

City Council Work Session Transcript – 02/25/2014

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Cole: I would like to call to order the city council work session. The mayor is away on city business. We'll be working through the work session without him. We have two preselected items. They are related. Item 13 and 14 and both of them have been pulled by councilmember spelman. >> Spelman: We can make this really short as of my question, the urb has made available the matrix they took a look at. I was able to get it by signing a nondisclosure agreement. I have not opened this yet. So to avoid any sense that I might have been asking questions in this work session after looking at proprietary information, I'll open it after the work session, I have a couple of questions about process. The key question about process is, why can't we make this matrix available to the public now that the decision has been made. I understand how the matrix has to be in executive session by the urb. They have to review the proposals, decide what they're going to do in the executive session. That's not the kind of thing that should be done in public. Having made the decision as to which of these proposals is the best one, it seems to me that it would be perfectly appropriate for that to be made public and available to councilmembers before we have to make a decision to review that desoifgs the urb. Why can't they make this public? Cole: You're asking that of the city attorney? >> I am. I'm looking straight at her and she's ready to answer. >> We can't make that public because the urb continues to assert the confidential nature of the information under the information act. Their attorney is here. I talked to him last week. That's why we got the ability to do an intergovernmental transfer to make it available to the councilmembers. But as long as they are asserting that confidentiality,

[03:06:31]

it's their information. And they decided that they still have some interest to protect because the process is not complete. >> Spelman: Okay. If I can ask him some questions. >> Absolutely. >> Have his office -- okay. >> How you? Charlie, general counsel. Happy to answer any questions that you might have. >> Spelman: Yes, sir, denton? >> Yes, sir. >> Spelman: Your name is charlie? >> Charlie zach. >> Spelman: Mr. Zach, I understand the practical value of having the matrix determined in the executive session. It makes good sense to me. I don't think it should be done in public. And I can understand how the urb would like to make the decision before making public the matrix. What public purpose is being served by not making the matrix available to the public or to the responding parties right now? >> The biggest

concern that the board would have at this point in time is that until the city council approves the sale, it is possible that they would have to reject all of the bids and go back out for competitive seal bids again. And the release of those competitive seal bids prior to doing that again could result in competitive advantages to others based on what was submitted to the board. And that's the -- that's the main issue that the board is concerned with -- would be concerned with at this point >> Spelman: So if we say yes, we would be able to make the matrix public? >> Yes, sir, if it goes through and goes forward, it would all be subject to the public information act, yes, sir. >> Spelman: Thank you. We have some situations inside the city. What is our usual procedure for

[03:08:32]

handling them? >> I think -- I think I'd like to have Elaine Riser answer that. I think it depends on the procurement that's involved but I think real estate services can tell you what the normal procedure is under sales of real estate. I think we have a maybe different things that we do, maybe sell different types of real estate transactions. >> Spelman: We're going to the commissioner's court today but -- >> she is. She's with board of real estate services and see if I can fill in for Lorraine. I may not have all of the information that she would. >> Spelman: Do we ever engage in -- in real estate transactions of a similar kind to the one that Mr. Zach was talking about? >> Yes. >> Spelman: How do we handle the scoring of parties who are responding to the RFP? And what point can we make that information public? >> The information from the proposals is held confidential until they've been scored by the panel, the review panel, and it's the same sort of situation that that is held confidential until the acquisition is finalized. >> Spelman: Okay. >> For similar reasons that was mentioned before. >> Spelman: So if the city were to engage in a similar transaction, there would be a scored matrix for each of the responding proposals? >> Yes. >> Spelman: That matrix would not be provided to the city council, is that right? >> Except by request. You know, as it was in this case. And the process for that, I'll have to defer to legal as to how that process would work there. To my knowledge, that hasn't

[03:10:33]

happened before where there's been a request to view the proposals prior to the closing of the transaction. . >> Councilmember, under the public information act, you have access to all of the information. The public information act doesn't prevent you to see any of the information that the city has unless it's confidential by another act or any other law. You have the right to view any information that the city collects or maintains no matter what the confidentiality provisions are, as long as you do it within the course and scope of your services as the councilmember. >> Spelman: What provision do I have to make this public in the -- if this were entirely city situation, at what point would I be able to make public the information on which I made a decision. >> I think first of all, in this particular case, commercial or financial information, there is an exception under the public information act that says that information can be held confidential. Generally what happens is you contact those -- if you got a request for it or so somebody asked you, can I see that information? Under the public information act, generally, you can't -- because it's confidential, you wouldn't want to release it to the public, we would send it to the attorney general's office and we would notify the person to whom financial or commercial

information it is that we've had request for it and we would raise an exception to that. >> Spelman: Okay. >> And we would tell them that they have the right to write the a.G. And say, this is my commercial financial information. This is why I don't believe that the city should release it at this particular time or ever. And the a.G. Would make a ruling on that. So we have an obligation to do that. Because just like there are penalties for not releasing information, there are penalties for not releasing confidential

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information. And we make sure we follow those requirements. If not, we can get permission from the individuals to release information that they've marked confidential. >> Spelman: Do we hold this information to be proprietary and confidential after the decision is made by the city council? >> It depends, some of it, yes, some of it, know. Generally not. If the process is already over, the general rule is that you can release it. Depending on the nature sometimes of the information there may be some commonwealth privacy issue -- I'm not sure what the information may be. But generally what the competitive process is over, the information is going to be able to be released. But there may be something in there like a social security number. It depends on what we have embedded in all of that information that we received from type of real estate action and I'm not sure what type of information it is that we get in that. >> Spelman: Okay. The social security number is another bit of information that should be held confidential under any sishs. I think it's federal law, it requires that. But it seems to me once a decision is made, the basis for our decision ought to be made public. We have someone write into the rfp, anything that you submit will block out the social security number if you need anything for whatever reason. But the vast majority of any proposal that you submit is they'll be made public after the transactions and finalized. >> I think proposers are generally aware of the public information act and that as a general rule, information you submit to us is going to be public at a certain period of time. But like I said, there are some exceptions, and, gosh, they're too numerous to try to think about right now. But commercial, financial

