

City Council Work Session Transcripts - 5/21/2013

>> Mayor Leffingwell: Good morning, I'm austin mayor lee leffingwell. A quorum is present so I'll call this work session of the austin city council to order on t MAY 21st, 2013. 9:07 a.M. We're meeting in the burped board and commissions austin, austin city hall, 301 west second street, tin, texas. So to start off the council will go into closed session to take up one item. Pursuant to section 551.071 of the government code the council will consult with legal counsel regarding the
[03:05:01]

following item: Item b-1, legal issues related to selecting qualified applicants for the independent citizens redistricting commission and the strike process by applicant by a councilmember. Since there's no objection into going into executive session on this item, we will now go into executive session.
[04:18:51]

>> Mayor Leffingwell: We take up and discussed legal issues. Before we get started on this, i have to leave at 11:45 today. Two items that we really need to do here in the work session. Item b-1 and item d-2 because there's an action item related to item d-2 on thursday's agenda. But we'll go ahead and take up item b-1. Item b-1 is the applicant review panel's processor selecting qualified applicants. And I guess the item of interest now has to do with the council's only part in this is striking of names from the list of 60 qualified members. And I don't know if anyone has a suggestion on how to go about that. I understand there are no names submitted at this time. The names have to be submitted in writing.

>> We provided a form to everybody that would include language on it, the date and your signature. So it's just a process that we thought would be most appropriate to document the strike process.

>> Mayor Leffingwell: Okay, and that

-- that form is due at 5:00 today. Is that correct? By midnight today. And who is it submitted to?

>> J.J. Gutierrez. The liaison for the applicant review panel. That form will be submitted to me. And you only have to the end of the day, midnight today to submit your strike.

>> Everybody

-- I do not plan to submit any names myself, so it's up to you if you're making an announcement or if you just want to keep it to yourself. Mayor?

[04:20:55]

>> Mayor pro tem?

>> I just want to ask that I do not plan to submit any names that I hope as we go through this process the members of the panel would consider adding more geographic diversity in the final panel that is chosen.

>> Mayor Leffingwell: That is not our purview.

>> Mayor Leffingwell: Any other comments?

>> Spelman: I won't be submitting any names but I have a perverse interest in knowing whether j.J. Will stay up until midnight?

>> Mayor Leffingwell: We'll find you at midnight. Councilmember martinez?

>> Martinez: Go to sleep any time you're ready. I won't be submitting any names.

>> Mayor Leffingwell: Councilmember riley and morrison?

>> Riley: No names either.

>> Morrison: I don't plan to submit a name. Were we asked to fill out a form that says we're not going to submit a name.

>> No.

>> Morrison: And would it also be appropriate we have an african review panel here. Can we have a brief discussion? Could you introduce yourself, please?

>> Carolyn rene. I'm a cpa, auditor, and a member of the applicant review panel.

>> Morrison: Thank you so much for your work. I'm sure everybody appreciates your willingness to serve in all of the work that you did. And could you give us in 25 words or less the process that you went through just so we can have a little bit of an understanding

-- a better understanding.

>> I'll try to keep it at 25 words or less. We're in a three-round process where the first round was to look at all of the applications and score them on a 3 basis. In the second round, one panel member had a lower score than the other members. At that point, we were still adding names to the list. In the third round, we went back and we realized we needed to remove some names to get down to 60. That's where we removed the names and that's essentially how we arrived to find all of this.

[04:23:22]

>> Morrison: Right, a huge number of folks that got to y level, 400 and some, I believe it is. 415, it came down to 444. Hugely talented apply kpan pool. A lot of people said they were not involved in city government before. So we're sending them a letter to say please stay involved because they're not selected for the list of 60 doesn't mean they didn't have abilities and talents to offer. So we were impressed by the applicant pool.

>> Then we read in the paper today and would ask if it's okay if I ask this question

-- we are read in the paper today that there may be a few people that are on the list that maybe don't satisfy one of the

-- one of the requirements and I know

-- could you talk about just how the setting was done. How they reached you all.

>> The minimum requirements was based on the city's auditor's office. They had 500 applications to deal with. They were going only on the information on the application. So really, I can't speak to that in great detail.

>> Morrison: Right. Okay. And was there any thoughts and i don't know if what was reported in the paper is accurate or still up for discussion. Was there any thought in your mind and reconvening the applicant review panel. I understand you have disbanded and absolved yourself.

>> I don't see that happening. You'll have to consult with attorneys and I don't actually see that happening. I don't see that being provided for the city charter. We're being careful to go by the city charter.

>> Morrison: I understand you've been very attentive to that. I appreciate that. Everyone appreciates that. We're on a quick timeline in any case where we're about to end the strike window and tomorrow i believe it's the selection of the eight.

[04:25:34]

>> Correct.

>> Mayor Leffingwell: I want to be clear, you had not considered it within your purview that met the basic qualifications of all of applicants. You took what you were doing and didn't do anything further than that?

>> That's correct. We were given a list and a group of applications that were -- that had previously been vetted by the city auditor's office and we use that list.

>> Mayor Leffingwell: Okay. Any other comments? City manager?

>> I just want to thank j.J. She

-- as you know, she has significant responsibilities with austin energy. So I want to thank her for her willingness to

-- to serve and support that. Thank you, j.J. Larry, thanks for letting her participate.

>> I would like to say thank you to j.J. Too. We told her that we sympathized with the staff to resort to be a sight to auditors. They were gracious, patient with us. And completely unflappable. And we just relied on them a lot.

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: I just want to

-- since I'm the last one, I wanted to mention that i, too, won't be striking anyone. So I wanted you to have that information so you don't have any

-- and just to add my thanks. It was a difficult task and your committee did it admirably. Thanks to all of the members and the staff involved.

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: I had one other question. You were referring to the process that the auditor did the vetting and you relied on that. And just to make sure everybody understands we're all on the same page, I wonder if we could ask the auditor to give us a brief description so that we understand the full picture and the whole process. That's one thing we didn't get a chance to hear.

>> Project manager from the office over redistricting the 10-1 project. And given the resources that we had available and the timeline we had available to

-- to get the applications processed and get the names over to the applicant review panel, we relied on it by the applicant, the last line before they signed off on the application was swearing to the information that they included in the application, which included how long they'd been a registered voter, which elections, the ones that were applicable that they actually participated in as well as demographic information and so on and so

[04:28:10]

>> Morrison: In fact there are several other criteria for qualification beyond the voting record?

>> There are several conflict of interests that involved the applicant or the applicant spouse's history related to the city where they are paying for the employee in a certain time frame or they pay the contractors to have relationships to the elected officials in the form of being a paid member of a campaign committee. And there were several others contributing over a certain threshold to a particular elected official within the same time frame. So there's several conflict of interest provisions that were also applicable. And including in the application that we relied on the applicant's.

>> Morrison: You went from 500 to 400, that was t information they attested to that showed that they were not qualified.

>> That was a portion of it. There were some incomplete applications that we never considered complete as well.

>> Morrison: Four applicants, ten criterion to actually vet each one of those would be 4,000 very difficult pieces of information to be independently confirmed?

>> Absolute life. Some of those I'm not confident that we could ever get to a resolution because of how far back the history goes and it doesn't apply directly to the applicant, it applies to the spouses, information that you may not have readily available. And the records

-- it doesn't just focus on this level

-- some of the provisions apply at the state level. So we'd be going to a broader range of information in order to vet

-- to do the vetting.

