

# Closed Caption Log, Council Meeting, 09/20/11

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good morning, I'm austin mayor -- is this on? Good morning, I'm austin mayor lee leffingwell, a quorum is present, I will call this session of the austin city council work session to order on tuesday, SEPTEMBER 20th, 2011, Meeting in the boards and commissions room, austin city hall, 301 west second street, austin, texas, the we will begin today with the executive session. So without objection, the city council will go into closed session to take up two items. 071 of the government code, the city council will consult with legal counsel regarding the following items. Item d 1 to discuss legal issues related to redistricting, proposed city charter amendments, election legislation and legislation dates and item d 2 to discuss legal issues related to the 2011 central texas fires. Is there any objection to going into executive session on the items announced? Hearing none, the council will now go into executive session.

Austin, texas. .

Somebody from budget. Okay. I can go to a different item as well. Chief evans, don't run off too quick. I want -- just wanted to ask a question about item number 14 if you don't mind. Item number 14, council, is an interlocal agreement with esv number 11 which covers the southeastern portion of travis county. Obviously, the area that we are fast tracking for annexation around circuit of the americas as well. So, chief, I wanted to ask a couple of general questions. One, does this agreement -- does it encompass areas other than the proposed f1 annexation? I mean I'm trying to understand why we're all of a sudden entering into an interlocal agreement with esv11 when we're not annexing out there.

Chief of staff, austin fire department. The agreement with esv11 is actually the result of about two years of work with the esd regarding an agreement. I guess the timing couldn't be better that it happens to coincide specifically or during the time of the f1 annexation but they are very much unrelated.

In this agreement, do we have stipulations for minimum staffing levels?

Yes, sir.

What is that?

Three is the minimum for their units.

So it will be 1103, 1101, 2 and 3?

Yes, sir, the precipitating event is over the last years, esd11 has worked hard adding that station to the north 1103 that is supposed to come and makes it good.

1102 And 1103, are those engine companies as well?

Yes, sir.

Thank you.

Do you have another item? Laura.

Morrison: I have a couple of quick ones. I want to point out numbers 42 and 43. I see allison is here. Those are grants that we're receiving from the texas historical commission. They are certified local government grants. And I know that a couple of years ago, to have certified local government status, as I understand it, is something that you sort of have to earn and follow certain guidelines. And we were a little bit on the edge, not quite doing that. I was really excited to see that we have actually brought that up to speed and are actually getting some grants now. I wondered if allison could real briefly tell us what those grants are going to do for us.

I am with the historic preservation office. And those grants, the \$15,000 grant is actually a project that we have been working on that's the wiki web tool project that we're going to be getting ready for another phase of that with other funding from the national parks service, the preserve america grant. And then the \$9,000 grant is for us to hire an intern to do a survey of city-owned properties that are over 50 years old so that we can -- when the city departments are planning projects on city properties, they will have a better understanding of what properties are historic and have significance. So small amounts of money, but really a lot of bang for our buck with those. And as I understand it, on the web tool, one of the things that we're working on in the new phases is really trying to reach out to east austin and try to promote and find folks that are interested in working on historic preservation for their property scenario.

Correct. That grant for \$87,000 will be focusing on that east side of austin.

Thank you for your work, steve, and all the folks there. It's great to see progress being made there.

Thank you.

I'm sorry. And mayor, I have one other quick question. It's on a different topic. And that is on item number 52, that's the item that kathie and chris and I are working on bringing forward to actually work on the graduated revenue stability fee. And, mayor, I just wanted to comment to you specifically. I know when we discussed this during our budget hearings, one of the things you said was you were -- you thought it really made sense for us to think consistently across the board if we're going to do graduated fees, like for austin energy and such. And I just wanted to highlight to you that we didn't include that in here. And it was sort of an omission. If you'd like to make a suggestion on thursday for an amendment to direct staff to also look more broadly at graduated fees, I'd certainly be happy to consider that.