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information generally after that competitive process is over, will be available to the public for review. >> Spelman: It sounds like something we can write in our RFPs IF WE KNOW IN ADVANCE THAT This might be of interest to the public, I think it should be, we should write into the rfp, you can reasonably presume that all of it will be public with the flowing exceptions, perhaps. Individual identification or whatever else is considered proprietary and we have a procedure for blacking that out before we send it out. >> I don't know if anybody is from purchasing here. I don't know what the lange wam OF THE RFPs TRADITIONALLY SAY. But I do know that we put people on notice that sending information to us is going to be public at some point. >> Spelman: Yeah, okay. I'm happy to look at this matrix in the privacy of my own office and invite the rest of the council if they're interested in looking at the matrix, you have to sign a nondisclosure agreement and give it back and not make copies of it. That's fine before we make a decision. And we'll be interested to see WHAT THE BASIS IS FOR THE RBs Decision. I understand not making it public between the urb and the council, seems not unreasonable thing to do. After we make a

decision on this, people have the right to understand why we made the decision we made whatever it turns out the be. >> Thank you. Cole: I have a following question for the attorneys for the urb. I can understand councilmember spelman's concern with making any and all information that we deal with or make a decision regarding public. But I can also see the other side of that that there may be confidential information that is even not specifically excluded that could impact the number of people that want to bid. For example, a prior bankruptcy or the tax returns would be included, I don't know if they are. But -- but I think we should

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think about what impact it would have on the bidders. Do we have any comment on that? >> No, I think what you just said is absolutely true. But it's also the law as ms. Kenard said earlier. Generally speaking, and I can't speak for the city attorney's office, it sounds like they handle it the way I do with my city clients around the state, once the competitive process has been completed, the sale is consummated. The documents are generally open to the public with the exception of exactly as ms. Kenard said, there are certain provisions in the texas public information act that make certain financial information confidential. Tax returns, for privately held corporations, other types of financial information. And they are almost too numerous to name. We have to go back to the public information act and double check those because there can be penalties for government entities for releasing things that are held to be confidential under the law. And so when ever public information requests are made for those documents after the sales have been consummated, the staff and the city attorney's office and I'm not speaking for the city of austin at this point, but general practice as I understand, through my practice, we go through the responses, see what is confidential, do exactly what the law requires, which is send it to the attorney general's office, request an opinion with respect to whether or not the information is confidential or not. And then abide by -- excuse me, abide by the rulings of the general attorney's office. >> It sounds like it's thorough and the exceptions are thorough in any way as the laws go, we need to proceed. >> Yes. >> Cole: Do you need to give -- councilmember morrison? >> Morrison: Going to flow up. >>. Cole: I think tomorrow councilmember spelman could make

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some suggestions about the urb process. I didn't hear anybody from purchasing say that was actually written in the rfp class. >> Spelman: I'll check up on that in mayor pro tem. >> Cole: Councilmember morrison? >> Morrison: To your point, the fact of the matter is, we just obey the law. And so I'm a little concerned about us trying to delineate exactly what the law is in our direction. And in the information we're releasing in the rfp. Right now we say, hey, just so you know, we have to comply with the public information act. And if we say then that this means that x, y, and z, that means we're taking on the responsibility of explaining to them what the public information act is. And I don't know if that's necessarily our job and the fact I would imagine there might be some discomfort from a legal point of view. And so just to make sure we're highlighting -- make sure you know what the public information act involves. And we do comply with it and it does mean that as much as we are required to and are able to, we will release the information. So I guess that would just be my point about trying to expand upon it.

>> That's correct. We inform people they're subject to it. When they send information to us, they would be subject to it. >> Morrison: Hopefully if they're not quite familiar with it, they'll get advice on that. I guess I'm a little confused about one thing. When we make decisions and on RFPs AS THE COUNCIL, THOSE Proposals are always available to us. There have been several times we just get with the -- you sign your life away with nondisclosure. I've done it several times. When there are areas I have a

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special knowledge in. Maybe you just covered it but maybe we need to say it one more time. I'm not quite sure where we stand. Generally, we have all of our matrix available and I understand that urb is dealing with that differently. The urb wants to hold the matrix hold the matrix as private information until it's released. Am I getting that difference correct? >> I think there's a difference when you deal with professional service or opposed to real estate. That's why I wanted real estate to kind of talk about what their normal process is when you're selling property. But generally, yeah, under other types of procurements, you will have that information. If it's not in a backup, like I said earlier, this council has the right to have access to any information that this city has, no matter whether it's confidential or not. As long as you're reviewing it within the course and scope of your service as a councilmember or some issue that you may be dealing with. So, there are no confidentiality restrictions on what information you have access to. >> Morrison: Right, I understand that. I was just trying to understand what's publicly available at one point. With real estate, we generally don't include the matrix? >> Don't include the matrix? >> Morrison: As we're evaluating different proposals. We don't include it as public information prior to -- prior to award. >> Prior to award. It is held confidential because of the competitive nature of the situation and they're reviewed. The proposals are reviewed by a panel and then a decision is made. >> Morrison: But I guess the point is, the real estate, we do hold the matrix confidential for other competitive situations.

