

## City Council Meeting - 1/29/2013 Work Session

>> good morning. I'm mayor lee leffingwell. I'm going to call this work session to order, tuesday, january 29, 2013 at 9:-06 a.m. We're meeting in the boards and commissions room, austin city hall, 301 west second street, austin city, texas. We'll go right to our preselected agenda items and going in order through the list that I have. Then we'll go to additional -- after the preselected items, we go to the council discussion on the code revision committee nominations. So, the first is an item that i pulled, item 28, which has to do with the pilot program that authorized walking and biking in certain trails on a 24-hour basis. So the reason I pulled it and we've had previous discussion on these two meetings ago. It's been postponed twice. There's been a lot of discussion about the expense involved. So I believe we have some folks here f apdo talk about the costs of this pilot program. Come on up to the table.

>> Mayor.

>> Councilmember martinez?

>> Councilmember riley?

>> It could be great if we could have park staff.

>> Mayor Leffingwell: The question I asked, the expense associated with this pilot program has to do with the required police overtime. Could you discuss that?

>> Okay, what we were asked for to submit a recommendation for police coverage for the particular park trails that are going to be part of the pilot program. And what we came out with, in order to have some coverage, we need two shichts because currently we don't have any overnight coverage in the parks. Those are handled by the calls in the parks after hours are handled by the line duty patrol personnel. And what we came out with is each shift will have to have a sergeant, and three officers to cover the trail. For the cost of the entire year 1 million in overtime.

>> So it would have to be covered entirely by overtime? Correct?

>> Yes. Since it's a pilot project, at this point it's the best use of our resources. In order to recruit, train, and hire the additional officers for this opening park use, it would take probably about a year and a half or two to get them onboard and on-line. So the only fallback we have would be the using officers on overtime.

[09:07:20]

>> How many additional officers approximately -- you talked about the number on the shifts.

>> For the two shifts to cover, two sergeants, two corporals, and 20 officers.

>> So sounds like 24 people, 24?

>> Yes, sir.

>> Okay.

>> So overtime is usually planned for contingency? Things that are unforeseen that require officers to work overtime. What if we're using overtime on a regular basis as part of our regular operations? What does that do to your ability to deal with contingencies? You're using so much overtime?

>> We did not receive this funding, it would limit our -- our abilities to perform our initiatives. We have some type of crime that's occurring, a new hot spot that develops with our metro TACTICAL TEAMS AND OUR DRs, WE Use overtime or often we'll use overtime to address those particular needs. If we end up diverting current funding, it willeavily impact those particular initiatives.

>> So unforeseen emergencies or unforeseen -- just unforeseen things that come up, your ability to deal with those would be limited due to the fact that we're committing so much overtime. And I just -- I guess I have a basic problem with planning to use on a regular basis overtime to cover shortages with the police department and taking on additional obligation that would do that. But just to clarify one more 1 million is the overtime costs that would be associated with dealing with the pilot program until you're able to staff up?

>> Correct, that's for the entire year. The cost of that, if we were to step up and have officers work on regular -- on regular duty would be about \$2.7 million.

>> \$2.7?

>> Yes.

>> Okay. Mayor?

>> Well, I guess I have some difficulty with this option. Councilmember riley.

>> Riley: You provided a good summary of where we were at the time we postponed this item. We did that to engage in the discussions with the parks department and the police department about how we can cover any need that would arise as a result of making the trails -- these trails open 24 hours. I think there was a general agreement that would not make sense to stamp \$3 million, have dozens of police officers working overtime to cover these -- these three trails. So we had lengthy discussions. What we moved towards, what we realized is there are other opportunities to work with park rangers. Currently we have 22 park rangers on staff. We do not have any nighttime coverage and late at night. But there are general agreement that we will need to deal with at some point we are opening the board walk next year, the board walk, of course, like -- like the third trail and the short trail and the johnson trail received transportation funding and transportation infrastructure would be expected to built 24 hours just like any other -- just like any roads that receive transportation funding. And so having park rangers working at nightould be very helpful in terms of identifying issues and dealing with any -- any concerns that

would arise at the night -- at that nighttime, both now and after the board walk opens. That turns out that it's much -- much easier in terms of time and expense to get -- to get coverage through the park rangers than it would be through apd. I wonder if we can have -- you know, the rangers our parks department staff address their perspective on having park rangers cover this.