Yeah. Well, thanks for saying that. I don't know if they would be opposed to adding language that's substantive or not. But certainly, I would want to bring it up. In particular, I have talked about long before this came up the drainage fee which is for commercial properties is pretty well set. It's dependent on how much drainage you have, how much property and so forth. But for residential properties, it has always been a fixed fee regardless of whether you have a 4,000 square foot lot or an acre lot. In the past, I know that's simply been because they didn't have the technology to figure out that out. So we're kind of waiting for the technology advance. And I think we're pretty well at that point right now. But it's not something we're going to figure out on thursday, but it's something that would be additional direction for staff to go forward and begin that kind of evaluation. The other fixed fee that we have as a utility, of course, is public works. Right now, I don't have any bright ideas about how that might fit in with the pattern that you are prescribing for the water utility. But, of course, everybody knows we're right in the thick of the process with regard to austin energy. Great determination which also might determine and might have some component -- might have some component similar to the sustainability fee, also. So I think we would want to for the future to be looking at these other fees, too, with that same concept in

mind.

Mayor, I think the way item 52 is written may be a little more restricted to this particular fee structure for the water utility. And I think that if you want to address those other fees, we may have to come back with a broader item. And it wouldn't have to list that, but just maybe something a little more general. This seems to be pretty tightly drawn.

Yeah. I think that was my guess. That's what I said initially. The posting language probably wouldn't permit adding some language like that to the motion itself. But I could certainly verbalize it.

Correct, correct.

And that's what I plan to do.

And I apologize for the oversight because I did hear you say that. I do think it's an important thing to do.

Mayor Leffingwell: Okay. Thank you. Chris.

Riley: Yeah, item 45 interlocal agreement with Travis County for central booking, I don't know if we have the right staff here to address that. But I am interested in where our discussions on that subject stand. Because that is a very significant item and I know we have talked about a number of different options for revisiting the existing agreement to adjust the terms going forward. Is there anyone here who could speak to that?

Good afternoon, Mayor, Council. The interlocal agreement is the \$500,000 increase this year that there's a true up clause at the end of the contract year. We have concerns about the continuing increase in the cost of this agreement. What we are looking at now and the reason it's only a one-year agreement is that we are very aggressively looking at options to see if it would make economic sense to have our own magistratation center. Our staff should have an outline in October to see the options and make a decision going forward. We are looking at the options of opening our own magistratation center. Once a person is magistrated, it is the responsibility of the county to incur the cost of the jailing of that person. And we have already visited San Antonio where they have it for Bexar County and we think we can have some cost savings.

And there is some discussion about the amounts we're paying in regard to our municipalities.

We are the only city that is paying, but also the bulk of the arrests are from the City of Austin as well. We are the only city in the county that are paying. We don't pay in Williamson County but only in Travis County. That's what we are looking at for next year, other ops.

If we were to move forward with our own booking operation, would that be in connection with our move to a new facility?

No. We are looking at interim plan that would allow us to have a magistratation center within existing facilities. We have already looked at our old jail downtown. We have had it evaluated by a structural and environmental folks to see if we can reoccupy the jail. We have been told that at a very fraction, maybe about \$100,000, maybe a little bit more, we can actually reoccupy that facility. That's going to be our last resort -- would be that facility. We're also looking at another facility in Northwest Austin. And we're not just looking at the cost savings but the operational efficiencies where we could have a transportation system where officers could drop off the prisoners and have a transportation system with the department that would then transport them from the substations over to the magistratation center that would free up the officers to go back on patrol, also.

So this agreement on our agenda would extend per year to allow more time for us to figure out --

for us to make a better assessment if there is a more efficient and a more cost-efficient and operational efficiency by having our own magistratation center.

David carter, austin police chief of staff. Real quick, the old contract actually did expire. This is a new contract, not an extension. There is an increase of about \$500,000 with that for this particular year. There will be an increase in the number of nursing staff there incurred by the county as well as some of their cost and salary increases over the year. That's the bulk of the increase over the last contract. But again, it's just for one year. It is a new contract.

And there's no way we could get like a six-month agreement and try and work things out in six months? Or you think a year really is necessary?

It is necessary because, you know, we have to start from scratch. And just so you know, the starting point of this negotiation was a \$3 million increase. And we were able to negotiate that from \$3 million down to \$500,000. And we were able to negotiate a one-year contract. So it will give us an opportunity throughout that year to come up with options and to make a decision as to whether that will be the magistratation center.

Appreciate your efforts on this.

Thank you. Anythi anythi ng else? Mike.