>> Morrison: Your approach was what you considered practical? The practical

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>> absolutely. Treated it similar to other city boards and commissions when they fill out the applications, they're attesting to the information they included in there. There's not an investigation done, a review process done to validate that information.

>> Morrison: I want to thank you and the city auditor's office because I know it's been a fast and furious kind of effort. And I gather your part of it is almost over tomorrow with the action of pulling the ping-pongs out of the bucket.

[04:30:22]

>> More to choose from this time than last time.

>> Morrison: Thank you very much.

>> Thank you.

>> Mayor Leffingwell: One more comment. I realize as you just said that a lot of these qualifications or requirements would be virtually impossible to determine with a lot of accuracy. Some, however, could be determined fairly readily. And I assume that the constraint put on you, your office, the auditor's office was a time constraint because money

-- the charter itself, spells out that you'll be provided with funds basically whatever is required to do these investigations. So I assume we can make clear that it was a time constraint. And not the -- not the availability of funds per se.

>> Correct. Definitely was the time constraint. Processing the applications in the manner in which we did. It required more resources than we had originally envisioned. Given the application volume that we incurred. So it was

-- it required a lot of work. A significant amount of work just to do the review that we did. If we included vetting, not knowing the application volume that was to be expected. There were potentially 35,000 people eligible. We knew all 35,000 weren't to apply. We weren't sure if we would get 200, 1,000, or ten applications. We considered that when we planned out the process at the beginning of it.

>> Mayor Leffingwell: To be clear, you did no investigation on your own and strictly on the applicants' affidavit that you judged the qualifications.

>> The only exception was situations when the applicant included inconsistent information in their application. So if they attested to the information that they met the requirement and there's no question about it, we reviewed that and we included them. However, in some situations, the applicant in the essay portion of the application would include a statement that I think I voted in all of those elections but I'm not completely sure. In that scenario, we asked them to go back to the county and we provided the form that they needed to obtain that information, put that on their website. We asked them to obtain that information before we considered the application

complete. We wanted them certain that they were attesting to accurate information in their application.

[04:32:39]

>> Mayor Leffingwell: Any other comments? Okay. Thank y'all. So let's go as we previously discussed to item b-2 for a briefing. Briefing on the to reiterate, a briefing only. We're posted for action on thursday's meeting to actually address this issue. So

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>> thank you, mayor. Members of the council. I appreciate you giving us a few minutes to give you an overview on what we think is a tremendous opportunity for the city of austin. I'm going to go through a brief power point and give you an overview of what the x games is. But I think it's important to start off by saying we think that the x games opportunity extremely positive one for austin. An international event that occurs in spain, germany, france, brazil. 11 years in los angeles. We had the opportunity to go out and get it and bring it to austin. Address kind of the process ase with work through the power point. The x games is a cutting edge. It's about fitness. It's very unique. You can even call it weird. And it -- it fits austin to us like no other. It's an ideal match. And we think with the community behind it that we can achieve it together. Not only with the sports commission, through circle of the americas, it's an opportunity to bid on something that has the potential for a three-year time period. It's a four-day international event. Been in los angeles for 11 years. Over 135,000 visitors in the host city. Their target audience is 12 to 34-year-olds. That doesn't mean that's the only group that attends. That's the core audience. 50 million economic impact. 20 million of that is tv exposure when for the host city. 27 hours of broadcast tv in 50 states. It's 175 countries, 380 million homes. So it's very well viewed. Those of you who tune to espn over the weekend may assume you've seen barcelona, a lot of presence for the city of barcelona. The events themselves. Pictures in a moment, bmx, the rally x, the rally car racing, skate board. Many of you are keenly aware of those. Here's some photos of them. The bmx bert. Pretty dramatic. Beautiful view of the skyline of the city. The moto-x, all about speed and style. The moto x step up. You can see the motorcycle jumper, basically a motorcycle high jump which is dramatic in and of itself. The enduro-x, coming across a steeplechase type of course. The rally x, a small car traversing over a unique terrain. The skate board park, the skate board vert, the large vert ramp. The skate board street, probably the most recognizable event. We see a lot of that on espn highlightings. The skate board big air, dramatic crowd in the background. There are also elements around like any major event other than the competition. There's a large street festival thatngs a great presence to the downtown area to activate. For consumers who may not have had tickets to go to the competition. You want to be a part of the event. We saw that around fan fest. To a great extent. Sponsor parties, certainly red bull, months per energy. The sponsors that activate towards that demographic who follow and the x-games are a part of this. The x games had research every year. Local charities. The local popup. Not unlike what happens in f-1. The community gets engaged and gets behind it. A lot of events for the for profit entrepreneurial committee, the charitable community can participate in it as well. Why is it a great fit? In austin, this event is in the spring, april or may. A three-year agreement, 2014, '15, '16, starting next spring. An opportunity to work together to win the games. We're competing against chicago, charlotte, and detroit. The initial list was 12 cities and we made the final list of four. The currently have a facebook page, x-games austin. We're trying to generate awareness and interest. And the x games' selection committee has told us one of the criteria they have is community spo support

and activation. Will they get engaged will recollects they get behind it? Will they support it like they did in los angeles. Raising downtown awareness. Anything in a we can do to help do that among the business community and the civic community. You may not know

-- there's 16 competing athletes that currently reside in austin. Aaron ross, chase hawk. My favorite, shawn sexton. Morgan wade. They're very much behind this and interested in having it come to the city. 25% of the attendees come from outside of the marketplace. To me it's a branding opportunity for the city of austin that fits very uniquely like we talked about. And as we mentioned, international recognition. This is a facebook page up right now. The process -- 12 interested cities originally. We made the final four. The selection committee is going to come early june. They're going to

-- they're on a tight timeline which is why we're reporting it today. They plan on announcing the winning city in july. There's plenty of prep time and promotional time for next spring and summer depending on what city wins. Chicago and detroit have full-time committees to win this event. A tight process when they announced the opportunity to apply for it and subsequently bid to name the four finalists only a couple of weeks ago. They've been running fast to be a part of the process. We come to you today to ask for first of all help us raise awareness. How to keep the community engaged. To the extent when the community comes to town, they can see x's hanging off of buildings and ordinances that prohibit some of those things. Hey, it's worth a try. When they arrive at the airport, there could

-- they clearly recognize that the city engages the x-games. We have a lot of stuff we want to plan to make sure that the athletes are part of this to welcome them. We ask for sponsorship participation. We ask for the city to help us in this event. As you can imagine, there are substantial costs that the espn x games folks bear and that we bear to put this type of four-day event on three days in a row. And just as important, we ask for your approval as endorsing this and how we have the ability to apply to the state events trust fund just as we have come before you for some of the other events including not limited to moto-gp and supercars. I'm happy to answer and at dress any questions you have. This is a great opportunity for the community to engage and get the x games to austin.

[04:40:40]

>> Mayor Leffingwell: Any questions? So, as I said, we're posted to take action day after tomorrow. What is your time line? Why this fast-paced schedule? Did you explain that?