[09:12:01]

>> Sure. Thank you, councilmember. Good morning, mayor leffingwell, councilmembers. Jesse vargas with the parks department and assistant director. And the head of our park ranger program. We were asked to pull together some estimates to provide nighttime coverage for afterhours trail use. We certainly -- let me start by saying we certainly don't propose we're a substitute for apd. Our role as we see it is strictly to detect and report as emergencies arise and these arise out in the trails. That said, the costs with covering the trails in the half hours with rangers is significantly lower than apd would be able to provide because the costs are differential in terms of pay raise and such. As much of a full fiscal year, we look at the costs to cover all three trails, 600,000. That would include not only the labor but also include equipment and accessories and a rapid response vehicle as well that we would require in order to properly cover the trails. We prepared a cost estimate for a pilot here, six months, knowing the realities of the lead times that it involved in hiring the rangers, the reality is even if we launched today, in terms of the time that it takes to recruit, hire, and train, we're more than likely looking at a four-month impact in 2000 -- in this fiscal year. With that in mind, we prepared a four-month cost estimate to give this some guiding data on what that -- what kind of impact that would have on the budget. I'm happy to share that with you if you like. And we can explore the data further. If you have any specifics to the technical questions regarding staffing associated with that, we can also answer those questions.

>> My understanding is that 1 million.

>> It would -- mayor leffingwell, it would be -- again, we're not a substitute to apd, we would say that it would -- it simply speaks to what the park rangers would require in order to provide coverage out there. Again, with the understanding that we're there to detect and report incidents as we do during the day. The back end -- the enforcement of that falls on the austin police department.

>> >> Mayor Leffingwell: COULD I ask the city manager to -- it gets very confusing to give us sort of a bottom line number for what this program costs?

>> You've heard two numbers here today. Apd represent in terms of their \$3.1 million. And you heard them same \$600,000. So, the -- the actual estimate in total is \$3.7 million. This is not from an operational standpoint a matter of rangers replacing the efforts of apd. But rather what's being described here is that the -- that the total amount of resources that we need to be applied from their standpoint in order to accommodate having these trails open 24/7. So that's really what we're talking about today.

[09:15:29]

>> Mayor?

>> Councilmember riley?

>> The lengthy discussions I had with staff, this never came up. No one suggested we'd have dozens of police officers on the trails and on top of that, new park rangers out there at night covering the same ground that apd is covering. We had lengthy meetings and no one ever suggested that. What we were suggesting is part -- what staff was suggesting was that the park rangers coverage could be -- could be -- would allow us to identify any issues that are out there. What we've known so far is that for the periods -- the park rangers have not been saying all that much activity. So far, 22 park ranger staff from -- from the period -- from the latest period we know about, january to october of 2012. They had 14 total, a total of 14 reported incidents. By all of those 22 staff. And so the question is, can they -- can we ask the park rangers to take on the role of being out there at night, having a shift out there at night to identify where the -- whether there are any phones. We know there are -- we know there are already people using these trails at night, 24 hours. What we don't know is to what extent are there public safety concerns or issues out there. It would be helpful to have park rangers out there to be able to check that out. To identify any problems, to report them. That would be very useful information gathering, especially -- especially as we approach the opening of the board walk. That's the idea. Getting that data at night supplied by park rangers would put us in a better position to know whether we need to staff up with apd or anybody else. But right now we have -- the safety issues on the trail aren't being covered, it's not -- it's -- if you called -- if you called 911, I mean, their apd is going to -- has to respond already. We don't know that there are -- that there's a long history of problems arising on the trail. There's very few reported incidents. Part of the problem is we don't have a good method for tracking whether when incidents arise on the trail. We use park rangers to see what's occurring and we could staff up with the full complement of apd officers.