Martinez: Thank you, mayor. I wanted to briefly bring up these two items that are coming with the recommendation from health and human services. The first item, item number 24 basically extends existing social service contracts for a six-month period through march of 2012. So these organizations are no longer going to be -- may not necessarily be funded in subsequent years. We're entering into a new phase of social service contracting which will be a three-year agreement, competitive process. But what we wanted to do was create a transition period to allow some of these folks who won't be in the subsequent rounds of funding to have six months of cushion, if you will, funding so that they can transition themselves into self-sustainable model. That's item 24. All of the non-profits that will receive this six-month renewal are listed in the backup for a total of \$4.7 million. Item number 30 is actually remaining unspent funds from the 2010-2011 budget cycle. Is that right, ed? I want to get this right. That's why I asked you to come down here. I want to make sure I'm giving council a true picture.

Good morning. City budget officer, the \$380,000 were funds that had not been expended in the fiscal year 2010 budget. It's part of adopting the fiscal year 2011 budget, council amended staff's recommendation to appropriate an additional \$380,000 to social service contracts. That was done when council approved the budget back in september of the previous year. So this is a \$380,000 in the recommendation for how it would be allocated to different social service agencies.

This has to be on this agenda because it's the last council meeting of this fiscal year and it has to be appropriated within that fiscal year.

That's right.

So what we have done, council members, is the health and human service subcommittee have obviously gone through this painstaking process. Obviously, what we had in the end were some gaps as well. There were some agencies that didn't receive funding or weren't recommended for full-level funding. And so what the health and human service subcommittee did was we allocated that remaining - those remaining funds in three different non-profits. One is community partnership for the homelessness which is green doors, a local non-profit providing permanent supportive housing. That's

what the \$62,000 is going to be applied to, permanent supportive housing. The council in at risk youth is obviously another entity that provides a vital service in our justice system and we felt like their funding was warranted as 176,400. Immigration counseling and outreach service is also a service we believe is necessary to maintain a certain level of funding. What I have found out since last week, the health and human service subcommittee, we allocated this on an annual basis. Each one of these items, 62,060, 176,040 and 75,040 is for the full next fiscal year. But I was told by staff that they are part of item 24, which funds them for half a year, therefore, freeing up even additional funds on top of that. Is that correct, ed? And this was brought to me by burt on friday afternoon 5:00.

I am assistant director for human services. And I believe that the -- yes, item 24 because that is intended to be a transitional funding as well, that we took those three agencies out of that agenda item and have them in item 30 for a 12 months funding instead of the six-month funding in item 24. So we have deleted them from item 24.

So what did you do with the funds in item 24?

They are not allocated. Item 24 is 2012 funding. Item 30 is 2011 funding.

Right. So if you took them out of item 24, where did those additional funds go?

They are not allocated at this point.

So we could reallocate these at the october 6th meeting because it's the budget year fy11-12?

Yes, sir.

What is that number that's backed out of item 24?

I don't have the exact number but I can provide that to you.

Wouldn't it just be half of this?

No. I think it's roughly 110,000. But I really would prefer to give a written response on that because I don't have it in front of me.

I can see the wheels are turning already in anticipation.

Well, and I want to point out I think that the green doors funding was not -- that was a new application, so I don't think it was part of our -- so that would be a full-year funding that we wouldn't cut back, but carrie already had 1/2.

And based on further discussions, I intend to make an amendment to item 30 as long as it's legally allowable. Council on outreach -- counseling and outreach services requested 70,540, but their 2010 funding level was about 21,000. And so we're trying to just hold them harmless as opposed to giving them everything they have requested because we're not giving anyone everything they have requested, you know. Everybody is having to sacrifice. And so what I'll try to do is amend this item to take counseling and outreach services back down to 21,000 which is their 2010 level and, of course, that frees up \$49,000. So adding 88 and 49, 88 being half of 176 -- 88,249. Yes.

Didn't we also have part of that recommendation was to make up the difference in the substance abuse?

Yes.

So you listed off three. I guess there was actually a fourth that was part of our recommendation for the 380?

I remember that because this was only 309 and we were allocating 380 or we had 380.

Right. So did that show up somewhere else?

It's in the item --

24.