>> Thank you, mayor. Well, since the committee is visiting the first week in june, we have to prepare with them to say here's the best we can do. First and foremost, probably, when they get off of the plane, we want them to make sure that the community expresses and supports engagement. That's facebook likes, that's presence. We're going to stage a couple of events. They see the community engage. That's

-- you know, it's standing on the corner, a signaling and making sure we're very well engaged. Those types of things. We have to talk to them financially about what we're willing to do and capable of doing as a community, a city, as a venue. And we have to do it that week. The first week in june when they're here, they're going to leave and they're making a tour of austin, charlotte, chicago, and detroit. And when we have the venues in the slight selection tour, they're going to make their decision in the next two or three weeks following and announce in the next week in july. That's the reason for the tight time frame.

>> Councilmember martinez?

>> Thank you, mayor. Sounds like an exciting event. I got to watch them over the weekend on television, the barcelona games. It looked like in barcelona, there was some actual infrastructure that was put into place for the x games specific clip. The question is would that happen here? Would they be public facilities? Is there a public benefit to this? If we are to secure the x games where skaters and bmxors and folks who are in to this kind of activity will have a venue moving forward?

>> That's a great question, councilmember martinez. One of the advantages we believe we have is if the x games chooses austin and brings the event here that they will put infrastructure in and build

-- build a skate park that they don't have to put up and remove like they do in los angeles at the staples center and the library where they're currently operate. That's a benefit to them economically. And, yes, it would be a benefit to the community. We have to work at how that works. For the competing athletes who will in austin will be able to practice and for the general public.

[04:43:18]

>> I heard from the folks

-- some of my best friend's father is a professional skater. A lot of folks at the skate park at house park are really excited about this. But that was one of the premier questions is, you know, one -- get x games here. But, two, what do we get to use as an asset for the community if we are to secure the x games because they want to take their skills to the next level. They're professional skaters and bmxors here in our community that need those types of facilities to continue their profession. Just want to make sure they're hopefully going to be some type of benefit if we were to get the x games here.

>> Most certainly. A tremendous aspect. That's one of espn's challenges. They have to invest a substantial amount for this infrastructure for that three-year period. They understand and want the community to be a part of it. We would want to enable that use. To that point, councilmember martinez, the capabilities and the amount of space we have allows to stage them all at one venue which is very unique. And austin was the city that made the cut. One of the things that made the cut besides the fact that the city is a great city, the building is a venue to be able to operate all of the x games' competitions at the sites. You don't have to go through one venue or another to have different tickets.

>> As far as the street festival goes, do you have any thoughts about where you're hoping to host this event? I know we did the formula fest downtown. Is it going to be something similar? Or are you looking into a park facility? Those are the kinds of things that we need to plan for because of repairs of certain parks that are going to be closed because of other events that are in our parks system that are already struggled.

[04:45:22]

>> Because we moved so fast, we only had preliminary discussions on where the festival would be. We have to work within the current projects and infrastructure that's available. It is an important part of what the x games does. That is activate in the noncompetitive times to make an

overall festival in the community-wide event. We have to live with what kind of projects we're going at the time, obviously.

>> Martinez: Please remind me, is this one long extended weekend? Two or three?

>> Over a weekend.

>> Martinez: Four-day event?

>> Four days.

>> Cole: I have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I appreciate the testimony of how it provides infrastructure for the people who live in austin. We get the question of do these events pay for themselves. I want to ask you of the \$50 million impact that's listed on your slide. How is that calculated?

>> Thank you, council member cole, I expected that question from councilmember spelman.

That's pretty good. The economic impact statement was done for the x-games in los angeles and in 2011 indicated that \$30 million economic impact hard economic impact and \$20 million from the tv impact. Let's talk about \$30 million impact. That ease the visitors outside of the market tied to the variables of spending, incremental hotel nights and sales tax spending, consumer spending in the marketplace among those attendees that come from out of state. And outside the marketplace. We have not completed the impact study yet for the x games in austin, though it's part of the process. We've been running councilmember, cole, but I would anticipate it to be not less than \$30 million in a city like austin.

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>> Cole: So you carve \$30 million hard. But how do you describe the \$20 million.

>> I call it soft, but it's the potential benefit. It's the media value of going to 178 countries with 27 hours of espn programming. So it's the exposure the city gets. The photos I put up that showed the backdrop of barcelona and some of the cities, that's great exposure when for the city. I call it soft value. But it is substantial value.

>> Cole: Value to the extent that people may consider coming to austin or other events other than tourism and that kind of exposure?

>> Yes.

>> Cole: Okay. Thank you.

>> Spelman: She stole mine. Let me ask a backup question if I could to salvage something of my nerdy reputation. Is that impact analysis will be available for us to look at it?

>> Yes.

>> Spelman: I would appreciate the chance to lk at it. Off of the top of your head, is there any caveat we should know about as far as the analysis to us here? How would the impacts change if you transported that from los angeles to here?

>> In general, it should be very applicable. I would give you kind of a biased answer and tell you austin is a much hotter and now city than los angeles is. So I think the propensity for people who want to come here. It's known for fitness and outdoors versus los angeles who which is known for its share of attributes. So I would contend that austin is known to be much more of an attraction, larger visitation. We see in even our most recent motorsports events, moto gp and supercars a tremendous out of state ticket buying propensity that we somewhat anticipated but it's been a pleasant surprise for the people who want to come to austin and see the marketplace

and stay for extended nights to enjoy the experience that austin provides. So I think at minimum, it would be the same, but it will be a bit more positive. That's my biased opinion.

[04:49:39]

>> Spelman: Probably the number of local visitors, local fans will be much smaller media market than los angeles is. That's something you have to take into account. It's less important to us, i imagine.

>> Fair comment. We have the triangle of san antonio, houston, dallas which is a benefit. But I think that's fair.

>> Spelman: Last question. I can't remember where I put it. So I'll hold it.

>> Sure.

>> Mayor Leffingwell: Councilmember morrison?

>> Morrison: Thank you. Real quickly. You would be accessing the events stress fund.

>> The events stress fund at this point.

>> Morrison: We're all familiar with the way that works with f-1. Does it work the same way where the local organizing committee makes a commitment and then a certain amount of funding can flow back through from the event stress fund?

>> It would be in this scenario it would be the events trust fund. And so it would be based on the incremental sales tax generated

-- sales taxes generated by the attendees who come in for the event. So if there's no event, there's no incremental sales tax, there's no reimbursement opportunity to reimburse expenses within that. But in general, it works through the same methods and processes.

>> Morrison: Can you put some numbers on that in terms of i remember with f-1, it was \$4 million. What's sort of the up front local contribution and over the span of the ten-year agreement, I guess it was, there was a total that would flow out of the trust fund. Can you give us the same numbers for this?

>> I would love to give you numbers. We don't have an economic impact study done yet. And there may be with councilmember spelman's question some nuances and some things that could vary between sales tax generated. Happy to provide you that as soon as we have it.

[04:51:44]

>> Morrison: So can you give us orders of magnitude?

>> Gosh, I'd say it's

-- it's probably somewhere in a v-8 supercar moto gp scale if we measure economic impact alone without taking into account the number of hotel nightings and visitation and spending which is difficult to do because of demographics are different and the type of year is different.

>> Morrison: What was that?

>> In the v-8 supercars, we applied for \$800,000 for reimbursements and now for gp, it was slightly above that.

>> Morrison: That would be on an annual basis?

>> A per event basis, the reimbursement. If the reimbursement doesn't exist, if there are no incremental sales taxes generated, if there's no event, there's no incremental sales taxes

generated.

