

Closed Caption Log, Council Work Session, 04/24/12

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good morning.

I'm austin mayor lee leffingwell and a quorum is present so I'll call this work session of the austin city council to order on tuesday, april 24, 2012.

We're meeting in the boards and commissions room, austin city hall, 301 west willie nelson boulevard, austin, texas.

The time is 9:05 a.m.

First item on our agenda is executive session so without objection the city council will go into closed session to take up one item.

071 of the government code, the city council will consult with legal council regarding the following item, item a1 to discuss legal issues related to november 6, 2012, charter amendment election, proposed ballot language, transition issues, preclearance considerations and related ordinances.

Is there any objection to going into executive session on this item?

Hearing none, we'll now go into executive session.

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>> I see a highway system and core structure as a way to compete with many of my colleagues today.

>> Mayor Leffingwell: We are out of closed session.

In closed session, we took up and discussed legal issues related to item a-1.

Item b-1 has been withdrawn from staff and presented at a later day.

That takes us to item c, which is pre-selected items.

I have only two.

Council member tovo, first is item 16.

>> Tovo: Thanks.

I actually put the other one back on.

I got my questions answered on the second item.

No, I'm sorry -- yes.

Yeah.

>> Mayor Leffingwell: I've got you down for 16 and 48.

>> Tovo: I think it was 16 and 24.

So 16 would be great.

I just have a couple of quick questions.

>> Mayor Leffingwell: I didn't get 24.

I had 48.

>> Tovo: I think it was 24, i just need to double-check that number here in a minute.

>> Mayor Leffingwell: Okay.

>> Tovo: Yeah, I sent it in yesterday.

>> Mayor Leffingwell: So we're taking item 16 now?

>> Tovo: 16.

One quick question.

Provision 2536 talks about participation not permitted at a work session meeting from zit citizens.

This has never been an ordinance form before, has it?

>> Mayor Leffingwell: It's my understanding is pooling the rules.

>> Tovo: This came from a rule?

>> This was from your work session minutes.

>> Tovo: I guess my concern about this one is codifying it in that way doesn't allow us to waive the rules to allow for -- waive the rules to allow for citizen participation as we've done on several occasions.

>> You can always waive the rule.

>> Mayor Leffingwell: Even if it is an ordinance?

>> These are not mandatory.

In that sense, the council could waive the rule.

You're right make sure there is not an issue.

>> T I didn't know if moving from a rule to an ordinance or provision makes it less able to be waived.

In this session, I know we waived the rules at least once in the time I have been here to have commentary from a member of the public, and if this also governs things like the austin energy work sessions, you know, we certainly want the ability to invite citizens up to offer comment without a lot of, you know, rigmarole of waiving rules and this and that.

We're waiving ordinances.

>> So would you like different language?

>> Tovo: I would open it up to my colleagues to agree and, if so, how would we affect change here?

>> Mayor Leffingwell: For me, the whole idea was to make it easier to know what the rules are by putting them in one place.

Having them scattered here and there and resolutions and so forth.

I would personally favor leaving it like it is.

One, you still have the ability to do it, but it has to be a p action to do it for a specific purpose to allow citizen comment.

It has to require the formal action of waiving.

That's my opinion.

Council member morrison?

>> That's one of the lines i have a sticky on here, too.

The reason I was concerned about it because above at 2535, we explicitly say we might be taking action, voting on a work session agenda item that's not on the thursday agenda, so, to me, that sets up -- if we're going to be voting on something, I want to make sure we aren't precluding in any way citizen participation.

I wish there was some way to loosen up the other.

>> In light of what you said, at the time council has done action at work session, we did say that there could be citizen participation on the part that was acted on.

So that would be something i could clearly clean up here.

>> Morrison: Okay.

>> Mayor Leffingwell: When there is an action item, that rule would not apply.

Is that what you're saying?

>> That, at least.

And I think the other issue is that, in general, citizen participation is not permitted at work session meetings, and i wonder if what you're saying, kathy, is could we have something in there that a says unless explicitly acted -- unless council decides proactively to do that.

>> Should I provide motion language for that?

>> Morrison: I would like that kind of motion language.

>> Mayor Leffingwell: Kathie.

>> Tovo: In 2545, briefings, it's been described who can offer one.

In fee, a briefing may be conducted by a staff or council member.

We have beenoff weched briefings by groups, so I think we made language in there that makes that possible, too.

Most of the time, it would seem to me that would be a city initiated task force or commission but there may be okay occasions where we've had a briefing by a group like the downtown austin alliance.

Didn't they do a briefing that --

>> Mayor Leffingwell: At council meetings.

>> Tovo: You're saying these are work sessions.

>> Mayor Leffingwell: Yes.

>> Tovo: Is that the distinction that we don't want to ever have a briefing at a work session that would fall into one of those categories?

>> Mayor Leffingwell: It's possible we might want to.

>> Tovo: So I propose we see motion language that would make possible a board or commission during a briefing at our work session as well as an outside group and, obviously, you know, the kind of outside groups where that would be appropriate will be limited.

>> Mayor Leffingwell: With positive action from council to make that request.

>> We used to do that all the time.

>> Tovo: What all the time?

>> Boards of commissions give briefings at work sessions.

>> Mayor Leffingwell: That was back in the old days.

>> Tovo: My last question about this is I noticed that we're declaring an emergency, and I assume that's so it can pass on all three readings?

>> It's so that it will go into effect on the -- on thursday, so that we won't have any break in between and --

>> Mayor Leffingwell: The temporary rule expires.

>> Tovo: Oh, it expires thursday.

So then it does seem to rise to a certain level of urgency.

>> Yeah, actually, I was thinking that, because your next meeting isn't until -- but you will have work sessions, so you will want it in effect.