For integral care, the agreement --

right. I saw that and I was a little confused about why we were seeing a separate one. Now you are saying you pulled that out specifically --

because it's an interlocal agreement, we have to have a separate agenda item for them. And it's also a 12 month agreement because it's a three-way with travis county which has 12 months funding. And downtown community court which has 12 months funding. So we have lumped it all into the same interlocal. It's just the level of our funding was changing from six months and then council added additional money during the budget process and then the other 71 was added and recommended by the committee.

Great.

It seems a little complicated moving it all around, but I think i understand. I do want to add to it what you said, mike, and that is to remind everyone that i believe it's the beginning of october are we bringing the proposal.

The plan is OCTOBER 6th.

OCTOBER 6th. So the next three years that mike was mentioning, the proposal for the new collection of agencies that we're going to support will be coming october 6th to council. And then those will go into EFFECT APRIL 1st.

Correct.

And there more than likely could be some amendments made on that day. Obviously, nothing is final until the council decides. But the health and human service subcommittee are still working on a flood of requests that folks really feel like are credible and important.

Right. As you point out, there are some other funds then that are going to be able to help us.

Correct.

Free up because there are critical things that are coming out as we continue discussions. So those funds can help to bring some of those gaps and close some of those gaps.

So, ed, if I make an amendment on thursday and that amendment is adopted and that clears up

137,200, would I have to allocate those funds on thursday because they are from fy10?

I think the point with that \$137,000 is for everybody to keep in mind -- we mentioned this at the health and human services committee -- are really in regard to the initial 380 we were talking about is down to 137 that still hasn't been allocated. Those really need to be viewed as one-time expenditures because that \$380,000 in the fiscal year 2012 budget that was just passed was scaled back to 180,000. So 180,000 of those funds that haven't been allocated are available in '12 and beyond in an ongoing basis. But this 380 of which 137 is left are one-time funds. So it's a long winded answer. Yes. Either council would need to allocate those funds at the thursday meeting in which case we could encumber them prior to the end of the fiscal year, if that would not occur, that would revert to fund balance and we would come back next fiscal year to allocate that one-time source of moneys to some agencies of your choice.

With the understanding it's only a one-time shot and not a structural funded item.

That's right.

Karen, based on this posting language, would an amendment be allowable to allocate the 137,200 to another social service contractor that has applied for funding? 30, I'm sorry. I don't think we can do it, but I need to ask. [Audio difficulties]

the language looks very specific that it doesn't seem to allow much leeway to add another entity to that particular one.

Understood.

24, The language is a lot broader. But this just seems to have really narrowed the scope of what action you could take to those three. I think you could adjust how much you give them and things like that, but to add an additional group to that with funding, I don't think this posting would allow it.

It wouldn't preclude us from coming back on october 6th and allocating these funds.

It would not.

And because it rolls over into fund balance, so it would come back.

So we can just appropriate it from the fund BALANCE ON OCTOBER 6th?

That's correct. That would be consistent with council policies as long as it was a one-time purpose. The council policy on fund balances, those funds could be allocated to one-time type expenditures.

Could I throw one other option that might help us? I don't know. Vince, you said that we've got -- you moved from those funds to just the 46 for carry and immigration services, I guess. And couldn't we depend -- couldn't we leave more funding open on the 11-12 funding? If it doesn't make a difference, if we can just appropriate it from the fund balance in october, then it doesn't matter. We can just be explicit about that. You are saying we can do that, so not a problem.

I think one option would be that what we did last year was just allocate those funds to health and human services for the exact agencies that received the money to be designated later. We have done that before.

That's where we are.

That's where we are.

That's what we're doing right now.

Mayor Leffingwell: But you don't have to do it by OCTOBER 6th. You could do it any time. Just say this will be used for basic needs or whatever general.

We certainly could do that, but I think if you could just imagine what it's been like over the last year and a half in health and human services, you're getting just a taste of that in 10 minutes here. It's been like this.

I can imagine it. In the first year and a half of discussion of this subject.

So I think the goal is to really try to identify crucial gaps and do everything we can to plug those g opposed to kicking the can down the road. We have been through this.

I think we have two crucial gaps right now that have not been talked about. And one, of course, relates to item 28. That's half your funding for integral care. And I know we tossed around the notion of full year, but certainly that would be an organization that we historno carrierringconnect 57600

two big and well-deserving organizations --

and it will, mayor. I'm planning on trying to convene a special called meeting of the health and human services committee late next week so we can does this one-time funding and the 180 allocated from fiscal 11 so it can come to council with the rest of the three-year accounts.