>> Morrison: That's the whole theory. Part of this is on the agenda, you mentioned the city sponsorship and I believe on your agenda it mentioned \$150,000 value. I haven't looked at the back. I don't know if there's anything more specific than that. And this might be question for staff. And that is how

-- how do we arrive at a recommendation. I assume this is the recommendation for staff. How did we arrive at the recommendation of \$150,000 as opposed to \$50,000 or \$1 million, I'll say?

>> Councilmember, we looked at

-- actually they asked for more than \$150,000. But what we looked at was south by southwest as an event and looked at the sales tax and that south by southwest generated and then took the -- the incentives that we gave them which was, i don't remember the number offhand. But those were the waivers and the other contributions that we made. And we annualized that as a percentage of the money that they generated. And we did the same thing with them, which was \$150,000 based on what we thought that they

-- and this is an estimate, what we thought they would generate in terms of funds. So we used the same formula just to we could be

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[04:53:58]

>> Morrison: Some kind of framework.

>> Yes, thank you.

>> Morrison: Okay. And so when you're talking about the amount that it

-- that we estimate this

-- the x games would generate, is that \$30 million?

>> About \$50 million?

>> Morrison: Could you make that information sflabl.

>> Yes, we can.

>> Morrison: Great. One last question. That is

-- this might be from your perspective. The fact that the x games is moving, is there any reason that they're leaving L.A.? Is L.A. in the mix again?

>> No, a good question. Los angeles had it for 11 years. They initially had the event when they were building the staples center which is an indoor amphitheater, a variety of attractions to help get the awareness for that

-- for that area. And this is coming from the sports commissioner who said they'll reapply for it. They're not reapplying for it this year. Primarily because when the x games comes in, they do have certain mandates and requirements that say you need to establish and set up our facilities and our competitive areas. And what blocks you from using yours and in their example, 30 to 45 days around the event. So since they got the staples center and the theater and all of these venn unions properly established to block them for 30, 45 days, there's a real challenge. They're in the maturity and they're clicking along. Because of the expansiveness of our land, we have the capability of doing that and not have to block that part of days. We'll have to block some, but that volume of days and be able to operate parts of our venue when the setup and takedown is occurring for the x games. That's the sole reason I've been told they didn't apply this time around.

[04:55:58]

>> Morrison: So what you have to block is just your venue. Not, for instance, the irwin center?

>> That's correct. Just certain areas of our venue.

>> Morrison: Joust yours, doesn't extend outside your land.

>> That's correct.

>> Morrison: Okay, thank you.

>> Sure.

>> Mayor Leffingwell: Councilman riley.

>> Riley: We recall in the earlier discussions about the circle of the americas and the formula one events in particular, there was a lot of discussion about ways that we can ensure a particularly local character for both the venue and that event in particular. Do you see any opportunities for providing an austin spin on this international event and in particular thinking back to the sustainability agreement about sustainability goals in light of the fact that there would be some construction of facilities associated with this event, do you see any opportunities to advance the goals that were going to be addressed in the same agreement?

>> Well, certainly. We think this event from a brand new perspective is the closest tie to what austin is all about than anything that we've done. It just

-- to me it screams austin. But the sustainability prior to the first event, there are some green initiatives that come with x games including not limited to recycling, other green initiatives that they mandate the sites deploy, that we have in place and can kind of expand upon. And the construction of the facilities are primarily tied to areas like skate board and bmx park that can be used by the community to councilmember martinez' comment. But there are, I think, the landscape is open beyond that as to what they're willing to do to identify the community in the city. So I think we've got the beginning framework to do that and we can build from there and go almost anywhere.

[04:58:00]

>> Councilmember also just to let you know, we view the circuit of americas as the facilities, not the event. So we have tied in every agreement that we have with the circuit of americas, we have tied sustainability to that. So it goes to the event but it also always will be with the facility itself.

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>> Riley: I appreciate all of the work you've invested in transportation to the event. And I assume the positive relationship we developed in the previous events that would continue throughout the x-games and that we would continue to try to make progress on transportation and on other issues with the event in general and the sustainability aspects of the event in particular.

>> Absolutely. You have our commitment on that. You'll hear the coming weeks the initiatives that we've been working on for the past five months that can flow up on our preliminary conversations and the work we've had relative to the different types of events at the track and different types of relationships in the community here and fulfill obligations in the sustainability rim that we reached.

>> Riley: Great, thanks.

>> Thank you.

>> Mayor Leffingwell: Thank you very much. See you thursday.

>> Thank you, members.

[05:00:29]

>> Spelman: This is for a proposal in the change in the ordinance that is before us, which puts us into at least some semblance of legal speech what it was i was hoping to accomplish with the amendments we were discussing a couple of weeks ago. This is the legal speak version of -- if the council wanted to review actions of the board, one way we could do it. Within three business days. All actions had to be posted and so everybody could take a look at it. Not just council but the entire public could take a look at it. The council could choose to do any action on the board on the list of things the board has done, through the usual ways we do things like this. One of them would be to sponsor an item from council. The original proposal was it would require more than just two people, but what I was referring to at one point was the super minority, no fewer than one-third but couldn't be more than one half, obviously that is a quorum and alternative it could get on through the committee through referral of counsel. Before the council considers it, it could adopt, reject the adoption, modify it, or it's something that occurred to me somewhere along the line, maybe it would want to let it stand. The majority of us don't feel strongly enough to adopt it. We can't come up with the majority of the people to make a modification on the other hand. People don't feel badly enough to reject it so people are like let's split it and go through and let stand may be a reasonable option for counsel as well, the same way the court may let stand the decision of a lower court. So this is one way we could handle it. The basic idea here and i think what may be different from council member riley's proposal a couple of weeks ago is that this would not require council action on any of these issues, except of course for the ones identified as requiring council action, such as rates, eminent domain andbonds. Other than that, no council action would be required but council action would always be available through the usual means. We have all the information of what it is the board had done. We had 30 days to pull off the table and say we want to take a look at it. We would not want to take action within the 30 day period. All we have to do is put in an ifc or referral from a council committee. Okay, we want council to look at this and -- I w counsel to look at this and once the decision as made, the council will haves much time as needed to consider the action in detail and take whatever action decided needed to be taken. That would be my opening salvo in these barrage of voices.

[05:03:18]

>> You have more to hand out.

>> That's all I've got.

>> Spelman: There is a lot of other things we can talk about but I think this is a critical issue and we come to a meeting of the minds of the criticalssue, then i think this stuff we can easily sort out.

>> Mayor leffingwell: Any other comments.

>> Riley: Mayor.

>> Mayor leffingwell: Council member riley.

>> Riley: A few questions. First I am grateful for council member Spelman for taking up the effort to set up these procedures and I think there is definitely something here we can talk about and hopefully come to an agreement on. I would also note that there is a separate item related to the establishment of a council subcommittee and that might provide another helpful venue for discussions for refining any process regarding the governance of Austin Energy and whether that is the actual ongoing review that we anticipate will happen in the future or -- or a continuation of this conversation about how -- how we -- what structures we put in place regarding Austin Energy governance, but to get back to the specifics of your suggestions here, just a couple points of clarification. First, the -- in paragraph b -- well, no, paragraph a, you mentioned -- you suggest that within three days -- business days of each board meeting all actions of the board shall be posted for council in view of consideration. Where would you picture those things being posted? Would they be on the -- every board of the city now has a webpage that -- where their agenda is and other materials are posted. Are you picturing that their actions being posted on the webpage for the electric utility board?