>> Tovo: I see.

Thanks.

That's my last question on this item.

>> Morrison: I have questions.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: Under 2-5-33, section b, it says council members should submit pre-selected council items to the I agenda office by noon thursday the week before the work session so they could actually be on -- listed as a pre-selected item on the work session agenda.

What I'm noticing is -- and to make sure staff is here.

It's 2-5-33 b, if we want to --

>> top of page 2.

>> Morrison: I noticed my own personal experience is that, generally, at that point, of course, we only have the draft agenda and I haven't been able to pore through it very carefully.

There is a better chance by friday of noon I would have pored through it, and I wonder if that would work for you to change that to friday at noon.

The question is could you manage -- would the agenda office be able to manage it?

>> The language, notwithstanding, practically speaking, it kind of works that way, anyway.

It sort of says what you said.

When we made the initial presentation, we talked about that.

We said, however, we recognize the kind of practical circumstance you describe, so we made aware friday, even monday morning as recently with this meeting, we would make staff available.

So, practically speaking, we've tried to accommodate that way.

>> Morrison: Okay.

So do you think there is any change to the language, then?

I hate to codify something that we know is stricter than we're really going to be enforcing.

>> I can provide, in addition to the motion sheet, I can provide that.

>> I think it's a good idea since it's going to be on the code, in the code, and part of that is transparency to the public, that we have in there what the council's desire is for that rule.

I think that's just a better practice, to have exactly when you feel is best for you to make those requests.

So if you want friday, even though in practice we're doing that, I just think we should put that in the code.

>> Morrison: So, city manager, are you all right?

I'm not getting what kind of direction that is.

>> In light of what I said earlier, I would agree with that because, again, the practical side of how we would function, i think, still goes a long way to accommodate the members.

So I think that's right.

I think there needs to be a standing articulated in the code for purposes of traps parentsy if nothing less than that, but practically speaking, we'll still try to accommodate.

>> So the language says council members should submit preselected items.

Are you suggesting we just leave it at that and you all will help to try to accommodate us if we don't manage to achieve the thursday at noon?

>> Yeah.

>> Morrison: You're suggesting leave the language alone?

>> I'm agreeing with the city attorney.

>> Tovo: Council member morrison, I appreciate you finding that.

I was looking for a line about that.

I'm glad you're talking about it.

I'm trying to figure out how it will practically work to have council items submitted by noon because we almost always get the agenda in the afternoon friday, and we may have a meeting all day thursday, so it's impractical to get items in on thursday by noon.

It may be even impractical to get them in friday at noon if the agenda is posted at 2:00.

>> Morrison: This presupposes you will only be able to do selected items on the draft.

Here's the thing.

The tuesday work session agenda has to be posted friday afternoon, so there is no way you can wait for the friday posting of our thursday agenda and then wait for input from council and then do the tuesday agenda.

The timing doesn't work.

>> Again, you used -- council member morrison, you used the "

I want to make sure, within this ordinance, we have the ability to talk about whatever we need to talk about on tuesday with the understanding that there may not be staff support if we preselected the item.

When we did an agenda like this with 42 items, it's not feasible to review it.

I had to clear my calendar friday and nothing else.

That's not the way our days work.

>> Morrison: Item c says we can talk about whatever.

>> Tovo: I want to make sure it wouldn't stop us from talking about whatever we needed to on tuesday.

>> We supposed a preliminary agenda the week before.

I was.

>> Tovo: It was pretty different than what posted on friday.

>> Exactly.

>> Tovo: A lot of what we talking about probably in the next hour wasn't on the draft agenda.

>> Morrison: So we're good to go on that.

I do have a couple of other comments.

Under 2-5-33 a to b, it is putting on the work session agenda a council item of interest.

And under b -- well, a council item of interest is an item that's not only the thursday council agenda, could include an item council wants to place on the future work session ajeanda, whatever.

But b says the council item of interest may be placed on the agenda by the mayor or two council members and we have been working this by the mayor or a council member.

So I was suggesting we consider that as an option.

>> I agree.

>> Morrison: Okay.

Then my last comment is under section part 3 where 2-5-24 is talking about setting times certain for items, and it says that council member may request an agenda item or hearing be set at a time certain, if you do it with another council member.

A council member, this is new, without the approval of another council member can request that a zoning item scheduled during the established time for zoning may be postponed until a later -- the later time established for general public hearings.

So that means, if we want to postpone -- if we want to set a time certain for a zoning item, we can only set it for 4:00?

>> That's what the resolution said.

It said you could post it from 2:00 to 4:00.

There is another provision -- this is what the resolution 00, you could post it.

>> Morrison: I guess, from my point of view, for one thing, it makes sense, you don't want to 00 at night, unless, of course, it's this thursday, then it will still be there.

But it seems to constrain us a little bit, and part of the idea is to do time certain if people can't get down there for work and things like that, so i wonder if we might consider a little more leeway there.

Remove the limit on it being the established time for a general public meeting hearing.

>> Okay.

You want us to draft something --

>> Morrison: Yes.

>> We took the resolutions and dumped them in because that's what council previously voted on.

We'll draft a proposed -- do you have any proposed times?

>> Morrison: There is a pragmatic aspect to it.

There is no way we want to get into a situation where somebody's insisting on a time and the 00, and i don't know if that needs to be codified to pragmatic or if we just assume we can all work together on it.

>> (Inaudible) -- miff a specific time.

While you might be speaking about working late, others may be out late.

They may want you to set a 00 to have all the people down early and the people to testify.

Council member martinez?

>> Martinez: I kind of remember this conversation.

I think the point of using the language of our public hearings , for me, was, as i recall, more contemplative of , not at , because, in all practicality, if we have public hearings, we'll take those up in order and may not take up this item.