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We don't hold the president confidential prior to award. >> Let me clarify that before thursday. That's my memory. We don't have a real estate transaction offhand where I can say yes or no what our practice was. But I will have the office get with them and try to -- you know, get more information about what our practices are when you sell real estate. But when you do competitive rfp kinds of things, I believe he will generally have that information and the public will generally have that information. >> Morrison: I'm trying to understand the difference and why the difference? >> Correct. It's the competitive advantage that the law allows when you deal with real estate. Deal with real estate, purchasing, and what are our normal practices for that? >> Morrison: Thank you. >> Cole: Comments, questions? I agree with council member morrison that the burden of explaining the law should not be with us but with the applicant. >> Mayor pro tem? Can I make one statement? Rebecca giome of the housing and community offices. I know there have been the public transparency in the process and public engagement. We did want to make a note. We're happy to circulate this once again that the market study for the area was commissioned in 2011 and released in 2012. THE RFPs FOR TRACTS THREE AND Five near what the market study calls for through a very robust public engagement process, that

lasted almost eight months. So I'm happy to circulate the study again, because it does reference tracks three and five. That might be helpful information for you all before thursday as well. >> Thank you. Any other comments, questions. Thank you for coming. >> Thank y'all.

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>> Any further items that need discussion? Councilmember tovo? F >> Tovo: Mayor pro tem, I would like to just briefly discuss item 50, which is an item that councilmember morrison and I sponsored. I'm doing so because there may be questions and I know that our staff have come today actually in anticipation that there might be some. So I'll just invite our parks staff up if they want to talk about it. Just by way of background, the process, we received -- we voted to support the creation of congregate meal programs. This was responsive to some of the work that had been done by the commission on aging. The mayor's commission on aging. I may not have that name right quite right. But they supported the expansion of congregate, there are two sites that have been waiting for a while for a site and had demonstrated some need in that regard. And the asian american resource center, some of the -- some of those have been very involved with the creation of the asian american resource center came to some of us and said it's very difficult for -- for some members of the asian community to go to the meal sites because of the limited menu choices and they're not culturally appropriate and there's a great need within our facilities to serve -- to serve really the other functions in a congregate meal program which is to provide social opportunities and that is one of the great hopes of the asian american resource center and the other recreational facilities that those meal programs would provide an opportunity for seniors to come together. And in doing so, really have those programs have great health

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outcomes because people tend to be healthier and whatnot when they're getting out and are around other people. We pass that as part of our budget process. The dove springs program, congregate meals program began this fall, I believe. We're serving seniors at that site. It encountered a few challenges. I think maybe the staff are in the best position to provide us a description of that. Some of that is captured in this resolution. But basically in the construction of the asian american resource center, some of the designs changed and that facility was not built with a commercial kitchen as is standard in all of our other facilities. That's created a problem in implementing the congregate meals program. And this is anecdotal evidence, perhaps our staff has more concrete evidence. But I heard that it has proven to be a challenge with groups that are trying to stage events at the asian american resource center that they're limited and kind of caters and can bring into that facility because they can be caterers that can work in a kitchen. It's not quite a catering kitchen. So it's a very limited kitchen facility and especial lip at that facility, that hope that they could bring in smaller restaurants, you know, family-run businesses to cater their events. And because it is, it has received economic developments, money and part of the function - part of the function of the asian-american resource center is to promote economic development among businesses, small businesses here in austin. And that's why -- that has the kitchen -- the limitations of the kitchen has really affected that as well. I think I'll stop there. If I could, just invite our staff to provide something. >> Good morning, mayor pro tem and councilmembers. City manager, cory

ryder, assistant director with me.

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And also mr. Tony, arnold who is our facilities manager. Just a little bit of background on the asian american resource center. This is the facility that opened in september, so it's four or five months old. So it's going to prove to be one of our premier facilities located in northeast austin. If you visited the facility. You'll find it's an absolutely beautiful facility. Just to get a low background of a couple of questions came forward in preparation for today. One question was what were the original plans for the facility with respect to the kitchen capacities. And as -- as councilmember tovo has expressed, we received quite a demand for a meal program to be located at that site. Our original intent was the take the dollars that council had allocated for a milk program to apply it to the asian resource community center. What we learned because of its proximity to dove garcia, it did not qualify for the grant supplemented program. When we think of a meal program, it's important to know that not only do you have to prepare a plan that ensures that you have the capacity to prepare the meals, but also disclose them within that facility, and the transportation component associated with that, and many communities, participants access the community by personal transportation but because we're finding that there's a significant part of the community who are come prized with senior citizens, there's the need to have the transportation component. We looked at it. We had some conversations with our code enforcement. And we also researched the history of this facility. So with respect to the capacity, how did we get here? I'm going to ask tom to speak to you about the original design and how that changed over time and what our challenges are here

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today. >> Good morning, tony arnold. Park and recreation department. When the project began during the preliminary design phase, there was a determination to move forward with designing a full commercial kitchen that would have required 600 to 800 square feet. In the design process, that because determined to be reduced back down to a warming kitchen, with the funding falling or not meeting the requirement, which at that time would have been around \$250,000. So as we moved through the criteria, that was reduced down in the actual design to 500 square feet and being a warming kitchen along with a break room. And then as the -- when funding and value engineering came in, that reduced down even further to a warming kitchen that required. That provided a little over 200 square feet of storage for it. But a kitchen which was 277 square feet. Which is where we end up today. So we have a kitchen that can warm food so food can be delivered. But we don't have a commercial grade kitchen that would need us -- allow us to cook on site, which is where we run into the issues of the community wanting food that needs -- the cultural needs is no -- there's no way to prepare that on site. So -- I think that explains it if you have questions. >> Tovo: I don't know how far down in the weeds we want to get. But it was also -- so there are other options and my understanding is you are moving forward because we have the money to fund the congregant meal service this year, you're