>> This would be a public -- I was anticipating a public posting, whatever our usual means are. I understand there is a website. I think we have other public -- we have a message board and a bulletin board where we post things.

>> Riley: I move away from that one.

>> Spelman: That's fine. Wherever we do to post stuff for the public so the public and council could have access to it is what I had in mind.

[05:05:22]

>> Riley: And would this proposal require that no -- that there be some period of 30 days or maybe even longer before any action of the board could become effective?

>> Spelman: This would anticipate that if the council did not take some positive action to, say, it wanted to review it, it wouldn't take effect in 30 days.

>> Riley: Is there something in which a board action could be final in less than 30 days?

>> Spelman: No.

>> Riley: Cousin that strike you as -- does that strike you as a problem, for instance, in procurement issues and things? Like the day-to-day operation of the facility that there would be a 30 day lag time before the board decision could be effective?

>> Spelman: It could be. I defer to the electric utility on the question but it could be that putting together an emergency provision might be a good idea.

>> Riley: Would it be appropriate to get some input from staff at this point as to whether or not --

>> Mayor Leffingwell: Coming up now.

>> Riley: Larry, thanks for being here. Just as a practical matter, suppose every

-- every decision regarding the utility has to go through the electric utility board and then a 30 day period has to pass before any decision the board could actually take effect so as to allow time for council review. Do you foresee any issues with building in a delay of 30 days before the board's decisions would become effective?

>> Well, I guess that would depend on the process leading up to that. In other words, if it was a time period before the board made a decision, and then a time period for all

-- the ultimate time period. Generally speaking, I don't think it is a problem as long as we can plan for it.

>> Riley: I assume this board would be meeting once a month. We do have some boards

-- at least one board

-- well, a few boards that meet twice a month, but I think

-- i think the expectation has been that this would be a once a month meeting so there might be well a time delay getting to the board. Are there, for instance, routine procurement decisions which

-- which

-- as to which we

-- it might serve the interest of the utility to have a quicker decision taking effect?

[05:07:53]

>> If

-- if the actions are similar to what we bring as an rsa today, then I would say no, because our emergency procurement is done, as you know, separately, and that's done every hour, so that's different. So I would say that it's probably real similar in time scope to today's environment.

>> Riley: So you already expect a great delay?

>> That's correct. That's correct.

>> Riley: I would be interested in getting input from others but that's all the questions I have at this point.

>> Spelman: Me, too.

>> Mayor leffingwell: Council member tovo.

>> Tovo: I have a few questions. It seems to me one concern we heard is that council

-- well, we have heard a variety of concerns. Let me just cut to the chase. I guess the need to proactively take time to discuss whether or not an item should come before the council for consideration would seem to me adding another bureaucratic process and one that could potentially be time consuming, the need to

-- it would either have to come from a city council

-- from a standing committee, which I assume would be, if it passes the council subcommittee that's been proposed, or a third of council members, so we will have to have a discussion potentially, you know, a lengthy one, to determine whether something could and should come before council for a vote and then we will have to vote on it. So number one would require, you know, if it's not

-- if th not a consensus on what should come to council, we will have a discussion and a debate about it. I am not sure this is a smoother or more efficient process than having everything come for review and we either pull it off of consent or we don't, in the resolution that has been proposed

-- ordinance that has been revised, excuse me.
[05:09:54]

>> Spelman: I think a lot of that would depend on how good we are of picking people for the board. If we pick the right people for the board and they think very much the same way as we do as a council, then the number of items that we have to look at and take a look at would probably -- take a look at would probably be small and this would be fine. If we pick people for the board and they are making decision that is seemingly been wildly variants from what the council had in mind, then we probably would pick a lot of them and it would be more efficient to have the whole list and pull them off. From my point of view, i would like to believe that we would be wise enough to choose the right people for the board. The board will make decisions with which are consistent of what the council would do if we had all of the information available and its relatively small number of decision that is the board would make that we would want a second look at. In those cases, I can easily imagine council member tovo looking at the list of thing that is the board has done, saying 2 and 4, these look like they are pretty important. I think I need more information on them and then going up and down the aisle and saying I would like to have a second or a third to help pull these off of a agenda and take another second look at them and i think it wouldn't be difficult for you to find takers. I do not think it would be difficult for you to take takers, if you are pulling something off of a de facto consent list and saying, i want to take another look at them. If we try to pull them all off every time, I think you might get more resistance from council members, but if we pick the right people, most of the decisions look like they are more or less indice puteble and not worthy of a second look but if a few of them are, i don't think you will find much trouble finding people helping you.

>> Tovo: I guess I am struggling with the value of proceeding that way is, versus just having them appear on our list and either discussing them or not discussing them. I mean, what do you feel is the value of there having be an additional process by which we can vote to approve to take them off the list? That seems to me tremendously cumbersome and from the perspective of somebody who then has to

-- has to try to put this together and make sure we do it within the time frame and that we have enough votes to pass it, to pull it off the agenda, it doesn't seem to me an improvement in what we heard needs to be

-- would be benefited by being a more streamlined process.

[05:12:28]

>> It seems to me the big issue is who feels accountable for making the decision. In the pure advisory board, the board itself doe not feel accountable for making the decision. It on the feels accountable for representing a constituency or representing a point of view so you get a different number of people on an advisory board, they are going to say what they are going to say without a concern, if they call it wrong, it's actually going to become policy or law. If you give the board the authority to make a decision, which unls it is second guessed by a higher authority, it will be law or policy, I think we need to take it seriously. We will have to ask more questions. The meetings will be longer and more discussion before a decision gets reached and i think there will

be better decisions. I think we will be in a better position to have longer discussions based on more information than we would as a council because they will be specializing in the electric utilities in a way we are not able to do and will have the bandwidth available to do that in a way we aren't able to do. My point of view the critical issue is% accountability a and advisory commission won't be in a position to be as accountable for the decisions they make for the decisions they make can at least be conceivably final decisions.

>> Tovo: I suppose that's possible, that they may take the role more seriously if they know those decisions become final. I guess I would a all of our board members, I hope you are accountable to your decisions because very often we followed the recommendations of our boards and commissions and doing so without digging as deeply as they do during the meetings. I rely heavily on boards and commissions to really sort through in some detail, even though they are advisory opinions, I think they certainly matter in terms of our process at council, so i take your point. There may be individuals who feel more accountable if they know they are -- have some measure over the final decision as an electric board member, but I guess in the end, we need to stick with the process that is going to work best overall. I appreciate your creativity in thinking through this and trying to put some different ideas out there. I am going to need to think -- I was getting to a level of comfort with what we had before us, but this is -- this se to go in a little bit different direction. A little bit more like the original resolution, but something I am a little less comfortable with, but thank you for the explanation.

[05:15:03]>> Mayor leffingwell: To be clear, what we have before us is what passed on first reading. The other information, the proposal by council member riley is back-up information.

>> Tovo: Thank you for that clarification. I will make my own clarification. I am not at all comfortable with what we have in backup as first reading. I am more comfortable in backup as a revised resolution.

>> Mayor leffingwell: Let me make a comment. I think I may be the only -- well, council member riley and I are the only ones who actually served on a board or commission.

>> I did, too.

>> You did, too.

>> The planning commission in the waller creek.