[09:18:02]

>> Mayor Leffingwell: As you recall, I wasn't in the meetings that you had with staff. My comments today are not intended to express a specific opinion about the proposal. But just to relay what I understand. The staff's perspective in terms of what's required. There's a difference, however, in terms of what park rangers do today in the trails tonight. And more or less, a deliberate attempt to monitor them on a 24/7 basis. That is why they went to staff. You all -- I thought you prepared a fairly substantive written report in response to the proposal. Is that correct.

>> Yes, we did. We felt there were --

>> the characteristic you gave is consistent with what's in the report?

>> We want to make sure the council was aware of the use of the trails tonight and making sure some of our partners like the parks foundation and other folks were onboard as well as possibly some community engagement with neighborhoods that would be affected by the use of trails that has not been happening in the past. So I think we were trying to be very mindful of a lot of different perspectives. And I -- but the city manager is correct -- I mean, you know mr. Vargas

was clear that the use of park rangers does not in any way, shape, or form substitute for the law enforcement. What police officers do and what park rangers do. We made a big shift to the utilization of park rangers in the trails simply trying to be more ambassadors, trying to be more as a resource. And in this case, it's a -- it's more of a shift to, you know, something that quite possibly they haven't been accustomed to. So not to argue what the intent is here. But simply just to point out, there was a huge difference in the use of park rangers as there would be with apd. There is a big difference on that side of it.

>> Mayor Leffingwell: Councilmember martinez.

>> I want to go back even further.

>> Martinez: When you started speaking, you said you were asked for a proposal. I want to ask you, who asked for that proposal? That was not contemplated in the resolution as drafted. It was a resolution to open the trail systems -- the three trails that were identified on a 24-hour basis. So who asked for you a proposal and what it would cost you to staff with apd, and why?

[09:21:03]

>> As far as who asked, it came from city hall. I don't remember if I got it from e-mail or what venue it came through. But the thing is that the parks were going to be -- the trails were going to be open and the question was asked about manpower for policing and staffing. These were the numbers that we came out with.

>> I understand.

>> Martinez: I think for me we're operating under the assumption that it's necessary. The little evidence that i believe we have from denver is that they open the entire trail system 24 hours a day and didn't add one penny of additional public safety and are reporting no incidents. No issues. So the assumption is needed, that any additional public safety is needed for opening the trails I'm not sure is based in any clear data that compels us to add it. I understand wanting to address, be proactive and make sure that it is a safe operation, that those neighborhoods are safe. But I would be completely supportive of moving forward, opening the trails without adding any public safety and determining if there are issues and if so, bring it back to the council and let them make those decisions. To presume we need \$3 million or \$600,000, whatever number you pick, I think, is for me, it's not a well rounded presumption. I would prefer as the resolution is drafted we allow the trails to be used for a 24-hour basis be for a one-year pilot program and not add any additional public safety but to monitor it and see if there are any concerns. I will be supporting this, if there's a fiscal impact, I will absolutely support it if we allow the trails to be open and monitor it. Just like any other response, it's on demand response. If apd gets a call anywhere in the city, they're going to respond. On the trail, the street, the neighborhood.

>> chief McDonald?

>> When the resolution came forward, what chief was speaking to, you asked where they put the numbers together, that was a conversation that came from me after having a conversation with

the police chief. You compare the trails to most trails like this in major cities, I think this trail system is relatively safe. After being here all this time, it hasn't always been that way. There have been times where we had trails where we are when we had a series of sexual assaults, and other types of incidents that occurred in the trails. I was responsible when I was at the police officer for deploying additional officers and personnel to help -- to help us in turning around what was a bad situation after a while. So part of the reason we took a look at this after having a conversation with the police chief is that we both felt in order to maintain the safety of the trails, this is what we were going to need to do. Because you can't necessarily just use the numbers of responses that we have right now. A lot of times people think when you're dealing with the criminal element that they're somehow just ignorant. But they're sophisticated in the way they do things and they know how the trails are monitored and even from the officers' points of view, after hours is a lot easier for them to enforce because they know the people are not supposed to be down there. So they can start from that position in the enforcement. If you have a system where folks have to be down there all the time and you can't differentiate between who may be up to criminal wrongdoing or who's enjoying the trails in the middle of the night, then you have to deploy additional personnel to be proactive and not just responding to reports of criminal activity.