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going to get an rfp to come in and provide those meals to the seniors. >> Working with an interim short term agreement with the catering service that will carry us for the rest of the year. The gold would be if we were able to move forward retrofitting the kitchen that we try to have that done by september, the beginning of the next program year. >> Tovo: Great. Also my understanding that that you were able to secure all of the equipment needed for the commercial kitchen at a very, very reduced cost because another organization was no longer needed it? >> The department took advantage of the view that was failing some commercial equipment. Ultimately after the design specs had been done for the new retrofitted kitchen, we'll be able to determine how that particular equipment will fit in that facility based on the capacity and demand. If we're not able to use it there, we'll use it in other facilities. But the design will be able to dictate the equipment at a low fee. >> We talk about other recreational facilities that are in and what their facilities have in terms of kitchens? >> Yes. We have 11 facilities today that meet full commercial grade. These commercial standards, we started trying to meet those in the planning of the 2006 mining program. So we currently have 11 today. That means that we have four others that were built prior to the current standards that we continue to operate to serve fun throughout -- being able to grandfather that permitting to keep those going. So we have a total of 15 facilities today to where he offered congregant meal programs. So we have some food preparation at those sites. Then we have other than that, we have several facilities where the food is prepared offsite.

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When that food is prepared offsite, then we can bring those in and serve but we can't cook. But the goal is to get to a point where we are able to prepare food anywhere that's required by staff. >> So -- >> Tovo: It changes the requirement of the staff, as I understand it, depending on the kitchen. You need food handler's permits and other kinds of health requirements when you -- when you -- >> yes. >> When you do prepare the food offsite and bring it. >> Yes, ma'am, the specific codes for the -- when you're preparing on site, the amount of dish washing, the amount of prep that's required there if the food is prepared offsite, then it is brought in, delivers, and then removed on site so it reduces the amount. So hood exhaust systems and things of that nature are required when we're going to cook on site. We were not able to install those at that particular facility. >> Tovo: I think I heard the fight say that the goal would be to do the retro fit by september so that beginning in september, we would have more options at that facility. >> That would be the ideal, yes. >> Tovo: Could that be accomplished if the council supports this and comes back as a budget amendment and that passes, there's the possibility that the work could be begun and completed by the fall. >> If council approves the additional funding for the retrofit, our goal would be to complete this with a 9 to 12 month. >> Tovo: Okay. So it would be -- it would be for september or right at september. I think programming starts september 15 for the next year, right? Thank you. Thanks for being here. Great -- we didn't pull it, so I know it was great for you to be here. Others have questions. There may be reluctance to look at that, the surplus that we know exists in our budget.

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But it is -- there is a practice of using that for critical or one-time needs. This is the capital need that I think will only get more expensive as time goes by. They've begun to pull together estimates and provided estimates of what the delay would cost. And if this is going to be a limitation that we know will not go away, I would say let's do it now before it gets to be more costly. It's the state of the art facility. It's one of our shining new facilities here in Austin. And I know we probably all share the goal of making sure it's as successful as possible. So that's the intent behind the resolution this week. >> Cole: Councilmember Martinez? >> Martinez: I certainly am supportive of building out the resource center as we intended. And I absolutely agree the demand for events is very high at that particular facility. I -- I would be more supportive of this if we had a broader conversation about one-time expenditures from our budget surplus. And more specifically, if we're going to talk about where our priorities lie, that somehow some way in that equation that has to be money for flood plain buyout programs that we still have folks in parts of our community that are in harm's way and they're waiting for us to find the funds to do that. So I would just urge us to have a broader conversation about what our priorities are. I think this would be one. But I would also like to ask, does the MAC have a commercial kitchen? >> Yes. >> Laura Espinoza, division manager. Yes, the MAC does have a commercial kitchen. >> Martinez: Great, but as we know, the MAC advisory board is continually asking us when we're

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going to move forward with with space two and three. There's needs all over our city. I don't want to pit one against the other. As it relates to the Dove Springs area and south and southeast Austin, I would think that this council would want to prioritize some of those funds into a buyout program for folks who are still waiting to hear from us. To me, that seems like it's high priority as well. So I don't know if I feel like supporting this on Thursday, because we haven't had that broader conversation about the priorities. I know staff is not recommending budget adjustments this year. But that's a council prerogative. I would certainly be supportive of some mid year budget adjustments but I would want us to discuss what those -- all of the priorities would be. >> Cole: I couldn't agree more that we need the Asian American resource center up to par with the Congregant meals and the other centers that bears the further equality given the position and the fact that it's a minority group. I agree also with Councilmember Martinez that the biggest question is whether or not we're going to have a mid year budget amendment. I believe that management has suggested that we not have a mid year budget, a council session, because the funds need to be reserved for the potential property tax staying constant and not being increased. I also support that. We have to be attentive to the property tax rate and that we kept the loan last time. So I think I'd like us to have a broader conversation because I don't think each of us every week could bring a mid year. The amount of this is \$7,000. The amount we were told that we