And the other point is, what if we don't have public hearings and we have a provision that specifically is tied to 4:00 p.m. public hearings?

Can we not post own it at that point since we don't have a posted public hearing?

Going back to what I recall, everything was just about having the option to postpone a zoning item to a later time so folks could attend a public hearing 00, 5:00, 6:00 p.m.

>> Or just having the option either way on a public hearing.

Just having the flexibility for council, I think, is the point.

Any other comment on that?

>> So I'll include that in the motion sheet.

Council member spelman?

>> Spelman: I was going to ask what debra was going to include on the motion sheet.

>>I can include a provision where the zoning can be set at a time certain period.

Do you want it just by once council member, do you want to vote on it or --

>> Spelman: That's where I was going.

What happens if one council member requests something and the rest of the council objects to it?

As this is currently written, one council member asks for something and gets it.

What if someone asks for someone else?

>> One person asks if you can add it.

>> Morrison: I recall, when this came about, when we were trying to work through the change in time for zoning hearings, because there was a push to move them up to 00 instead of, I guess it used to be 4:00.

Is that right?

And the concern was are we going to get into trouble with them being too early, and it was a delicate conversation at that point, and this is what resulted.

>> Spelman: Okay.

I can imagine a solution to the problem you raised earlier about somebody trying to put it off till after the meeting is over 00 or something absurd by that just by requiring a vote of council on any suggested change of time.

I think that would probably be a very easy thing for us to do and wouldn't take anytime at all and there is no reason for controversy.

>> So are you suggesting that for any and all agenda items?

Because this is part of another that says that any two council members can set a time certain for any item, except for zoning items it only takes one council member.

So if we're talking about shirting that to require a vote of the council --

>> Spelman: I still have the same concern.

If two council members say let's 30 and two others say let's have a time 30, how do we resolve the conflict?

>> Morrison: I guess my druthers on this is --

>> (inaudible).

>> Morrison: -- Especially if it's at night, to leave it alone, it's working fine, and if we see we're having trouble with it, come back and revisit it.

We're all adults here.

>> Most of the time.

>> Morrison: Some of the time.

>> This is mott the best time to ask me to be an adult.

>> Cole: So we'll love it as is.

Any other comments, questions?

Can we move on?

We have one hour to get through a long agenda.

Council member morrison?

>> Morrison: I'd like to talk about the payday lending zoning ordinance that we're having a public hearing on.

>> I'm sorry, are we going in order of the agenda?

>> We finished 16.

>> Martinez: I have a question on item 24.

Bert, I wanted to ask a question on item 24.

It's an appropriation of \$306,000 for phase 1 of -- not necessarily redevelopment, but refurbishment of wooldridge square, and it's specific in the backup this is a park that's USED BY MOBILE Os AND FISHES Potentially every evening when they make their food runs.

Have we discussed that with them and will they still be allowed to conduct the donation of food every day during this phase or any other phase?

>> Sure.

Assistant city manager, community services.

We've had, actually, a variety of different approaches to this, not only on the park development side, but the park users, and we have had not only staff from parks department but health and human services that have actually been interacting with a lot of the folks with the understanding that there is a huge need to serve the homeless population.

But marty stump here, who is our planner in our parks department, can give you specifics on that and you can try -- and he can try to provide you answers on that.

>> Thank you, marty.

>> Yes, we've conducted a series of stakeholder meetings today that's been an item of discussion.

We know the temporary placing of fencing around the park will displace that.

So prior to installation of the fence, we will have an understanding, an alternative LOCATION FOR MOBILE Os AND Fishes to do their serving, realizing the fence will be up in place for about six months for turf establishment, so that's certainly an item we will be addressing.

>> Martinez: What are some of the conversations you've had with mobile loaves and fishes about alternative sites and where have we identified alternative sites?

>> We have not identified an alternative site to date.

Before we commence on the project, we'll have to have the plans in place.

>> Martinez: Do you plan on having conversations with graham at mobile loaves and fishes to try to reach a consensus?

>> Yes, sir.

>> Martinez: Great, thank you.

>> Cole:, BERT, LET ME ASK A Question.

I'm trying to understand where the \$306,000 is actually coming from.

Are you borrowing this sum?

>> No, the sources at park land dedication funds, and I think marty can give you specifics, because, obviously, this is through various projects that have been developed that can be earmarked for this use, but i think marty can give you --

>> Cole: So these are projects that actually have been developed, not projects we are anticipating to be developed?

>> The funding for the project comes through the parkland dedication program, so there are two cases site plans have been filed and approved with the city.

So those fees have been received.

They were received in the fiscal year 2012, that would not become appropriated until october without this mid year appropriation.

>> Cole: So we're approving funds now for fees we're going to receive in october?

>> We've actually received the funds.

They don't typically appropriate till october.

They're not loaded into the capital program, the budget for the parks department till october for this mid year.

>> Cole: So this facilitates that?

>> Correct.

>> Cole: Okay.

>> So we have the funding in place.

>> Cole: Council member tovo?

>> Tovo: One of the questions I've had, the funds extend to which the parks department -- the parks board has been apprised of this and whether they've waited.

We have gotten some email expressing different vision force woolridge park and the way we handle the discussions is to use the boards and commission to vet those concerns, you know, use their own expertise in offering recommendations.

So to what extent has the parks board looked at woolridge park in this particular plan?

>> We have a briefing schedule this evening under the directory for port at the parks board meeting that this item will be discussed.

The nature of this work is not a change of use within the park, it's a renovation, turf and irrigation.

There is a plan for a modest number of trees to be planted, but it's not a change of use in the park that would necessarily be an item that we would present to the parks board for approval, but rather, again, it's a basic renovation project that will be briefed to the board.

>> Tovo: Will they be offering a recommendation?

