

ORDINANCE NO. 20120426-016

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-5 RELATING TO COUNCIL MEETING PROCEDURES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Article 2 of City Code Chapter 2-5 is amended to add a new Division 1 to be captioned as follows and to include existing Code Sections 2-5-24 (*Council Findings*) through 2-5-31 (*Recusal*):

Division 1. Regular Meetings.

PART 2. Article 2 of City Code Chapter 2-5 is amended to add a new Division 2 to read as follows:

Division 2. Work Session Meetings.

§ 2-5-32 Meetings.

- (A) A work session shall be held each Tuesday of a week that a regular Thursday council meeting is scheduled and shall begin at 9:00 a.m.
- (B) Meetings should be held in the City Hall Boards and Commissions Room if possible.

§ 2-5-33 Work Session Agenda.

- (A) The order of the work session agenda shall be as follows.
 - (1) Agenda Review
 - (a) Preselected agenda item.
 - (i) A preselected agenda item is an item from the Thursday agenda that a council member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.
 - (ii) Council may discuss an item from the Thursday agenda that is not pre-selected. However, because the item is not preselected, staff may unavailable for the discussion.
 - (b) Council discussion item. A council discussion item is an item from the Thursday agenda that a council member identifies as an item solely for discussion among council members.

(2) Council item of interest.

- (a) A council item of interest is an item that is not on the Thursday council agenda. This category may include an item that the council wants to place on a future work session agenda.
- (b) A council item of interest may be placed on the agenda by the mayor or a council member.

(3) Briefings.

- (B) Council members should submit preselected agenda items to the Agenda Office by noon on the Monday before the work session.
- (C) The work session agenda shall include all items from the Thursday agenda and shall include a statement that council may discuss any item from the Thursday agenda, including items that have not been preselected, as discussed in Subsection (A) of this section.

§ 2-5-34 Briefings.

- (A) The purpose of a work session briefing is to update the council.
- (B) The mayor or a council member may request that a person or entity having information relevant to Council provide a briefing to Council.
- (C) A briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

§ 2-5-35 Council Action.

- (A) The council may not vote on a work session agenda item that is on the Thursday agenda.
- (B) The council may vote on a work session agenda item that is not on the Thursday agenda.

§ 2-5-36 Citizen Participation.

- (A) Except as otherwise provided in this section, citizen participation is not permitted at a work session meeting.
- (B) Citizen participation is permitted on any item on which Council will vote under Section 2-5-35 (*Council Action*).
- (C) Council may vote to allow citizen participation during a work session or for any work session item.

PART 3. City Code Section 2-5-24 (*Thursday Council Meeting*) is amended to amend Subsection (E) and to add a new Subsection (G) to read:

- (E) Except as otherwise provided in this section, a [A] councilmember may request that an agenda item or hearing be set at a time certain if the councilmember receives the approval of one additional councilmember. A councilmember may, without the approval of another councilmember, request that a zoning item scheduled during the established time for zoning hearings be postponed until the later time during the Council meeting.
- (G) Not more than two briefings may be placed on a council meeting agenda.

PART 4. City Code Section 2-5-25(*Consent Agenda*) is repealed and a new Section 2-5-25 is added to read:

§ 2-5-25 CONSENT AGENDA.

- (A) The council may adopt items by consent of the council without a separate vote on each item as the consent agenda.
- (B) The council may not adopt by consent an item:
 - (1) subject to a public hearing;
 - (2) posted on the agenda for consideration at a specific time;
 - (3) that a council member requests be pulled from the agenda for discussion; or
 - (4) on which two or more people have registered to testify if the persons have registered to testify 15 minutes prior to the scheduled start time of the council meeting.
- (C) A person not wishing to speak but donating time is considered as registered to testify in determining if an item should be removed from the consent agenda.
- (D) If an individual is the only person registered to testify on an item on the consent agenda that has not been otherwise pulled for discussion, the item will remain part of the consent agenda. The person registered to testify will be allowed to speak one time, for up to three minutes on the consent agenda as a whole, regardless of the number of items for which the person has signed up to speak.

- (E) A person, other than a council member, may not participate in removing more than three items from the consent agenda for a single council meeting.
 - (1) This limitation applies only to items that are removed from the consent agenda solely on the basis of the number of persons who have registered to testify or donated time, as described in Subsections (B)(4) and (C) of this section.
 - (2) The first three numerically-listed items for which a person has registered to testify or donated time shall be considered for purposes of this limitation.
 - (3) A person who is registered to speak must be present in the council chambers when the item is pulled off the consent agenda.
- (F) The number of items pulled from consent on which a person may speak is not limited.
- (G) If one or more people have registered to speak on an item that could otherwise be approved by consent of the council, the presiding officer should ask if reading the registration card into the record and approving the item on consent is an acceptable alternative to a presentation by the registered speakers.

PART 5. City Code Section 2-5-26 (*Agenda of Council Meetings*) is amended to add new Subsections (C) and (D) to read:

- (C) Electronic publishing of draft agenda. City Manager shall:
 - (1) electronically publish a draft of the agenda on the city website not later than nine days in advance of the regularly scheduled council meeting and supplement the initial posting with additional items that have been added;
 - (2) provide electronic mail notification of the electronic posting of the draft agenda to any citizen who requests notification via the established electronic notification system;
 - (3) include as much back-up information for each draft agenda item as is available at the time of the initial electronic posting and supplement the initial posting with additional back-up information as it becomes available; and
 - (4) label each draft agenda "Draft Agenda for [date] Council Meeting" and indicate the date on which each draft agenda is first electronically

published and the date on which each back-up item for each item is added to the draft agenda.

(D) Items from Council.

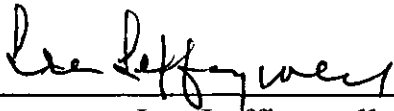
- (1) Council Members should submit items for inclusion on an agenda not later than six business days in advance of the council meeting.
- (2) If an item is submitted later than the time prescribed by Subsection (D)(1) of this section, the sponsor of the item shall certify that the item is time sensitive because it is immediately critical to the interests of the City. The certification shall be on a form provided by the City Manager.
- (3) Items submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, or other supplemental information.

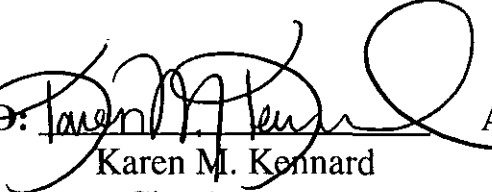
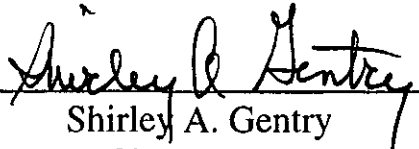
PART 6. City Code Section 2-5-65 (*Conduct of Public Hearing on an Appeal*) is amended to add a new Subsection (C) to read:

(C) Notwithstanding City Code Section 2-5-42 (B) (*Conduct of Public Hearings*), for a public hearing on an appeal, a person desiring to speak during the hearing must be registered to speak before the item is called for consideration by Council.

PART 7. Emergency. The Council finds that the need to provide for the efficient operation of City Council meetings in a consistent manner constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health and safety.

PASSED AND APPROVED

_____, April 26, 2012 §
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 Lee Leffingwell
 Mayor

APPROVED:  ATTEST: 
 Karen M. Kennard Shirley A. Gentry
 City Attorney City Clerk