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had available was a surplus of, I believe, \$9.5 billion, was it 14? General funding was \$14 million? Councilmember? >> Mayor pro tem, a little more than \$14 million was the in balance for fiscal year last year. That's what we would be contemplating. If the council would want to have a work session about this or some other form of a conversation, I would be open to that. I probably will support this item on

thursday. Because it simply sets the city manager moving forward to bring it back to us for a later date. But I was hoping that time frame, because it's in at march sometime, maybe we can have a work session and discuss budget priorities. One of those being we have to be mindful we're heading to another budget year, we'll have to fund really, really important things. We're talking about a public safety center that I know the city manager is working on that's a huge priority for us. Municipal court, we haven't completed because we don't have enough capital funds to finish the municipal court. There are -- the list goes on and on once we start going down this road. >> Cole: We have huge transportation needs that we haven't discussed and that we're preparing for. So interestingly enough, I am actually surprised that all of the work that staff has already done on this particular item in giving the particular estimate. So in some ways, I don't really look at this as a budget amendment coming from council. It's almost as if it's coming from management. Can you speak to that? >> Tovo: I don't think I better speak for management. I know I'll get the answers wrong. >> Cole: You worked with professional staff to come up with the estimate and they've given us information this morning that is very supportive because we have not done it in our other recreation centers and we have 11.

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That's where we actually had -- so it's 15. >> Tovo: I'll just say, we passed -- as I mentioned, when we passed the budget, we made it a priority to put \$70,000 to create a congregant meal plan at the arc. My staff and I followed it through the fall. When the program started, I said where's the arc. We had members of the asian american community say when is the program starting? This is an ongoing discussion. The staff is working very hard with other departments to try to figure out what are the challenges. And I think what you see here is reflective of that. But they've put a lot of time and work talking to everybody from meals on wheels to environmental health to co-compliance to try to figure out how we can implement that congregant meals program we desperately need. They have done an preliminariest mates as I mentioned. So the staff yes has done a tremendous amount of work on it and working on it for a while. I hope there's a lot of hope in the community that we might move forward on it. I'll defer to management to -- to comment on whether they regard it as -- >> I'm sorry. I was ing. >> Cole: We have an item that's been brought by council. We're struggling with the issue of having a mid year budget amendment. In this particular item, we've had an incredible amount of staff work for a long period of time. And staff thinks that due to the need, the staff recognizes a lot

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of need. So I'm wonder to what extent, if any, management has been in support of this item? If you know? >> Assistant community manager of community services, what we're trying to do is respond to an issue that came up about this facility envisioning what it would take to get a full meal program that would be culturally sensitive and addressing the needs of the community. We've been meeting with the folks of the asian american community. We had feed back from the councilmembers. So we set out to get a cost estimate to see if we can put a full fledged kitchen there. It's not looking at this on top of other needs because as you know, we have a bunch of other needs. We have been very clear that obviously it's going to be contingent upon funding because we don't have \$700,000 in the parks budget

or anywhere else. And so I think in visiting with the city manager, it's going to be subject to funding availability. So in terms of management being supportive. We're supportive but not saying this is above anything else in terms of other priorities and, of course, subject to the funding if it becomes available. >> Cole: Okay, thank you. >> Martinez: What would have been our timeline? What would have been our timeline in terms of bringing this forward. Would we try to bring it now or enroll it in the upcoming budget process? >> We did. We set out on two tracks. One is to find what we're saying is the longer term solution and get the kitchen retrofit to serve the meals on an ongoing basis. Understanding that that's going to be subject to funding availability and it will take time to get the work done. We also wanted to look on something short term. So big -- ms. Wright mentioned

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about the current funding we have is \$70,000. Discussing with the city manager, the need for transportation. We would be amenable to some sort of administrative authority if we could handle it. So, in fact, we set out on trying to find the short-term fix to get the meals going as soon as possible. We want to be able to take advantage of the synergy there with the residents wanting to come to the facility. That's our commitment. Then work through the issues with the \$700,000 and the longer term fix. So we set out on both of those tracks. >> Cole: Councilmember morrison? >> Morrison: This is an important discussion. We said on the agenda, we have on the request a budget amendment for \$200,000 for south shore district planning. Another one that my name is on is expanding this year the contract with the austin technology council. I assume there's other priorities that we sort of adopted over the past six months and I'm not sure what they are. So I do agree that we should put them all in a pot and take a look at them collectively like we did last year and that doesn't mean that we'll necessarily approve any of them. But at least we can have a thoughtful conversation. For me, part of the discussion would be which of these are really critical to do right now as opposed to waiting until the rest of the budget process? And I think for the asian american resource center, there are some elements of the discussion about trying to do it now versus six months from now. But I imagine that's the kind of discussion that we could have if we put them all on a list like we did last year. And you know there's another short term emergency need that just came -- became the -- came to my attention recently about

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two of the family resource centers losing their funding. And they won't be able to get funding by september. Looking again for short term names. So what would it take them, I guess, to ask us to get the city manager to ask the city manager to support setting up a meeting for a work session to look at an overall mid year budget, you know, what the requests are, and do we want to make any adjustments to the budget. >> Cole: Let me suggest we can put an item on our work session to discuss budget items and have that discussion. But I would real lie like to see in preparation for that discussion and for us to use some restraint until we have that discussion, that we be provided with a list of the items that have hit in this budget year and the councilmember that requested them as if we would to do that. And we would get some type of estimate on what management is thinking in terms of meeting or maintaining the

property tax rate constant or the low? >> Morrison: And now my -- I know the city manager is going to have something to say about that. Now might be a good time. I know the budget work is starting. I guess I would like to suggest that it not just be an item on the work session, our regular work session agenda. I think it needs to be a specific work session and the note would take preparation by staff to find those -- what are the things that we have raised over the years. >> Cole: Let me say, councilmember morrison that I wasn't suggesting that it would replace an actual meeting on the issue. But I thought it would help us decide if we wanted a meeting on the issue. That's the reason I suggested a work session.