Will they be asked the offer a recommendation?

Part of my question is, straightforward as it might be, there are also potentially other uses of this money, and, so, you know, I really do support the work that's about to happen in woolridge park but, you know, i think smart minds could disagree about how best to spend the park land dedication funds.

Again, seems to me, that's a very appropriate role for the parks board to play in weighing in on whether this is an appropriate expenditure of those funds because they're limited and we haven't made a lot of use of them.

So I think I would welcome their feedback on whether or not they think this is the right kind of project and that's tied closely enough to the apartment.

I think they were both apartments.

>> The schedule would allow for during the month of may for the item to be brought to the parks board as a briefing or an action item.

I do know we will be briefing it tonight under the director's report.

Quite honestly, the planning, this project was initiated fairly quickly, given sense of urgency in terms of trees, tree health, irrigation and turf health within the park.

So the schedule would allow for us to do a more formal action item during the parks board in the month of may.

>> Tovo: At that point, we'll have already weighed in on whether the money should be spent on this project, right?

By then, the parks board action would be coming after --

>> well, if the city council wishes for us -- sounds like marty just described that we had some time that we could take to it the parks board for a formal action and, at some point, we do have to look at probably changing our process because, as marty indicated, you know, if it's a park improvement or a renovation project traditionally in the past, we've not taken it to the parks board for their action, but we certainly can do that, even though this process has certainly undertaken a pretty involved community engagement process and we involved a lot of stakeholders both at the downtown level, social services, the county.

The county expressed a lot of interest because they used this park quite a bit, but we can certainly go back to the parks board if that's what the council's wish is and we would just not act on the item thursday, if that's the council -- council's intent.

>> Well, I guess -- I mean, i think it looks like that would probably throw off your schedule quite a bit, because looks like june 1 is the plan is scheduled to be completed, the construction fence is scheduled to go up on june 8, so I'll have to weigh that over.

I do think at the point where a stakeholder -- I wonder if we could talk more not in this setting but just in the future about how when stakeholder meetings are getting started, maybe that's an appropriate time to let the parks board know that something like that is going on so they can do what we've asked them to do, which is to provide feedback about projects and initiatives affecting our parks.

So I think the answer is maybe to bring them in earlier on future efforts of this sort.

>> We can certainly make that process change in the future to where this doesn't become, you know, an issue like this.

And we'll be happy to share with you, also, because the parks department has adopted what I consider a pretty comprehensive community engagement process that I think would give you the benefit of understanding what we did go through in trying to make sure we reached out to as many folks as we could.

This would give you a sense that we are certainly trying to make a real concerted effort in that area.

But I think a change in the process would certainly address this in the future and second do that.

>> Tovo: I appreciate council member Martinez comment about mobile loaves and fishes.

There's little time for them to develop another location, so that would seem to be a high priority.

Thanks.

>> Mayor Leffingwell: Council member Riley?

>> Riley: There has been a lot of community engagement on this for months and I want to applaud staff for what they've done to pull that engagement together and includes conversations with Graham with loaves and fishes going back a year and he has been cooperative to work with us on identifying an alternate site.

There is a tremendous sense of urgency among a lot of folks to get something done immediately and there is unanimous agreement on that and around the table from everyone involved in this long process.

There are some differing visions for what could be done with the park in the long term, but, really, this particular item doesn't speak to that.

What this does is it allows us some time, takes care of the immediate urgency of, you know, the trees dying and dealing with the grass and getting irrigation in, just to deal with what is a very urgent situation that -- at a time of year when it really has to be done before it's too late.

Then once we've embarked on that, there still will be lots of opportunities to go through the longer term.

And that's if expectation around the table that we would continue to have the conversations and I'd suggest that would be an appropriate time for the parks board to weigh in as we go through the conversation about a longer-term vision that we engage the parks board at every opportunity to work with them on that.

But what pard has proposed as a flexible approach that will allow some further work to be done in the future even though this irrigation system goes in, and we can go into detail on that, but it has to do with setting up the irrigation.

It goes around the perimeter and you can additional work in the future without disrupting everything that's already been done.

I salute the staff for coming up with that and it resolved what's a very difficult problem.

We're stuck between the need to do short-term work and the recognition there might be other work necessary in the long term and I think what the staff proposed is a great way of reconciling those in a way that allows us to get the urgent work done right away.

>> To echo on that, I've talked with commissioner gomez in the county where they've had various events there and basic infrastructure needs like water and electricity for setting up tables and food booths for a festival or an event.

It's not not in place.

So, really, this is what we're talking about.

We're talking about basic infrastructure improvements that gets, you know, addresses a lot of the needs for the festival and even provides the support that alan needs for him to continue to do the service in the future.

So we believe it's a great approach to take it one step at a time.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Thanks, council member, for that background information.

I'm glad to hear there have been a good group of stakeholders in there.

One last question I'm noticing on the plan that the turf grass installation is scheduled to be completed over the summer.

Are there any challenges to planting in the heat of the summer?

>> Our folks in operations have advised we need to get the grass down by the middle of july and no later than that.

Otherwise, we would defer the turf planting till the fall.

So that's the nature of that schedule.

>> Tovo: If, for some reason, you're thrown off a little bit, you will delay that piece of it so we don't lose our investment?

>> That's correct.

We anticipate the fence being up till next spring when the season greens the turf up and it's vibrant and growing again.

The turf, we would like to get it planted in july, as the schedule indicates.

But if the schedule slips, for some reason, the sod could be placed in the fall for that same spring opening.

>> Tovo: Okay.

Thanks.

>> Mayor Leffingwell: Those are all of the preselected items that we have.

I just want to mention this briefly because, on this week's agenda, we have three items that were submitted late.