[09:25:19]

>> Yeah, I think I don't know if it's a legal issue about the city's liability if we were to just say we're going to try this without additional public safety personnel and just open up the parks. It seems to me like that would be potentially taking on a lot of liability. Like you can be here, but we're not going to make sure -- we're not going what we think is best to make sure the trails are safe. That's in effect what we'd be saying. We're going to see if it's safe or not.

>> Wonder if we can -- I understand your question about liability. It seems like it might be worth the trouble to get an answer from the question. Is there somebody from the law department that can describe it, discuss this for us?

>> Several lawyers here? I'll try to describe it. The question is --

>> Suppose we did what councilmember Martinez is suggesting. You want to the trail after 10:00, use the trail. But we're not assigning additional police and park ranger resources to police the trail. We're relying on 911 and the usual sources that are currently available to respond to call if there are any on the trail. Are we incurring liability by giving people an opportunity to use those trails without spending more taxpayer dollars to patrol them?

>> Let me see if I can answer this in public and maybe we can talk more about it in depth on Thursday in executive session. As a general rule, the city has certain immunities under state law. There are specific statutory provisions that speak to certain types of immunities related to the parks and there's the tort claims act. That's maybe as far as I want to go in public about that particular scenario about whether or not we might have some liability or not. We can bring in one of our litigators on Thursday and have a more robust discussion about that specific scenario that you just posed.

>> Spelman: I appreciate that. You listed a bunch of things but I didn't get a conclusion from that.

>> Sorry. They teach us how to do that.

>> Spelman: I understand. That's a real useful skill. I wish I could learn it myself. We'll have more.

>> Yes, sir.

>> Spelman: We'll talk it it on thursday.

>> Talk about it more in depth in executive session, okay?

[09:28:03]

>> Cole: I have a question. This is an item we had to discuss at our mid year budget work session?

>> Mayor Leffingwell: It is.

>> Cole: Yeah, the cost aspect of it, I am concerned about that. I'm wondering if y'all have done any analysis on if we follow councilmember martinez's proposal, is there any middle ground, is it 10% ground where we increase the lighting, we've gone a long way to ensuring public safety and that's a fraction of the cost?

>> We don't have a cost estimate on that. We discussed the possibility of having additional lighting. Although it's a capital expense, it would be very expensive. Number two, the lead time for such an improvement would be significant. I hesitate to give you a number now. I don't have that number at hand. In your direction, we're happy to work something up to show how that would look. That's a lee time involve in both of the estimate and the design of such a solution.

>> Morrison: I have a few more questions. I want to try and understand a little bit more of the staff's suggestion of the need right now, of course. We don't have any apd as i understand it directly dedicated to our trails? Would you say it's a matter of overall service to the community that we need on the trails or do we have officers dedicated to the trail?

>> We have -- excuse me, we have dedicated officers in the day and evening shift. After the parks close, after midnight, there are no dedicated trails to the parks or the homes.

>> Morrison: So it's illegal to be on the trails right now at night. So how is it -- how is it that you enforce the fact that it's illegal to be on the trails at night.

>> Typically, it will fall to the patrol officers. For some reason they're down in a park or a trail, it would be up to them to enforce it. To this point, they know no one is supposed to be on the trails.

Also it gives them a reason to approach someone in the park, you know, at night. It's much easier for the officers to actually enforce the rules after hours because of the city ordinance.

>> Do they list the scenario for when they would go after somebody on the trail at night. Do they see them from the bridge or something like that?

>> We're caller driven. It would be generated from a 911 call, a suspicious person in the park. We'll respond to that. It's pray marly purely response at that time. In the daytime, there are active patrols out there.

[09:31:13]

>> Morrison: Do you have any numbers on how many calls we get about people on the trails at night.