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I know management has asked us not to have a particular council meeting on the herb shupe. I thought we could have that dialogue about it before we do. >> Morrison: Are we having a dialogue now? Okay. I know we have to be careful. All right. >> Spelman: I guess -- >> cole: No, we're not having it. >> Morrison: We're not talking about this. Got it. >> So it's your prerogative as council to give us the direction to place an item on. I think our -- the city manager's perspective on this would be to let us work with you and on the timing of all of it, because we would not want to just come back and talk about this. We would want to have a healthy discussion about the upcoming budget process because if we're going to maintain it's not just about the items. Maintaining what we have, the cost structures have to come in as well. If we did nothing at all or nothing to the budget, the cost drivers alone puts us to the double digit millions in the cost drivers. So we would want to work with the cfo and timing shows prerogative to direct us to be prepared for the discussion along those lines. >> Morrison: So we put this topic to talk about on next week's work session? I'm sorry, the work -- yeah, the next week's work session? Or are we just asking you to help us? >> I would like to work with you. Certainly we try to get it to you as soon as possible. But we'd like to work with you. So our cfo would have time to put together all of the other information that needed to be discussed with the item. >> Morrison: So why don't we put a specific topic on our work

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session for next week that says let's talk about the timing on when we could do that. Would that be all right? >> Yes. >> Cole: Councilmember spelman, do you have a comment? >> Spelman: Yeah, yes, I do. In addition to our own ideas for new programs or services that ought to be funded, I know that for the last few months, our departments have been working on a list which will at some point be submitted to the budget office. What's the timing for that, michael, about? >> Good morning, cfo. Staff is in light of the city manager's direction that we were going to try to bring forward a budget that has no tax rate increase and then later what the deputy city manager is talking about with the built-in cost drivers, we sent out direction to our departments this year that we're not going to be taking unmet service demands on the normal sense of the word. We're asking the departments to go about doing their work and identifying what we're calling this year, critical priorities. To the extent there are critical priorities, we want to be looking at the existing services, the existing programs, and see if there are any vacant decisions or some unutilized resources to be redirected to meet the critical priorities or if they are priorities to be funded through a new revenue stream, we would entertain those. I want to be clear that

was part of the city manager's direction this year in light of his desire to see a no tax rate increase, we were not looking to collect a whole huge number of unmet service demands. That's the long-winded answer, the short-winded answer is that work will be coming up in april leading to our financial

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forecast. I would row mind the council we're going to be answering or forecasting the answer to a lot of these questions on april 24 in regards to what are our cost drivers, what level of pay increase are we projected to our civilians. We know what we're projecting to the unionized workforce. What does that cost us? Health insurance cost drivers, two officers per thousand due to demographic shifts. All of those will be becoming important to council. We'll have a much clearer picture of what the future financial picture looks like. If you can wait on some of the discussions until april. >> Spelman: Your budget office is getting a better sense of what it looks like. We're not calling them unmet needs, we call them critical priorities. It's a shorter list, but it's a must list. >> Not only if it's a shorter list. >> Cole: Let me just interrupt. I'm okay for you to asking questions about factual answers. I'm okay with questions about setting an item for an agenda, but if we're getting to the particular issue. >> Spelman: My only issue is the timing of the discussion that we've already been as mr. Martinez said not talking about. >> Cole: Questions, questions and answers. >> Spelman: Okay. You got a budget office that is produced for our viewing like critical priorities or cost drivers on april 24. And at that point we'd be able to look at these things in the context of all of the other critical priorities and the context of what we're facing just to be able to keep the machine running at its current levels in the next fiscal year. And it seems to me unless there's an emergency that requires us to take a look at any of these things before at least april 24, it would be improper for us to do that. Let me give you an example of an

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emergency that I had in mind. Last year we had the mid year budget adjustment because we had several applicants due to the 9% tax credits for affordable housing that we had to pony up a matching fund for or they would not -- would not qualify. We consider affordable housing to be a critical read in this community. It had to be done at that time in order for the 9% credits to be available. That seems to be an emergency. That qualifies for a mid year tax adjustment -- mid year spending adjustment. I don't see the same level of urgency for any of the things we're talking about for next week. I'm happy to vote for all three of these to bring them to the next level. But I would feel uncomfortable voting for or against any of them to have varying information about the context. They're the critical priorities of the tax drivers, the spending drivers. >> I wouldn't want to take a look at funding stuff until at least april 24. >> Cole: Councilwoman tovo? >> Tovo: We heard about it in finance meetings, that was not management's preference. So the response was if there are items, bring forward council agenda items. So that's whate we've been doing individually. If it ends up being another budget amendment session, that's perfectly fine. It does make sense to consider them together at one time. I'm concerned about waiting until april 24. We did it much earlier last year. Can you remind me? >> It was mid february when we had that work session. I'm of two minds about it.

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We know that money we spend now is not money we'll have available to use towards next year's budget. So we're in the same decision-making role whether we consider these budget amendments before or after that april 24th session. >> I used to -- I used cost drivers as one example. But part of the reason the city manager was recommending the mid year is because of the concern that's going into a regular basis. Because cost drivers is one thing. But our sales tax is going through it really well right now. But historically, you know, that three-legged stool of the way we fund things, ad valorem and sales is the most volatile. And so even though that's coming in right now at a healthy amount, long-term, when we protract things out, you'll want to be careful about that. That's just another example of why we would want y'all to take a look at everything across the board if you are so inclined to do it. But that is why the city manager is recommending not to do a mid year because the landscape is a little different this year than last because of the council's interest in trying to stay a close attention to the tax rate.