We do have a form that's supposed to be submitted, council member martinez is the only one that submitted this time sensitive form for his late item that describes the reason that it has to be on this particular meeting.

So the staff has no -- is not able to enforce it.

It's self-enforcing.

I would ask all council members to respect our process in the future, and this is the form.

If you need help getting them, I'm sure myrna can help you with that to make sure we have it for our records and try to control our process a little bit.

Council member morrison.

>> Morrison: I need to get clear where that form is because I didn't know the agenda office had it.

I was told it was at the mayor's office.

There was confusion about that.

>> Mayor Leffingwell: We'll be glad to get a stock of them and put them in my office for convenience sake.

>> Morrison: Maybe I can get a stock and put in my office.

>> Mayor Leffingwell: If you need a stock, you can have a stock.

>> Morrison: I appreciate we have all agreed to do that and we'll plan on doing it.

>> Mayor Leffingwell: Yeah, and the intent of the rule is that this is something that can't reasonably be deferred in --in the case of this one, the reason given is there is not another council meeting before this event takes place that the waivers are addressed.

So that's the kind of thing that has to go on right now.

>> Morrison: Just to be clear, there was quite a bit of controversy over the one that Kathie and I did, and our understanding is that it was something that staff was going to do and, while there was controversy about it, I have to important.

So we decided it was important to --

>> Mayor Leffingwell: Still, I think we want to try to respect the process.

And my understanding was that the staff on this particular item that you're talking about said they hadn't posted it because they weren't ready to do it on that day.

They didn't anticipate being ready, so we'll just have to see if, for some reason, they are ready.

But they said they don't think that they will be.

>> Morrison: We can certainly do that, but, actually, it was a council action that was directed about doing it on this date, so it was much more complicated.

>> Mayor Leffingwell: Yes.

>> I think you're talkn't about short-term rentals and a hearing that might have been set before.

So you may have been talking about a different issue.

>> Morrison: I look forward to getting my hands on those forms.

>> Mayor Leffingwell: We'll give you an adequate supply.

So that brings us to item d-1.

I assume all of you have seen this piece of paper.

We have a lot of different items going on at the same time that require work sessions.

This kind of lays it out in graphic form.

In addition to that, we've received this memorandum which talks about scheduling work eggs to bring the council up to speed on what's been happening with the proposed potential urban rail issue, which has been the subject of discussions the last six months by the transit working group which is a campo committee meeting.

We are completing every friday, now.

And I guess we also have these --

>> (inaudible).

>> Mayor Leffingwell: -- Well, yeah, the work sessions, which some have been postponed.

And I think we need to have a discussion about scheduling all these items with some consideration for trying not to schedule too many of them in the same week.

It's very difficult, when you have a council meeting, that automatically triggers a work session.

Then they have another special called work session on top of that.

But looking at the schedule, the next -- basically, what we've got is part of -- got the month of may and the month of june to deal with most of these things.

I think the rail part comes back in august.

But july is basically out of the picture.

So I'm open to any comments or suggestions.

I'll just start the discussion by saying one possibility is that we could schedule these urban rail briefings on already-scheduled work sessions.

And we could try to get through them in a reasonable amount of time.

It's hard to say how much discussion that would entail, but we need to save some time for our regular work session items.

But that would be my first suggestion, that we could begin with this first urban rail discussion item on 22nd instead of the 21st, as suggested in this memorandum here, and then we could kind of continue to place them on the schedule as we can to get them done in time by august 16.

Does that sound like a reasonable way to begin to approach this?

Any comments?

>> Cole: I certainly agree with that, mayor.

I do think that that saves us some time.

I also would like to see us contemplate not starting something additional, our budget work sessions, while we're considering austin energy and urban rail and still having council meetings.

Do you have any comments on that, city manager?

I'm trying to total up what we have here.

It's three of them.

I guess, could we start those -- well, I don't want to -- well, i guess there is actually only two.

>> Mayor Leffingwell: The budget work sessions are in the light blue.

>> Cole: Oh, okay.

So we only have one, may 2.

Okay.

And tomorrow.

>> Mayor Leffingwell: Right.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: While we're thinking about scheduling and what needs to be managed, I think we have about three austin energy sessions to schedule as well.

In addition, I think you all have a schedule, and that's sort of where we are now.

I did a proposed draft that reshuffles and kind of captures what we have not yet covered from previous sessions and identifies what we have left, so it's a little bit different than the draft you have before us.

If it's appropriate, I'll hand it out so you can get a sense of what we have before us, as I see it.

>> Mayor Leffingwell: This?

>> Tovo: No, that sort of captures what we've approved.

This captures what I think we have left and what a plan of action might be for finishing it.

And, so, it would have us -- my proposal would have us meeting as we're scheduled to do so on MONDAY, APRIL 30th, AND Picking up some of the previous items --

>> Cole: Council member Tovo, hold on.

We don't have it in front of us yet.

>> Tovo: I'm sorry.

Speed is of the essence, so I want to just blast on it.

>> Cole: I just wanted to see.

>> Tovo: Sorry about that.

My proposal is, on Monday, we try to pick up some of those preliminary council actions we've missed.

This is session 8.

We blast on through some of the items that were scheduled for earlier our session this week that we didn't quite finish and that we pick up one of the big blocks of items that was scheduled for Monday, and then we merge two sessions into session 10, but that's still -- you know, Monday is our last scheduled session, so we would need to find three more days to schedule Austin Energy work sessions and one possible week would be May 16th or May 17th to try to pick up two more work sessions, and then that would give us one last one.

>> Mayor Leffingwell: April 30th is already taken.

>> Tovo: Right.

We already April 30th scheduled.

What I've done on my --

>> Mayor Leffingwell: The bonds, rail and con plan.

>> Tovo: I wonder if that's accurate?