>> No, we do not. The reason for that is our computer system when we purchased it, the parks were not part of that responsibility. The capability was not included in the package. Say, for example, the trails -- it will cross over several different sectors and when the call comes out, it could be placed in any one of those way to search -- say, for example, looking to see how many robberies occurred on the trails, someone would have to basically open all of the robbery calls to see which one happened on the trail. At this point, it's very intense work and we don't have the man tower to do that. Is there any plan to improve the computer system so we can --

>> speaking on that to see if there are any changes we can do to the existing system to not replace the whole computer program.

>> Morrison: Talk to the fire department. They have a dynamite system. I do have questions about the park rangers. Can you help me understand what the mission is? You mentioned ambassadors. They report incidents. But hearing that 22 staff have only reported 14 incidents in nine months suggests that they are underutilized or the they do a lot more. Not just there to defer incidents.

>> I'll chime in with my two cents. We are trying to transition the group to an interpretive ambassador role for the staff. Funding a state park or one of the national parks. If you've been to one of the parks, you kind of have a ranger in there, they provide a face to the facility, if you will. In doing so, we move away from the law enforcement persona, if you will. To be clear, they have no law enforcement authority. Back when we call -- it's we call 911 just like anyone else does. It gives you the idea the role we in fact played. We detect and we alert. So to that end, that's my two cents. fuller fill in the gaps there.

>> When the park ranger division was born out of consolidation, the initiative they were given were to be the eyes and ears of the apd in the 256 parks, preserves, green belts, it totalled 19,000 acres. Right now we operate 16 hours a day, seven days a week. If that's.

[09:34:15]



>> True, we've underwritten 14 reports. We average in the neighborhood of 11,000 to 12,000 contacts a year, which could range from issuing parking citations to calling ems to calling apd when we've seen something suspicious. We do try to spend at least 50% of our time on the lady bird lake hike and bike trail area. That is a court order operations area. That's the highest used park we have. We work hand in hand with apd. Like we said, we called in when we see a criminal act occurring and provide with the park unit apd officers. We do assist other apd officers when they're working in the parks because they may not be as familiar with the territory. So if they have call or if they -- if ems has a call or the fire has a call that don't have a specific address, they oftentimes call the park rangers to locate the event, gps it, and give them the data back so they can make a more timely response.

>> Martinez: The difference between the park rangers and apd was by design. And when when he made the decision to consolidate, one of the steps we took was to take a look at the park police at the time and determine what things need to be addressed by law enforcement and what portions of their job could be done by someone else that wasn't necessarily a police officer. They had somewhere in the neighborhood of 45 police officers prior to consolidation. So what we did when we consolidated the two was came up with a system by which the rangers where do you lived do for the ambassador and the other roles we talked about here that you didn't necessarily have to pay a police officer to do but to supplement and work and coordinate with apd for those portions that are law enforcement. Outside of the unit that the chief talked about that dedicated just to parks, some of that responsibility was to fall to the area police officers for the calls and if they were not responding to calls to be proactive and taking care of the parks and their district. One other question on numbers. Off stated we had 22 park rangers. That's the sum total now. Your estimate is adding \$600,000. That's per year to additional equipment?

[09:37:24]

>> The park ranger supervisor. Two park rangers which is the the higher level park ranger. Four park ranger ones. And three dispatchers. For the overnight shifts. And bear in mind, we're not talking about a full -- this is ten people. We're not talking ten people on at once. This is to cover throughout the week.

>> Thank you.

>> Sure.

>> I guess I have to say that i am at this point not willing to disregard the recommendation of staff including the police department to what they need to make sure these trails are safe. Hour, I do support the congress member's efforts and I supported them in the past to make alternatives to transportation to make them better. This needs a lot more steady and a lot more planning before we even go to a pilot program. I know we're going to discuss legal issues on thursday. We'll get to a further discussion. Right now, I have to say that I'm not ready to say regardless of what you say, chief, I don't think you need that many people. So we'll hav further discussion on that thursday. Councilmember tovo?

>> Tovo: I want to talk about the park ranger option. If you need ten people and \$600,000 for three trails but opening just one trail would be \$200,000?

