline easement containing 1,202 square feet of land out of the James Rogers Survey Number 19, Abstract Number 659, located in the City of Austin, Travis County, Texas, owned by McDonald's, a Delaware Corporation, for the U.S. Highway 183 Improvement Project.

**Public Utility Easement**

Authorized release of portions of the Public Utility Easement, recorded

in Book 4, Page 335, Plat Records of Travis County, Texas, located on Lots 1A and 2A, Hardy Drive Addition, locally known as 6909-6911 Hardy Drive. (Request submitted by Terrence Lang Irion on behalf of the Texas Commerce Bank-Austin, O.R.E. Department. File No. 1954-9003.

#### License Agreements

Approved the assignment of four License Agreements for the One Capitol Square Office Building, 300 West 15th Street, Austin, Texas, to the State of Texas and amend the insurance and indemnification provisions of the License Agreements.

Approved the lease of 7,303 square feet of office space from C.S. Inc. for use by the Austin Police Department. FY 1990-91 Police Department Budget. The rental rate of \$78,512.64 per year will remain the same for the term of the lease.

#### Grant

Authorized acceptance and appropriation of a grant from the State of Texas, Governor's Office, Criminal Justice Division for continued funding of the Austin Regional Anti-Drug Abuse Task Force of the Police Department. (Grant Award: \$615,889, City Match: \$269,187 of which \$228,187 is seized drug funds and \$41,000.00 cash match; no fiscal impact to the City.)

#### Contracts

Approved a twelve month Supply Agreement to BOUND TO STAY BOUND BOOKS, INC., Jacksonville, Illinois, for prebound children's books, in the annual estimated amount not to exceed \$60,000.00 with an option to extend for one twelve month period in the estimated dollar amount not to exceed \$60,000.00 per option period for an estimated grand total amount not to exceed \$120,000.00. Library Budget. File IPB No. 90-0409-1-B0.

Approved a twelve month Supply Agreement to BOUND TO STAY BOUND BOOKS, INC., Jacksonville, Illinois for prebound children's books, in the annual estimated amount not to exceed \$50,000.00 with an option to extend for one twelve month period in the estimated amount not to exceed \$50,000.00 per option period for an estimated grand total amount not to exceed \$100,000.00. (This supply agreement is for the 57 Central Library System members through the Austin Public Library. Funding in the annual estimated amount not to exceed \$50,000.00 - included in the Austin Public Library [Central Texas Library Grants Program]).

Approved a construction contract award to REDDICO CONSTRUCTION CO., 1512 Ranch Road 620, Austin, Texas, for Parkwood Drive Wastewater Improvements, in the amount of \$58,114.75. Funding from Water and Wastewater Fund.

#### Public Hearing Set

Set a public hearing to grant a Charter Bus Franchise to American Arrow Co., Inc., and approve a proposed rate of fare: June 7, 1990 at 3:00 P.M.

**LEASE AGREEMENT**

The Council, on Councilmember Urdy's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving negotiating and entering into a lease agreement for office space at the Brackenridge Professional Building with Michael Stevens Interest, 11931 Wickchester Lane, #300, Houston, Texas, for twelve month with one twelve month renewal option for an annual amount not to exceed \$70,000.00. (5-0 Vote, Councilmember Humphrey out of the room, Councilmember Nofziger absent)

**AUSTIN CONVENTION CENTER**

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance establishing fees, including pre-opening rates, for the Austin Convention Center, effective June 1, 1990. (This ordinance establishes pre-opening rates for exhibit halls, ballrooms, meeting rooms, equipment and labor services at the Austin Convention Center. It is necessary to establish rates at this early date to allow potential users of the Center to confirm their bookings at this time.) (5-0-1 Vote, Councilmember Nofziger absent, Councilmember Barnstone abstained.)

**SIXTH STREET CURFEW**

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance approving a curfew for persons under seventeen years of age in the Sixth Street Area. (5-0 Vote, Councilmember Nofziger absent, Councilmember Urdy out of the room)

**COUNCIL MEETINGS CANCELED**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance canceling the regular scheduled City Council meeting of June 21, 1990 and scheduling City Council retreats on June 21 and 22, 1990, and July 18, 1990. (5-0 Vote Mayor Pro Tem Shipman out of the room, Councilmember Nofziger absent)

**FOOD & BEVERAGE CONCESSION AT PALMER AND CITY COLISEUM**

Council had before them for consideration the negotiation and execution of a contract award to VOLUME SERVICES, INC., LaSalle, Chicago, Illinois, for a food and beverage concession operation at Palmer Auditorium and City Coliseum.