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>>... So it -- in throwing off -- in throwing off the construction time table, that may have some impact on their revenues. I also will submit that question via the q and a process of the perhaps we can get impacts on waiting a couple of months and then carrying the construction through. >> Riley: I share councilmember tovo's concern at least with regard to the timing, at least with regard to the item that I'm sponsoring, item 44, it's been going on for a long time. It was an unmet need at the time of the last budget session. There has been some ongoing planning with -- with funding that we did have in hand, which is about to run out. So there has been a very healthy community conversation about what to do the south shore central based on recommendations from our waterfront funding advisory board. The urgency is partly just a matter of keeping the momentum going on the planning that has already been done, based on the foundation that's been laid with the help of folks like the sustainable assistance team. But I want to point out two other very critical aspects of the timing on that item. One is that we have seen in the course of the discussions on -- in regard to that area that -- that there is a -- a -- a very real likelihood that in the absence of planning we will see development take shape there, that completely blocks access to the shoreline in terms of visual and -- and -- and the visual corridors as well as the actual transportation corridors. Actual access to the shoreline. If development just precedes, then we will have lost the opportunity. All that you have to do is look out across the lake and you see the cranes up there cranes on multiple

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projects in that area. It's a very real risk we will lose the opportunity to serve the goals that this city has strived for for decades to promote the goals such as those discussed in the town lake corridor study back in the 1980s. Second aspect of the urgency is that we now have recommendations from the -- from project connect and others involved in transportation planning for high capacity transit that -- that the plans now suggest that the -- that an appropriate place to -- to cross the river may well be somewhere around the -- what we know is the statesman side. Just east of the statesman, that really involves

identifying transportation corridors in that area and that will require some degree of planning. And that is exactly the sort of planning that is contemplated by the planning process that we're talking about. In fact, the -- we had one U.T. Group that was preparing a set of plans for the south shore that actually presented plans for a rail bridge. In the same general area it is now suggested. So there's a very critical need to move forward with comprehensive mapping for that area -- planning for that area, especially to understand how the rail crossing would work. So both in terms of missing an opportunity to preserve access to the waterfront and identifying opportunities to have a -- the best possible rail crossing, but there is real urgency to both of those things and I would hate to think that we have to put off that decision for two months just because we're -- we want to have a more global discussion about all of our needs. This is -- this is the -- the amount that we're talking about is something like \$200,000. It's actually -- I think, a small fraction of other items that we're talking about. And I would suggest that when you think about the implications of what -- of planning for that area, that the value really -- in my mind -- weighs heavily on

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the side of proceeding sooner rather than later. >> Cole: I know the south shore item is 200,000. Do you have any other idea how much the other item is with respect to planning for going across the river for the general rail east of the statesman. >> I haven't seen cost estimates on the transportation. >> >> Cole: But you think that will come forward BEFORE APRIL 24th, IS WHAT You are suggesting? >> On the project connect aspect, I don't know. >> Spelman: The answer to that question, mayor pro tem, is no. We won't have an Ipa before APRIL 24th. >> Morrison: I do have a question to follow up on that. Because I know that we are already spending many, many dollars on rail planning. I guess that I would ask staff if they can help me understand, I assume that rail planning will involve some detailed planning about how to get across the river. And so I wonder if we're already paying, we already have money dedicated to that and hopefully this money is -- might augment it, I guess, and do it in a broader context. I don't know if there's anything here that can help us understand when -- >> Cole: Mr. Good is coming to answer your question. >> Robert good, assistant city manager. We do have some funds to talk about some schematic level plans to get across the water. But this would augment that and get a little bit more information because there's a lot of route considerations to be working on in the next few months and councilmember spelman is correct we won't have that by april. It's may/june time frame when we will be considering Ipa. I believe this would probably be linked together -- >> great. What does Ipa stand for, sorry, for those -- [multiple voices] locally preferred alternative. >> Okay. So I guess because I have concerns about whether this rises to the priority of some other things and so I just want to make sure that

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we understand whether or not it's, you know -- how it's tied to work that's already going to be happening. >> We could prepare a response on how that would work together. >> Okay. >> Cole: Councilmember tovo? >> Tovo: A meeting of the south river city citizens recently and there was participation about this planning effort from hall land holt. One of the members asked how is this

funded, how is it going to be funded and allan talked about a variety of funding that the department is pursuing, grants and I have forgotten some of the other details. So I -- you know, I applaud that kind of initiative that if they are about to run out of funding, they are looking for lots of other funding sources and I would hate to stifle that by -- you know, going ahead and providing it. Because the money is so scarce. So I guess what I would -- [indiscernible] all right? So anyway, I wonder if you could speak to that or if our staff could and the potential of getting some of those grants which would be in my mind a better option. >> Riley: I have had that same conversation with allan. Yes he is seeking grants. Yes, he would continue to aggressively seek grants if this funding were made available. If you will get -- if you ask him about the dollar amounts he's talking about, he's -- the grants that -- at the time I spoke with him, the grants that he was talking about were more in the ballpark of \$10,000. But were a very small fraction of the total need. He recognized that there was no way that there would be grant funding sufficient to cover the whole need of doing the master plan for the whole area, which -- which we've all expected would be needed. He did not -- I'm happy to revisit that issue with him, but as of a week or so ago, there was -- he didn't see any way that the grant funding would cover the need of getting a comprehensive plan in place. >> Cole: Okay. Well, with all of that