>> That's a good question. It's actually -- it's not quite that cut and dried. We looked at our different options and there's really not much of the cost of rental between opening all three trails and simply opening one which would more than likely be the butler hike and bike trail. That would be the main artery, if you will. There's a basic minimum level of staffing that you need and beyond that, it's simply incremental. You work your way up to cover more miles of trail. But in terms -- there's a basic overhead that's required for the dispatching portions, the supervision, of course, and a part of that cost, as well, is wrapped up in equipment and -- and a vehicle as well. So it's not quite proportioned amount per trail. The trail is lengthy and, of course, there's overhead.

>> Tovo: Is the opposite true, we could open up 40 trails for \$600,000? I cannot -- I have no -- I don't understand why it would be true that --

[09:40:05]

>> there's an economy of scale to be had for sure.

>> Tovo: Why can't we --

>> I'm sorry. There's an economy of scale. As you get past the basic overhead, as you add more miles of trail, the cost per increment diminishes. It is correct to say as you add more trails in the future, the costs would not be as proportionally high.

>> Tovo: How much for the cost and the equipment and the vehicle you mentioned?

>> Equipment, consistent , bikes, of course, that cost would be \$45,000, approximately.

>> Tovo: Why is it they can't use the bikes that aren't being used because those folks are home not working? You have folks that work during the day.

>> These rangers ride the bikes. They don't ride them for leisure. They carry 30 pounds of equipment on them. These bikes are fitted for them to reduce any injuries and also to keep from adjusting and readjusting the settings every time you change your shift. We found we tried to get by with fewer bikes initially and we started to have a lot of injuries and the bike maintenance costs going up. Each ranger uses their own bike and are responsible to maintain the bike. The settings stay the same. We can control the maintenance on it.

>> Tovo: How about the vehicle?

>> Looking at the operations, we anticipate there's one supervisor in the night shift. If we just do the butler ten-mile-loop trail, in order for the supervisor or whoever the ranger in charge is, we need something a little quicker than a bike and a little easier to get through the park sysm than a four-door sedan. This is one of the side-by-side ATVs MUCH LIKE CODE ENFORCEMENT

Has two of them. It will be used with the injuries at night to bring out any injured people that may be ems couldn't get to as easily where to bring the equipment in.

>> Tovo: You'd have to buy a piece of equipment that you don't currently use during the day, though we have far more people during the day using far more trails but this --

>> true.

>> Tovo: But this proposal requires a specialized vehicle?

>> Nighttime operations is different than daytime. Daytime, that kind of equipment is more ready available than if 00 in the morning.

[09:43:00]

>> Tovo: Okay. I just have a follow-up question. I wanted to defer to my colleagues for a follow-up question.

>> Martinez: Clarify the need for three dispatchers? Why do we need three dispatchers?

>> Once again, seven shifts in a week's time. You have to have days off too. You have to have someone there to answer the phone and man the radios for the dispatcher -- the rangers. And during the daytime, that's covered. Now, the existing staff with the staff --

>> Martinez: Cover the phone in the event someone calls, what? Who would be calling? What number?

>> Riley: 311?

>> 311 Or the rangers direct. The

>> Riley: 311 And 911 are covered 24 hours.

>> 311 Does not have radio communications. They dispatch their calls by phone.

>> Riley: So that system is already in place. So why wouldn't the current dispatchers be able to cover --

>> the system is in place, they have someone to answer the phone during the daytime. And our officers. That is the current system.

>> Riley: Right now, if someone calls 311, there's a tree down on the trail, what happens to that call?

>> We page people out.

>> Riley: That call gets answered and gets dealt with. But with the current system today?

>> It got called out from home, yes.

>> Tovo: I have a follow-up question. I want to follow up on the point where I was just talking about -- a general question, do we have -- are we going to have some of the costs broken down for us in our backup? I'm interested in the park ranger.

>> I'll be happy to get a copy to everyone.

>> Tovo: Great. Back to the vehicle. If you have an incident on one of the trails and there's a need to go in there and get somebody out, what do you do if you don't have that vehicle now?