Motion

Councilmember Carl-Mitchell made a motion, seconded by Mayor Pro Tem Shipman to adopt a resolution authorizing negotiation and execution of a contract award to Volume Services, Inc., LaSalle, Chicago, Illinois, for food and beverage concession operation at Palmer Auditorium and City Coliseum.

Substitute Motion - FAILED

Councilmember Humphrey offered a substitute motion, seconded by Mayor Cooke to award the contract to MRK, Austin, Texas. Motion FAILED by a vote of 2-4 with Mayor Pro Tem Shipman, Councilmembers Barnstone, Carl-Mitchell and Urdy voting No, Councilmember Nofziger absent.

Roll Call on Main Motion

5-1 Vote, Councilmember Humphrey voted No, Councilmember Nofziger absent.

**PUBLIC HEARING - IMPACT FEE CIP & IMPACT FEE FOR WATER & WASTEWATER**

Mayor Cooke opened the public hearing set for 5:00 P.M. on Adoption of Impact Fee Capital Improvements Plan and Impact Fee for Water and Wastewater.

Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing. (6-0 Vote, Councilmember Nofziger absent)

Motion - FAILED

Councilmember Carl-Mitchell made a motion, seconded by Councilmember Humphrey, to adopt a \$1,308 water fee and a \$787 wastewater fee with a 25% discount for construction inside the City limits. (Motion FAILED by a vote of 3-3 with Councilmember Urdy, Mayor Cook and Councilmember Barnstone voting No, Councilmember Nofziger absent)

Motion - FAILED

Councilmember Barnstone made a motion, seconded by Mayor Cooke, to adopt a \$1,308 water fee and a \$787 wastewater fee with 90% discount for construction inside the City limits and 65% discount outside City limits. Motion FAILED by a vote of 3-3 with Mayor Pro Tem Shipman, Councilmembers Carl-Mitchell and Humphrey voting No, Councilmember Nofziger absent.

Motion - FAILED

Councilmember Humphrey made a motion, seconded by Councilmember Carl-Mitchell to adopt a \$1,308 water fee and a \$787 wastewater fee with a \$1,000 cap per LUE within the City. Motion FAILED by a vote of 3-3 with Mayor Cooke, Councilmembers Barnstone and Urdy voting No, Councilmember Nofziger absent.

Council directed that this item be posted for action June 7, 1990.

**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.

**Pending Litigation - Section 2, Paragraph e**

(a) Briefing and discussion of Smock v. City of Austin and other potential aviation litigation and liability that might impact the relocation of Mueller Airport.

**Land Acquisition - Section 2, Paragraph f**

(a) Review and discussion of real property acquisition for:

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

- a. Parcel 73-44
- b. Account 62
- c. Parcel 57-234
- d. Accounts 60,61 and 74

(2) Convention Center Project

**Personnel Matters - Section 2, Paragraph g**

(a) Discuss the appointment of a Relief Judge for Municipal Court

**RECESS**

Council recessed its meeting from 6:50 to 7:45 P.M.

**REAL PROPERTY ACQUISITION**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, adopted resolutions authorizing real property acquisition for: (4-1 Vote, Councilmember Barnstone voted No, Councilmember Humphrey out of the room, Councilmember Nofziger absent)

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

- a. Parcel 73-44
- b. Parcel 57-234

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, authorized the City of Austin participation with the State of Texas property acquisition for the U.S. 183/290 projects. City cost is: (4-1 Vote, Councilmember Barnstone voted No, Councilmember Humphrey out of the room, Councilmember Nofziger absent)

- a. Account 62 - \$500,000.00
- b. Account 60 - \$60,000.00
- c. Account 61 - \$280,000.00
- d. Account 74 - \$1,100,000.00

**ITEM POSTPONED**

Postponed to June 7, 1990 is approval of the appointment of a Relief Judge for Municipal Court.

**ADJOURNMENT**

Council adjourned its meeting at 7:46 P.M.