We had an Austin Energy work session scheduled for Monday.

>> Mayor Leffingwell: Where does it say?

>> Tovo: It says bonds, rail and con plan and then session in the morning.

So we're already scheduled for a work session for austin energy ON THE 30th.

Then it looks like we would have a bonds later that day.

My point is we probably need to schedule two, possibly three more work sessions after the 30th, AND I WOULD PROPOSE WE MIGHT do that may 16, 17, and try to pick up that last date.

Anyway, I'm not sure if we want to resolve it.

I'm just throwing those into the mix.

But I think we have about three sessions to schedule, still, as we're juggling these other sessions we're trying to schedule.

>> Cole: Well, I have a proposal --

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have a proposal to move the budget work session for TOMORROW, WHICH IS THE 25th, TO THE WEEK OF MAY 27th, WHERE We don't have anything, so that could be the 28th or 29th.

I'M SORRY, THE 29th, THE 30th, THAT WEEK.

LET'S JUST SAY THE 29th.

>> Mayor Leffingwell: The april 25th meeting --

>> Cole: The meeting we have tomorrow.

>> Mayor Leffingwell: May 29?

>> Cole: Yeah, to may 29th.

And then to move the may 2 meeting -- huh-oh.

Well, let me see what problem we have with that.

The may 2 meeting to the week of june 17.

So let's just say june 19.

That would get us into budget starting about may 29 and june 19 and we'll be passed all our austin energy discussions.

>> May I comment?

>> Mayor Leffingwell: City manager may comment.

>> So we understand, given the desire to juggle till we push that back, in terms of public input, we'll be out there talking to people, so, in effect, we'll be out there in front of you talking about stuff that, you know, that, in the absence of the meetings the way they're scheduled, you know, we would have already talked to you about it.

But in the scenario you're proposing, we won't have done that, an, yet, we will be out talking to boards and commissions and others and sharing that information.

>> Cole: Normally don't we go through boards and commissions before you come to us except for the budget?

Is that the only exception?

>> No, it's here, but you can talk more directly about the schedule.

Just generally speaking, we try not to get out in front of you guys.

>> Cole: And if we were to move the meeting from tomorrow to may 29, who are you going to speak to between the 25th and the 29?

What boards or commissions?

>> Our first scheduled meetings with boards and commissions and public input would be on may 8 with neighborhood housing and community development, and then we have some additional ones on may -- may --

>> Cole: Will you give them the presentations on may 8 you've already given to us?

>> Essentially, we'd like to provide the overview presentation.

>> Cole: Like you've given to us?

>> Where neighborhood housing will come and provide details about their budget, grant funding they will be losing from the federal level, some of the things they're struggling with, some potential solutions.

There would be information they would be pushing ut in terms of council having the benefit.

>> Cole: Is that the only department, housing?

>> Mates on may 8.

May 18 is when the next departments are bunch of board and commissions coming up in that time frame.

We try to get them done.

We want to have them scheduled later in the process, so information like unmet needs, financial forecasts, potential budget reductions, we want it laid out to have substantive conversations with them but we need to have them earlier in the process where they can still influence and advise staff's budget recommendation so we can bring it before council.

>> Cole: Do you always start the process of going to boards and commissions after you come to council?

>> Yes, we've always done it in may and june.

It's been spread out in the past, so we've had them as early as late april and they've extended as into early july.

>> Cole: I just thought i remember come together council later.

And, in part, the reason is we've talked to you, so you have the base of information we've provided.

So as we get additional input, we summarize and share it and as we're building our base of knowledge in terms of input, you're getting it, too, to build on your base.

By the time we come with a budget recommendation, you will essentially have, you know, the various pieces of information that we've taken into account in developing our recommendation.

--

>> Cole: On balance, i certainly appreciate your desire to get to boards and commissions and wouldn't want to upset that process to the extent it helps our decision and part of your information gathering and balancing that as going ahead and moving forward expeditiously with austin energy and making a decision on that.

I would still favor letting those two meetings go until may the 29th and april 25th.

>> APRIL 25th?

>> Cole: I'm sorry, canceling the april 25th meeting that we have tomorrow and moving it to MAY, MAY 29th.

>> Mayor Leffingwell: What is wrong with the week of may 7?

Seems to me like we could get these two meetings out of the way relatively painlessly the week of may 1 and the week of may 7, and I think that would --

>> which meeting?

>> Mayor Leffingwell: That would keep us ahead of our first meeting with boards and commissions, correct?

>> Yeah, that would work fine.

>> Mayor Leffingwell: So that's canceling the budget meeting tomorrow --

>> mayor, what do we gain by canceling the meeting tomorrow?

All that does is move the meeting into a part of the calendar that's going to be the most congested.

>> Mayor Leffingwell: Well, let's see, we have four meetings a row.

>> Cole: It's tough.

>> Mayor Leffingwell: Does that make sense?

It's unlikely we'll have full council here for all those meetings.

>> Cole: It's a bad week.

>> So, mayor, you're suggesting we take the 25th of april meeting and move it to may 9?

>> Mayor Leffingwell: Yeah.

>> Just one move.

>> Morrison: Just to clarify, as I u april 25th meeting is a three-hour meeting and the one in may that's scheduled is an all-day meeting?

>> Mayor Leffingwell: That's correct, the may 2.

>> Morrison: The may 2 is all day, so we would be moving just three hours may 7th week.

>> Mayor Leffingwell: Yeah, which I personally would support doing just because this week is too packed with meetings of all different kinds.

More more we have two or lee r --

>> Morrison: We have have two or three more austin energy sessions and more bonds.

So five or six on top of this.

>> Mayor Leffingwell: The rail briefings will be held during regular scheduled work sessions.

>> Morrison: So that would be the 22nd of may and t 5th of june?