>> Mayor leffingwell: It's all the same. But normally the role of the board of commission, as an advisory group is to make a recommendation based on their perspective. So, for example, if the environmental board were to make a recommendation on a certain item, that would be from the environmental perspective, and people that serve on those boards, i know I certainly knew this, that there were a lot of other perspectives to be considered with the whole proposition. So certainly their advice is valuable but there may be other things that the particular board did not consider, and I don't know how much that has to do with what we are talking about here today, but I just wanted to clarify that an electric utility board that had real authority would be operating from a holistic perspective and not from the perspective of normal board and commission. And I basically

-- just very briefly, my opinion on this. I am glad council member spelman has offered this as an alternative, but what

-- what the backup proposition proposes is basically another advisory board which has no sovereign authority, in fact, creates additional layers of bureaucracy and makes the operations of the utility less

-- less efficient, not more efficient. My preference would be as opposed to adopting council

member riley's proposal, would be to do nothing at all, because I frankly think the set-up that we have right now is better than layering up another board and commission, where potentially we would have an electric utility commission, maybe, unless we choose to abolish that, weighing in a certain issue. The rmc, weighing in on that issue. The electric utility board, as sort of in line with those other advisory boards, weighing in and then we would have a council subcommittee potentially weighing in and then finally the council, so it seems to me to be much more awkward and I think for the good of the city, we would be better off just withdrawing this whole proposition than going in that direction. So I think it has to be -- it has to be modified in some way and frankly, I think I have said this before, the general perception is, and along those quarters and along those same lines. Council member.
[05:18:33]

>> Morrison: Thank you. I also have a concern about the workability of this and one -- one of the issues that come up for me is -- one of the issues that come up for me is the 30-day period, because there are certain times when city hall goes dark, for instance. Basically in July and the break and over the holidays and so I could see, especially how things line up and timing, that that could create a challenge, but I do appreciate the point that you are trying to make, and that is how do we distinguish that the board that we are envisioning is not -- is sort of an esse tunc kind of thing, not just regular advisory board, saying you make the decision unless council wants to override it and I want to throw out an analogy that I think is really important and distinguish it and tells -- tells, speaks to me in terms of why -- what we have in the table on the back-up from council member riley's perspective is different from just a regular advisory board and that is, if you think about the planning commission, and what the planning commission does, they don't have sovereign authority over the zoning cases, but what does come to us on our agenda is the planning commission's recommendation, and if we don't touch it, then it is the planning commission's recommendation that goes forward. With all other things that come forward, except for -- the zap also, other things that come forward, particularly now with Austin energy items, what comes forward are staff recommendations and sometimes we have an executive recommendation for or against it and sometimes we have nothing with regard to it. But the default is adopting staff's recommendation. So for me, what we have set up, if we think in terms of all the actions that this new board would take, coming to, envisioned it, a new kind of section on our agenda, and those are like planning commission recommendations for zoning. It is -- we are accepting those and if we want to -- and if we want to delve into them and see how staff has changed, this then we will have an opportunity to do that. And to me that is a distinguishing element of the structure that's in the backup and an important one. And it adds, you know -- it does add a layer of transparency. Frankly, I didn't envision the executive would continue -- I think it struck as a matter the revision that's in there. Is that correct?
[05:21:20]

>> If I could

--

>> Mayor Leffingwell: First, I would like to point out that the planning commission does have a

lot of sovereign authority. A lot of the things they do never come to us. They are just certain categories of things, ordinances, including zoning ordinances come to us but they do have sovereign authority.

>> Morrison: I understand that, mayor, but what i wanted to point out is that on zoning cases is not what comings to us the fast recommendation but planning commission's recommendation so their

-- is not staff recommendation but commission recommendation so it holds more weight than a planning recommendation.

>> Spelman: I would like to say one thing. Although it is more common practice to vote on the planning commission recommendation and not the staff recommendation, we have both of them before us and we could pick either one. I can think of cases where we picked staffing recommendation and not planning commission recommendation.

>> Morrison: But the default is planning commission recommendation. If it goes on consent, it is the planning commission recommendation.

>> Spelman: That is an important distinction, i agree with that and one important thing is that planning and review development staff take very seriously the planning and commissions with respect to the kind of cases they make, how much time they spent, and those twoollisions spend a lot

-- those two commissions spend a lot more time in part because they meet more often and in part they do longer in work they do as commissions because they know they are going to be the default option. I think, however, the other part of this is important. That is the operative words you said is if we don't touch it. The only thing I am suggesting here, our rules for not touching it, I would very much prefer and I think a lot other people would very much prefer be somewhat more distance than posting a list of possible things and we can pull off consent on a weekly agenda. It would require a little bit more work for us to pull something off consent, post it separately, than a lot of people would feel a lot more comfortable about the authority that the electric utility board would have without reducing in any tangible way, I think, the authority of the council to be able to pull things

-- pull things up and review them.

[05:23:37]

>> Morrison: And i appreciate that explanation. I think that

-- I would be happy to contemplate and sort of brainstorm about other ways to do that. I am concerned about the 30 days. I am concerned about the

-- what you have here in terms of the

-- just the practicalities of having to go forward and find those three. I mean, did you consider an in between, like for instance we have a couple of situations in our rules, where, for instance, to set a time certain, I think we ask that two council members set a time certain.

>> Spelman: Okay.

>> Morrison: And we also have the example with sign-up on our consent agenda, what we sort of brainstormed together is it's not going to be pulled off consent if only one person signs up so I wonder if there might be an in between that we can go ahead with what is envisioned in terms of all going on the

-- on the agenda in a special new pod of euc

-- eub actions, but, you know, have two people
-- have it be the two people are required to pull it off or something like that. So find something that's stronger than one person
-- stronger than what we have for consent right now and
-- but that would avoid the things that might raise concerns with.
>> Mayor Leffingwell: You mean two people opposed to one-third?
>> Morrison: I mean they all go on
-- the difference is they all automatically go on the council agenda is what I am proposing but rather than one person being able to pull it off, like one person being able to pull off item off consent would be a higher bar.
>> Mayor Leffingwell: That would mean everything on consent would be subject to public discussion, too, as any item on the consent agenda now?
[05:25:39]

>> Morrison: Yes.
>> Mayor Leffingwell: So ... Council member Riley?
>> Riley: Yes, well, first to respond to the point that council member Morrison raised in response to the mayor's comment, yeah, I
-- I haven't heard anyone advocating that we create a new electric utility board and a council subcommittee and keep the electric utility commission in place. That is not what we have been discussing. And I would not support that. I agree, that that would just create too many layers and it would be too difficult and unworkable. But we
-- that the idea of
-- we have not been talking about eliminating the RFC. We certainly could talk about that but that has not been raised.
>> Mayor Leffingwell: They do other things, too.
>> Riley: Which I suppose is why we haven't been discussing that option. Obviously
-- one benefit of establishing a council subcommittee is that we could have an ongoing discussion about any adjustments like that, and to speak to the general comment about how leaving everything in place now would be preferable, I have to strongly disagree with that. We are hearing
-- we have heard many times from the electric utility commission that they feel they cannot do their job effectively, and in light of that
-- of continued repeated statement from the electric utility commission, I would not support simply ignoring that advice and leaving current system intact. The idea of this proposal is to do the best we can to put a system in place that works better than the current system, or at least functions, in some way better, and establish a mechanism where we can make continued
-- we can continue this conversation and make further adjustments over time and that's one role that a council subcommittee could serve. We could see what efficiencies might be achieved, what boards have duplicate review, and make
-- make further adjustments. I think that would be a responsible way for responding to the input we have acknowledged from the electric utility commission about their inability to carry out their job effectively under the current system. To get back to the practical question that council member Morrison raised, about the 30-day review. Let's
-- to put that in somewhat more concrete terms, if
-- suppose in

-- that the electric utility commission met around the end of june, the last week of june and they are meeting
-- suppose we did not have time after their meeting to take any action at our last council meeting in june. Our first meeting after that is typically not until the first week of august, so more than 30 days past,
-- more than 30 days have passed but I believe there your proposal council member, that it would take one-third of council to sign on to an item of council, and that could be done any time, even done the last week of june, for purposes of the august meeting, two or three
-- or however many council members it takes could get together and do an item from council to pull that item.
[05:29:05]

>> Spelman: That's correct, yes.