Okay, sounds good. Kathie?

Mayor, I have three quick questions and one longer one --

we lose our quorum in about 12 minutes.

And I will try to be quick. With regard to the health and human services contracts and the no solicitation periods there is still confuse with me whether we can meet with a certain organization that has applied for funding. There is a question on wilbur jones on this but we have not received clarification from legal and if we could just get clarification on that so that those citizens -- so I can let them know whether we can have that discussion or not.

We did work with buy I don't -- byron johnson's office and I believe the decision was that group was not a part of the solicitation and we could contact you on those issues they contacted you on and so we agree that that letter they sent out --

okay, I think I need one more additional layer of clarification and it's not appropriate to bring up the specifics here, but I will contact you --

okay, yes.

And my getion -- guess is it will be useful for the other county -- the other council offices.

Preponderance and kathie, -- and kathie, just to bring you up to speed did meet with burt and there are finer points of clarification and distinctions with wilbur's letter. Sabina should issue a statement this afternoon or tomorrow and the long and short is if you serve on a board or work for the entity, you



cannot contact councilmembers. If you're a citizen advocate and you volunteer for the agency or you care about the agency, you can meet with council all you want.

Thank you, and I will look forward to that memo. The potential overlap of boards and the potential organization is just something that I would like to be sure we all know the boundaries of, and so thank you, I look forward to that memo.

I think the problem coming in the agency asks independent members of the public and that also is an infraction. And that has been the most common occurrence.

I know you have more question, kathie. I just want to jump in and acknowledge there's been a lot of frustration about this issue, and I think it was how many months ago we tried to get clarification and we were not able to, and I just think we would have been able to serve the public better if we had gotten very specific fine-points listed several months ago.

And I have asked at least one council I recall to co-sponsor on november 6 an antilobbying conference as it relates to this contracting so we can get some clarity on this because I think the antilobbying ordinance was written for other things and not social service contracting and it's causing a lot of problems this year. It will run through the ethics commission and we'll have the city manager's office to come up with clarifications --

okay, great, thank you.

The city manager has a comment.

Councilmembers eefers -- over the last several months we've been listening to you on this and since the adoption of the ordinance and staff has several items to bring forward to consideration very soon.

And I will just add that does not preclude councilmembers from having their own policies as we progress and that is certainly a point I'm going to consider.

Okay, so I just have -- kathie? Go ahead. Try to make this quick and I lost the agenda item but there is one for fee waiver for kids, certainly a waterspout a worthy cause but there is no figure attached? Or will we receive that for thursday.

Council?

52 -- Maybe the co-sponsors have the number.

I will keep my eye out for it.

We'll get it for you.

The budget office prepares those fiscal notes and you will certainly have it before the thursday meeting.

Okay. The open space ordinance -- oh, I got an answer for your question. I think it's about \$500.

Thanks.

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And that amount is split between chris and I out of our personal allocation for fee waivers. No budget impact.

Thank you, right. And it was my understanding that the land use and transportation commission asked a fee waiver and it looks like it's the same and are we anticipating this will be postponed?

I do recall that staff came -- sue, you may be able to help us out. Staff came to the transportation committee and the open-space ordinance and there were a lot of issues that were raised and so we at that time decided even though it was on the agenda that we were going to bump it because it needed to have through in more work and we have not had it back at the committee. I don't know if you know the status. I assumed it was going to be postponed again --

-- assistant city manager, i believe it is going to be postponed.

Do you feel an idea when we'll have the next discussion --

I don't, but I'll get back with you on it.

Thank you.

I just have one item that i want to mention, and I don't think the decision is really needed unless someone has a question, but item 50 which myself and the mayor pro-tem are sponsors. The severance agreement with the deputy city clerk, and I believe there discussion on that. The agreement as it says -- it it's an agreement, and it's signed by both the city and the deputy city clerk. Mayor pro-tem?

I would just like to thank the deputy city clerk for her service and to say that we are pleased that -- oa [inaudible]

okay, anything else? Okay, so very timely here. That completes our agenda for today. And without action, we stand adjourned at 11:40.