>> Mayor Leffingwell: And so on and so forth, yes.

>> Morrison: Okay.

>> Mayor Leffingwell: Yes, and then I think the highest priority would be the bond briefings.

The austin energy meetings, as we've discussed in the past, have been somewhat fluid as far as being able to make as many of those as we can but not to the priority level of the bond briefings.

>> Morrison: Although we do have a goal of being able to act on rates, whether it's realistic OR NOT, MAY 24th, WHICH MEANS It might be good to set some dates in the week of t 7th or the 14th of may for those other work sessions.

>> Tovo: I agree.

We moved this afternoon's work session in part because we had a budget session tomorrow.

So I'm open to the will of the group and will go along with it.

I don't have a strong feeling one way or the other but I would OO to OO and not schedule tomorrow's meeting into an area that -- I would agree, I think chris said moving to tomorrow would not get us a lot.

So we've got two more ausn energy meetings to schedule, at least, and I threw out the 16um 16th and 17th or sometime that week.

The 16th and 17th look reasonably clear for those next two.

>> Mayor Leffingwell: That's only if we don't move the budget briefings.

I thought we talked about moving into those weeks.

>> Tovo: So one potential alternative would be to stick with tomorrow, move one of them, then that doesn't bump one of the budget sessions into the WEEK OF THE 16th.

>> Mayor Leffingwell: I'm pretty sure I cannot make tomorrow.

>> Tovo: Well, yeah, it's a challenge.

I think, you know, certainly, we can stretch out the austin energy rate, but, as you said, we do really have a goal of wrapping it up and getting those rates in place.

>> Mayor Leffingwell: Well, it's just a matter of priorities, I think.

>> Cole: I don't think we're precluded from having austin energy three-four meetings during that week, also, if you want to pack that week so we are prepared, although we are moving the budget work sessions, too, it doesn't preclude.

>> Tovo: Which week?

THE WEEK OF THE 16th?

>> Cole: The 13th.

W I'm calling it 13th because that's sunday.

So if you want to put a 3-hour austin energy meeting on the 14th or 15th or sometime during that week --

>> Tovo: Yeah, it would be great to get two sessions in that week.

>> That would end the regular schedule?

>> Tovo: Austin energy, yes, unless we decide we need one day to wrap up, I think we need at least two, so that would end the schedule.

>> Spelman: And doesn't conflict with any of the other work sessions, the bond sessions, the rail sessions we're talking about?

>> Tovo: Sounds like it may conflict with the budget session.

>> Cole: I think we can do both if we just stick with the -- I mean,ville a packed week like here but that packed week will be the week of the 13th.

>> Tovo: Would you talk me through?

I have to make the list more complicated, the room availability which I'm not going to mesh into this discussion.

Mayor pro tem, what is your proposal with regard to the budget session on the week of may 15?

>> Cole: I would just say we have a budget work session on the 15th and the 17th of may.

>> Mayor Leffingwell: I was going to suggest the 2nd and THE 9th.

>> Cole: Then we don't have a problem.

>> Mayor Leffingwell: Right.

>> Cole: The one on t 9th and then your ae on the 15th and 17th kathie.

>> Tovo: Looking at the room and availability, maybe we need to revisit this outside this setting but the 16th and 17th look like there is more room availability.

>> Cole: But that week.

>> Tovo: That week we try to have our last two scheduled austin energy work sessions, knowing we probably are going to need one more session to make final decisions.

>> Cole: That would be the 24th on the day of the meeting?

>> Mayor Leffingwell: I don't think there is any big reason the action session on austin energy couldn't take place on the 7th if we need to fit in an extra session there.

>> Tovo: So we would meet monday, as already scheduled, and then we would try to schedule an austin energy work session on the 7th of may?

Is that what you're suggesting mayor?

>> Spelman: June is the final checkout.

>> Mayor Leffingwell: The 7th of june.

>> Cole: That might work better because when is the comprehensive plan coming?

Do you remember, laura?

>> Morrison: I think the comprehensive plan is this week and action on the 24th of may.

>> Cole: And that way we don't have the problem of that and austin energy.

>> Morrison: I'd need to confirm that with staff.

>> Cole: Isn't may 24th when austin energy is to come before council?

Well, we set the public hearing this week.

That's how I got that idea.

That would be much better because we have set the public hearing -- --

>> Morrison: So that means we would change our goal for action on ae rates to june 7.

>> Mayor Leffingwell: June 7, yeah, and that actually, the last week of may could be used.

>> Morrison: For having a work session, if need be?

>> Mayor Leffingwell: Yes.

>> Morrison: That would be good.

MAY 24th, I ASSUME, WILL ALSO Be a pretty packed meeting because we won't have a meeting for a month.

>> Cole: And the comprehensive plan.

>> Morrison: We just want to make sure our austin energy folks are okay with shooting for june 7.

>> Mayor Leffingwell: Guaranteed they will be okay.

[Laughter]

>> Spelman: One more thing before kathie starts worrying about the rooms.

We are going to with v a meeting on urban rail on a regular scheduled work session, week 28ening, we don't have one.

But we could have one on the 29th.

Seems what you were talking about was schedule a work session on may 29th to deal with that.

And on august 6, bond session program is not currently scheduled, causing us to schedule one perhaps on august 7.

That would be two new meetings not on this calendar right now.

>> Mayor Leffingwell: Yeah, that week, the week of august 7th looks pretty clear.

>> Spelman: August 7 and the urban rail session would be the 29th.

We would be keeping our tuesday schedule.

>> Mayor Leffingwell: Sounds like we have another tentative schedule set up here.

Always can be changed as needed.

>> Tovo: Mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: If I could just throw a few details into things.