>> Riley: Around I guess on the

-- I think under the current system it would require three

-- the total of three sponsors on an item, you have to have one-third and then under new council it would take four? Okay. I am open to something like that. I think really what we are talking about is matter of

-- a matter of form rather than of substance, because in any case, we are talking about allowing the council some opportunity to review the work of the electric utility commission and where that gets posted, what time frames are involved, those are the subject of some discussion and we may have a little bit more work to do on that. I would like, if I could, shift gears a little bit. I would like to come to that question of item 71, which is about actually setting up a council committee, since we do

-- it is now 11:30. We can't

-- we do have other things to discuss and people have

-- I know some people have to leave and we've already lost one, so just for purposes of getting a committee established, my hope was that we would be able to move forward on that piece of it, and if people

-- if that's

-- if council members are uncomfortable with that for the long term, that could be considered a temporary committee. We can resolve that if we decide it is not needed at one point, but in order to be fully fleshed out and put to bed, I think having a committee set up would be helpful at this point. My own sense is that we would likely want to keep that in place over time and make continued adjustments. I understand with the mayor being concerned about having a board that does not have enough sovereign authority and let me be clear, I will not rule out the possibility that the board would have some sovereign authority and the council committee would be in a position to make judgments about that and recommendations to the full council. For instance, if we determine that we are comfortable with allowing the electric utility board to make final decisions on some procurement matters, up to some level, that is a matter that can be discussed and debated at the council subcommittee, a recommendation could go to the whole council and and they would make that decision and the electric utility board would be empowered. We don't have a process now for doing it through the electric utility commission so taking it along the line that six of us have b discussing favorably would be helpful rather than keeping current system in place which really offers no mechanism for moving towards a different system. So with all of that being said, I think if we

-- if a majority of council is ready to move forward with the establishment of the committee, it would be helpful to hear who might be interested in serving on that committee. I would be up for serving at least initially to get some of these matters figured out. My hope is there might be others who would be willing to serve and certainly the whole council would be more than welcome to come to any council committee meetings but for purposes of getting the committee established in the first place, it would be helpful if others were willing to step forward and actually be designated as members of the committee.

[05:32:22]

>> Cole: I have a question to that comment.

>> Mayor leffingwell: Let me just say our normal procedure for manning a council committee is this

-- is by the seniority process in determining how many members there are going to be and then just give members an opportunity to accept or reject on the basis of seniority, unless you want to change that, but a thought just occurred to me that if we are going to take that approach, establish a committee, obviously there is a lot of still ongoing discussion about this whole matter, that it might be wise to put further consideration of the actual ordinance on the table, create the committee, and continue that discussion perhaps. Just a thought.

>> Cole: Mayor.

>> Mayor leffingwell: Mayor pro tem.

>> Cole: I have looked at this entire process of being one of phases and that when we started the process, we put a

-- the contemplation of an independent board as the beginning of the conversation and now we have in front of us your proposal that pulls us back quite a bit in terms of an independent board but I think that's exactly where we need to be at this time and I would envision, just like the mayor said, this new council committee looking at some of these issues in more depth, especially in terms of the posting requirements and how

-- and in light of the fact that we are going to have 11 council members, and so that

-- that changes our whole process and procedure system in terms of seniority and things that we have done in the past. The part that I feel real strongly about that I would like some input on is that new council subcommittee should not just be limited to Austin Energy, that it should also consider the water and wastewater utilities as well. And I feel that way mostly because of what this community went through with the water treatment plant for, so we have other issues involving our utilities with us in times that are very, very significant and need that council focus attention and I would not like to see us create one just for the Austin Energy but I don't want to serve on that committee.

[05:34:43]

[Laughter] that being said, I think, Chris, you should serve on that committee.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member Tovo and then Spelman.

>> Tovo: I have a question about what you said and I didn't hear all of it. Did you suggest if we move forward and make a decision about the subcommittee that the

-- that we should table consideration of the ordinance?

>> Mayor leffingwell: That is what I said, yes.

>> Tovo: I wasn't sure I heard that. I want to mull that over. I want to say before I lost the floor.

>> Mayor leffingwell: Oh, okay. You almost lost it.

>> Tovo: I know. I had to speak up. That I would like to serve on that subcommittee and looking at the resolution before us, it says at least three. It doesn't have a maximum number so I assume there is not one specified but that's a question for the sponsors. Am I missing a maximum number in here?

>> Riley: No. I wasn't aware we really had a maximum currently.

>> Mayor leffingwell: Most committees are less than a quorum of a council but we do have several that are more so it's possible.

>> Cole: And I want to ask the attorney

-- sorry.

>> Tovo: Sorry. Before I lose the floor again. I just wanted to say, you know, I appreciate that there needs to be a process for figuring out our subcommittees and sometimes seniority isn't always the best way to do it. We need to also make sure there is a good match on the committees on people who have a strong interest and other kinds of criteria.

>> Cole: I would ask the city attorney because I am the one just to say that, it would be a utility subcommittee. I would like to know how y'all felt about that. I will be happy to work on a resolution with some of the council members that's worked on this one, creating that subcommittee, even though I do not want to serve on it because I do think it needs to have an eye towards the 11 council members that are coming and it should probably have more people than just three members on that committee and it needs some

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[05:36:48]

>> mayor leffingwell: If you can get more than that that want to serve.

>> Cole: I am thinking maybe three now or more later or thinking about how to flush that out, but I think it's a major ordeal to create another subcommittee but we do need to put thought into that.

>> Mayor leffingwell: I guess your question

-- I am reading between the lines for the city attorney

-- is would that be

-- could an amendment be made to expand the authority, this item that's on the agenda?

>> I need to look

-- I don't have the ordinance language in front of me. If one

-- one of the lawyers working on it can tell you what the current language says. It depends on what it says under the ordinance right now, how strict it is. Generally you won't be able to amend an ordinance by a resolution. So chad.

>> Cole: I am asking

-- I am asking more of the cosponsor, would they be interested in postponing the item and if I need to, i don't have to work on it, and creating a

-- in creating a potential committee that would consider austin energy but also the other utilities in working on that?

>> Spelman: Mayor, another way we can handle this.

>> Mayor leffingwell: Council member spelman.

>> Spelman: Another way to handle this, vote on the item before us us, establish an austin energy committee and follow up with another resolution which would ask for change in the ordinance with the stuff, too, and that would allow us to meet on the issue that is before us.

>> That's correct, your posting specifically tacks about creating the austin energy committee and so, yes, you could adopt your resolution as you've posted it and later on amend the resolution, expand the scope and talk about

-- name it something else, so you could then

--

>> we could

--

>> yes, you would amend this resolution to expand the scope, what they do, name it something else. Whatever.