[04:09:41]

discussion -- >> Morrison: Mayor pro tem? I just wanted to circle back around to talking about the request to have something on the agenda next week to talk about timing. I'm also concerned about waiting until the end of april. So maybe next week at our WORK SESSION ON MARCH 4th, Staff could maybe help us understand what kind of context we would be able to put the -- a potential budget amendment in if we did it say at the end of march versus the end of april. Because I understand that we -- you know, staff might think that we don't -- they're not quite there by the end of march, but if you could help us understand how far we could be, then we could make a decision about whether we think we should move forward at all with the special work session or whether it should be -- if we do decide to move forward, whether it should be the end of march, ends of april. >> Deputy city manager michael McDonald? >> So the question or the item that you would be proposing to put on would just be a discussion about what sort of timing and what we would be able to bring forward and -- in a discussion if you all were to put something on the agenda at the end of march? >> Morrison: Right. >> To discuss mid year. >> Morrison: A mid year budget versus the end of april when it sounds like staff would be more comfortable and feel like they have a full amount of information. And that way we could then take that away and decide how to proceed. >> Okay. >> Cole: If we proceed to do that, I would certainly want as many estimates as possible so that we don't leave anything off the table in thinking that -- recognizing that staff has not done its work to the level that they wanted to do april 24th and if we asked them to come forward with some numbers, after our meeting next week, that we still have some estimate of the impact of -- of required costs that we're going to -- cost drivers that we're

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going to have. Did you call them critical priority needs? >> Yes, ma'am. >> Cole: Critical priority needs and also projected property tax implications, even if we have to forecast that from next year. Is that too

much work for you, ed? [Laughter]. >> No. It's not -- it's not too much work. I might be able to respond to some degree about the -- about the late march. If you think about our forecast, a lot of our sales tax discussion revolves around the work mr. Hockenyos does, which we haven't even had that conversation yet. But I think it's unlikely that he would be able to do his work by the end of march. He usually gets us that work about a week before our work session. There's a lot of discussions that happens with the cmo, the city manager's office leading up to that discussion. That's a -- we have time on the calendar currently. So we would have to work to see if we could get earlier time on the calendar to do that work, you know, conversations with tcad typically happen the first week of april where they give us their initial look at, you know, having completed their field work, what are we going to be anticipating for av growth. So quite frankly, the reason -- there's a reason we do it in april. A lot of the key assumptions that we would want information on in order to do a good forecast for you, we just probably won't have in time to do something late march. >> So ed, I guess the best way to sum it up. We certainly will not be prepared by the end of march to have a robust discussion as we would be able to have on the 24th of april. But what we could do in the discussion next week is let you know, give you an idea of what we would be able to discuss with you at that time if you had a discussion at the end of march. >> Morrison: And if -- yeah, if it would make any sense to, you know, pencil in things. We already know somewhat cost drivers, ballpark figures and things like that. >> Okay. >> All right.

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>> Cole:. >> Tovo: It might be a good idea to give the community some idea of what might happen to some of these resolutions next week. So I ask my colleagues what might make the best sense for this week in terms of leaving these items on the agenda, postponing them for a week? You know -- [multiple voices] >> [indiscernible] >> we can talk about, I believe that I will be supportive of the item. I also am a co-sponsor with councilmember riley on the south shore item, so I will be supportive of that. I, however, would urge that we exercise caution until we have this comprehensive discussion, even if we have a preliminary discussion at the end of march and then ultimately we have a more detailed discussion after april. Because we -- we want to be mindful of the whole picture and the entire needs of the city. >> Tovo: Sure, absolutely. As somebody pointed out, really all that we're doing in each of these resolutions is initiating a budget amendment that will then be voted up or down, either in a work session on its own or individually on some future council agenda. >> Well, that is a good point. >> Tovo: I'm trying to get a sense from my colleagues who really want to evaluate these altogether, which I think does make sense. Whether you are comfortable with leaving these on the agenda so that the estimates are full and complete and detailed when we have that final discussion about budget amendments. >> Spelman: Mayor pro tem? I'm comfortable with all three of these items with one exception, that's yours, councilmember tovo. The only reason that I'm uncomfortable with that one is because there's a specific date by which we would be making a decision AS MARCH 6th. If you would accept a friendly amendment to either move that date or change it to some later point, I would be happy to vote for that one, too. >> Tovo: Absolutely. I would be happy to make that adjustment and repost it by wednesday so that's in our backup. I will have to give some thinking to how to phrase it because we want it to happen whenever we're having that discussion, I'm not sure we'll know that before next tuesday.

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But thank you for that suggestion. >> Cole: Staff is clear we want to post an item for next week to discuss this. Any further items to discuss today, councilmember martinez? >> Martinez: I just had one -- wanted to make a clarification for the sake of some folks watching that item 12 is going to be requested to be postponed by staff. Is that correct? >> [Indiscernible]. >> Do we know of a postponement date yet or just an indefinite postponement? >> No, sir. We would like to postpone it until the march 6th council meeting, just for another week. >> Martinez: Okay, thank you. >> Morrison: Just a brief note, on item no.48, which is councilmember martinez and some others in terms of adjusting the hours for outdoor music at the macc during south by. I don't have any problem with the concept. I had questions in the way it was phrased and as I understand it, legal is working on some rewording of it to -- to get it more pinpointed. >> Cole: Any further comments or questions? This meeting of the austin city council work session without objection is adjourned.

[06:01:28]