So I guess I would suggest -- and I can make a motion, if need b that we adopt this proposed draft schedule for austin energy, and on session 10 that 00 to 00, which appears not to conflict with council subcommittees.

Then session 11 on 5/17 from 00, and we can revisit it on monday if we need to tink were the dates or times.

>> Mayor Leffingwell: Is that as we discussed?

>> Tovo: I believe so.

I'm just giving you times to consider.

That's the week of may 15, which is what we discussed for the final work session.

But, again, it would be 5/16.

00 and 5/17 1:00 to 4:00.

THE 16th, SO I GUESS IT WOULD Be wednesday and thursday, i guess.

>> Mayor Leffingwell: Why don't you move one of those meetings to -- I guess the week of the 28th is a holiday.

Do we have anything scheduled in that week?

>> Urban rail.

>> Mayor Leffingwell: Okay, on THE 29th.

>> So the 16th and 17th of may (inaudible).

>> Mayor Leffingwell: Right.

>> Morrison: And possible another work session.

>> Tovo: Just to keep us moving.

>> Mayor Leffingwell: I wouldn't worry too much about space because I think we can always exercise seniority and find space around this place.

>> You have 51% of the vote.

>> Mayor Leffingwell: Yes.

All right.

Ready to move on?

Actually, that's all we have, unless there are items that might be brought up that are on the agenda.

>> Morrison: I did want to ask a quick question.

>> Mayor Leffingwell: Okay.

>> Morrison: Item 139 is a public hearing on an ordinance regarding alternative financial services and the zoning restrictions on that, and I know that there is one issue that has been raised, but I wanted to hear my colleagues on.

There is a restriction alternative financial services uses have to be in free-standing buildings, and I would like to understand better why that restriction is there and if there are some -- I don't know, maybe some studies that show that that's an important element, or how effective that is, what impact that has as opposed to being part of other uses.

Or co-located with other uses.

>> I believe I would be responsible for providing you with that information but I do not have access and I will have to get it and make it available to the other council if they want to see it.

>> Cole: I have to add, the general rationale is these types of loans are so expensive, and the people receiving them are usually in a vulnerable position, that having them in a mall just exposes more of -- predatory-type behavior, so the idea is to try to limit that.

>> And I get that and I'm looking for whether or not we have some -- it seems to make sense and whether there is some way to expound upon that or some foundation for that.

>> Spelman: I'll find the foundation.

>> Morrison: Thanks.

>> Mayor Leffingwell: We need to be close to losing a quorum.

I know I have to leave in about 10 minutes, but is there anything else the members would like to discuss?

Council member Tovo.

>> Tovo: Well, I didn't pull this item, but I guess I'm looking over the q&a responses about the designated smoking area, and I just -- I do have some concerns about locating the designated smoking area for an event on a hillside where a majority of trees and brush are located.

Does anyone else share that concern?

>> Mayor Leffingwell: Not in particular.

These are one-time waivers, i guess, for events.

Council member martinez?

>> Martinez: I think what council member tovo is referring to is a potential hazard because of the fire hazard, and while it may not be as much of a hazard today as last summer and as it might be in the coming months, i think it's a valid concern.

So what I would suggest is we talk to staff and have some type of mitigation plan in place whether that's a dedicated water supply or extinguishers or just some type of measurers in place to be able to respond if an incident were to occur.

>> Mayor Leffingwell: All right.

Council member riley.

>> Riley: Wanting to move to another item.

Item 73 is the item -- the air quality item, and I have heard some concerns from the staff at the clean air coalition, so i just wanted to ask, would it cause any problems if we pulled that one -- r, postponed it and took time to work with the staff at the coalition to make sure that we've got all the issues ironed out?

>> Mayor Leffingwell: You're proposing a postponement of that item and taking it up at some later date?

>> Riley: Next meeting, yes.

>> Spelman: I don't believe i have an objection.

I would like to know better what the clean air coalition's concerns are.

>> Riley: I'm not sure how to accomplish that.

I think one reason we haven't discussed this before is that -- inaudible -- to 4:00.

I would encourage staff to get in touch with you or suggest that they could do that.

>> Spelman: I would like some advice from the city attorney about this.

Three people are sponsoring an item but a fourth brought forth information which at least one of these three would very much like to hear.

>> Riley: It's because I serve on the clean air coalition and deal with the staff and work on the issues.

>> Spelman: The staff could cut you out.

That would be a rather artificial way of going about it.

Is there some way we could square the circle?

>> As far as allowing the four of you to discuss it?

>> Spelman: Not at all.

I would like to better understand the concerns of the clean air coalition, but sounds like it would get into a fairly technical discussion, and we have very little time in this work session right now to do that.

I would like to understand better the problem between now and thursday, but --

>> I think you can discuss with other members of the clean air coalition if that's possible to get that information from members outside of the governing body, what the concerns are of that group, if there are other members who want to relay a concern to you that, if council member riley serves on that group, I don't have any problem with other members having that discussion with the sponsors of this item.

>> Spelman: Let me say, as one of the co-sponsors, I'm perfectly happy to postpone --

>> Mayor Leffingwell: As one of the co-sponsors I would be happy to postpone if that would be the right thing to do.

This is a regional issue and this is a regional organization and i, for one, would like the hear about their concerns.

>> Spelman: I just wonder if the concerns were sufficiently easy to deal with so we could get it worked out between now and thursday or would it require months because we are realistically putting off the decision till the 24th of may.

May.

>> I'm not sure.

What I could suggest is that the staff at the coalition are welcomed to get in touch with you and your staff and y'all could talk about that and see if there is anything that could be done before thursday.

>> Spelman: That will be great.

I'll alert my co-sponsors.

>> Mayor Leffingwell: Sounds like a good plan.

Without objection, we stand adjourned at 11:55.