>> Mayor leffingwell: So that approach also has the advantage it could save us a whole bunch of time on thursday. Council member riley.

[05:38:55]

>> Riley: My own preference would be for this committee to focus on austin energy at least at the outset because that's where we have some serious issues to figure out. I wouldn't rule out adding others

-- other matters in to the committee

-- to the scope of the committee later on but I think for the time being, it really would be helpful to stay focused on austin energy and I assume that if we were to go ahead and establish this committee, that the fact it is called council

-- the austin energy subcommittee or electric utility subcommittee or whatever it is called, that would not foreclose the committee's project for adjusting the scope of the committee and so we can have that adjustment at the committee and make the recommendation

-- for instance, must be can make a recommendation to council and we really think our scope ought to include the water and wastewater utility.

>> Cole: You might do that after you vote the ordinance out?

>> Riley: That's right. That's right. It can be done down the road. Right.

>> Mayor leffingwell: Council member tovo.

>> Tovo: I want to get back to a couple of things. One I guess we didn't hear from everybody about whether they want to serve and if we are voting on membership, that might be a good thing to talk about here today.

>> That's because you have the floor.

>> I yield the floor.

>> Mayor leffingwell: We just kind of work it out but I think anybody who wants to serve can probably be accommodated.

>> Tovo: I am curious if anybody else is interested. We have heard two.

>> Mayor leffingwell: I would say I would be interested. Mayor

-- council member morrison.

>> Morrison: I would like to say unequivocally, I am not interested.

>> Mayor leffingwell: It is getting down.

>> Cole: Getting there.

>> Spelman: If the issue comes up, I think I have to be interested, so ...

>> Cole: That's great.

>> Tovo: And then I have a few other questions. When there has been a time certain request for the larger

-- for the austin energy governance item and i guess it's a way of considering whether or not we

are ready to actual discuss this on thursday and vote on it on thursday. This is the ordinance about governance. Ame and I do have
-- and i do have some questions and comments about the revised ordinance and I
-- we are kind of quickly running out of time to talk about them but if we are voting on thursday, I would like to raise them. If we aren't voting on thursday, we can send a signal to the community we are not. If we are moving forward on thursday, I sort of propose that the proposal be a time certain.

[05:41:31]

>> Mayor leffingwell: I understand. My preference would be that we table it indefinitely pending formation of the committee, council committee and, you know, see what their recommendations might be on this.

>> Cole: I concur.

>> Spelman: Mayor.

>> Mayor leffingwell: Council member spelman.

>> Spelman: I have a question for the city attorney. Is there a way I could get council member tovo to give me a list of concerns or a list of issues that I would have a chance to think about in advance of the thursday meeting? Maybe she can read them off and follow up with a written list?

>> I think if she could discuss them here today and then we could

-- then it is in the public arena, and then

--

>> Spelman: I would like to be prepared for the thursday meeting.

>> If she could discuss them today but I wouldn't recommend that she send them off line.

>> Tovo: Yes, I can

--

>> mayor leffingwell: Council member spelman, are you interested in the concept of just establishing a committee and not going ahead with further action right now?

>> Spelman: I am interested in knowing what the issues are and if we need to do this by committee, that's fine, but if there is a way that we can actually establish something with the same that the committee would like to do with it in the future, that would be fine, too.

>> Mayor leffingwell: I don't think there is

-- there is any time constraint right now we could afford to have a more fullsome discussion.

>> Spelman: I can wait until thursday.

>> Mayor leffingwell: On thursday, what I will do is propose

-- propose indefinite postponement of further consideration of the ordinance and it will be

-- that will be the time for the council to make that decision.

>> Morrison: Mayor.

>> Mayor leffingwell: Council member morrison.

>> Morrison: I know we are about to lose a your rum, i believe

-- a quorum, i believe, and if council member tovo can list them briefly, I would love to hear them.

[05:43:31]

>> Tovo: I would love to. I will rattle them off. I think there is a discussion probably to be had among the council subcommittee if that passes about the resource management committee. Commission, we did get

-- resource management commission, we got a concern are from somebody from the eoc about duplication and streamlining and as to what is in the backup, I know why this has happened but because it is developed earlier consider in response to earlier ordinances, there is weirdness here, like there are clauses that say the committee is going to focus on the general fund transfer without naming any other issues it's going to focus on. There are points where it's saying the committee shall not make recommendations on x, where, again, if they are just recommendations, do we really want to be specific about what they should and shouldn't consider. That's an oddness to me. There are moments like on page 4, where it talks about shall be posted for review and consideration on the next available council agenda. I will feel better if the language is quite clear in final action. I know we are in disagreement about how we want to frame that issue, but the result is still the same at this point, the final action is the council's. And there is so much confusion, I think in the public about what we are considering. We need an ordinance before us that is quite clear. I think that's

-- that's the bulk of it. I mean the rest is nitpicky, small things, but, again, because it's grown out of something that had lots of power and not

-- there are discussions about providing recommendations and action and it's all

-- it is a bit

-- a little bit more of a muddle than I am 100% comfortable with. There are two ways to do it: To respond to what is on the table or to kind of build out that you

-- and going with the one approach has resulted in awkwardness.

>> Mayor leffingwell: There are so many other issues. I kind of

-- I didn't find out until after the fact, that the new proposal suggested removing the mayor from the board. This is not going to have this much to do with me, but especially in the future, that's really going to be important with 11 districts and a mayor to maintain that communication between the board and the council as is kind of good model elsewhere, especially, you know, the mayor being able to relay to the board members what the council perspectives or concerns might be or vice versa. I think it is essential to communications. I was misfinal actioned why it was

-- I was mystified as to why it was tossed out but there are similar thing that is at this point in time they have all been muddled up into an almost recognizable mess and we need to take time to sort it out.

[05:46:30]

>> Spelman: Thank you, mayor. I think that was very helpful. I appreciate it.

>> Mayor leffingwell: With that, I turn the chair over to mayor pro tem

-- I may not have anybody to turn it over to.

>> Tovo: [Indiscernible]

>> mayor leffingwell: Well, the time certain issue, if we have two council members that want to do that. Like I say, my first preference would be to put it on the table. If that doesn't have a majority of council in support of that, then certainly set a time certain.

>> Tovo: Well I just

-- we can talk about it here or the rest of you can talk about it outside of the meeting but we have gotten a request and as I am prohibited outside of this meeting talking to anybody on this issue, somebody else is going to have to

--

>> mayor leffingwell: You know how this normally works. We don't have to have a consensus to set a time certain. Just tell us what it is when the time comes.

>> Morrison: So we have the opportunity to set a time certain but still
-- but consider whether or not to table it before that?
>> Mayor leffingwell: Before that, I would say. We will just pull it off of consent and make a
proposal, hopefully for unanimous consent, that we put the item on the table indefinitely and that
that doesn't occur,
-- if that doesn't occur, we can talk about
-- we can set the time certain then. It would beforehand
-- it is either not going to be heard or the time certain will be x.
>> Morrison: Then I guess i would like to throw out
-- or bring up with council member tovo, had you heard 7:00 o'clock as a request? That's what I
had heard.
>> Tovo: I think so.
>> Morrison: I would be happy to support with you in that case, so we know it's either tabled or
7.
>> Mayor leffingwell:7 is out there. Without objection, we are adjourned at, 11:50.