>> Move it out to -- we rely on another agency to borrow their equipment that we need.

>> Tovo: Would you call the fire department? My understanding, the fire department has vehicles of that sort.

>> Code enforcement. Again, they have two of them.

>> Tovo: So code enforcement or fire department, I guess, would it depend on the severity?

>> Yes, ma'am.

>> Tovo: The fire department is available. So that could be an option in the evening where you had an unfortunate incident where you needed somebody to go down to the trail and get somebody out. We have that option. It would not be an appropriate role for a park ranger as I heard you describing their function to try to move an injured person out from a trail at night anyway.

[09:46:07]

>> This vehicle is going to be used for more than just extractions would be one use. Again, covering a lot of ground at night with generally an average of three rangers being out. Four nights, it will be two rangers out. So you want some ability to respond a little quicker if they need assistance. So a supervisor would be using this vehicle as well.

>> Tovo: I have a question for our information director if he's willing to come up and enter this. I just wondered -- it sounds like this is coming from -- the intent here is to open up additional transportation options. Are there grant funds that are available? I want to say I have concerns about some of the costs we're hearing. 1 million wld be extraordinary cost to take on right now given our other pressing needs. But on the other hand, I'm compelled by what I heard councilmember martinez and others suggest that really I think the costs that we're hearing sound a lot higher than they need to be. Perhaps the way to do it is just to see -- do a very -- maybe a short trial run of six months or something like that without additional staffing and see whether we're experiencing the problems that are being planned around here. But anyway, are there

grants that would be appropriate for this to cover any expenses -- any reasonable expenses that might be incurred?

>> Thank you. I'm sorry. I'm surprised.

>> Tovo: Sorry, next time I'll give you a heads up.

>> On the top of my head, i don't know if there are transportation related grants, i would think the police department or parks would be better aware of public safety-type grants that might be applied here. We would be willing to look for those grants. Off of the top of my head, i can't respond. I just don't know.

>> Tovo: Wasn't thinking about public safety grants as much as I was looking for transportation specific grants. This is expanding the transportation alternatives that are open to us at night and to that extent furthers our goals of alternative forms of transportation. >> I would be willing to look to some of the municipal-type grants through the national organization of cities with transportation organizations and others for those types of grants. I don't know off of the top of my head. I could look and the quick research between now and thursday if you like.

>> Tovo: Just curious. What about the transportation fund with some of the expenses we discussed, the eligible expenses for the transportation fund? Again, because the -- think about it and get back to me. But, again, it's to expand transportation options. Thanks, I appreciate it.

[09:49:17]

>> Mayor Leffingwell: I wanted to make a little clarification.

>> On the staffing, we're not staffing a particular model, running through the pilot. If we see there are too many officers, an overkill are ready to readjust that model. Working with the park rangers this, there are benefits there today. But have any additional eyes out there. There should be a law enforcement presence out on the trail.

>> Mayor Leffingwell: I guess the bottom line is to have this program, we have to have a statement as to what the budget impact is. 7 million. Councilmember morrison? Right or not, we have to have it.

>> Morrison: In terms of looking for other funds as i recall when we did the budget, there was -- there were some unallocated funds that we left explicitly in the transportation fund for community issues that come up. So do you recall what I was talking about?

>> Morrison: I can check back and identify what we said about those funds. They were specifically allocated to help the communities for things that come up. I was going to suggest that not only for a transportation issue but this is also a public health issue to get more people out and active and not that the public health department is swimming in funds, they do have a lot of access to grant. The last point I wanted to make is really a question. My colleague mentioned denver being able to open up their trails without impacting their budget at all. I'd be interested to

get a comparison of the situation, was it a completely different scenario so that it didn't impact the public safety. But that would help me to have that information. Thanks.

>> Mayor Leffingwell: Thank you all. If there's no objection, we have a lot of folks who came here for item 30 just for potential questions. If there's no objection, we'll go to item 30 pulled by councilmember morrison. This has to do with lone star rail potential project.

>> Thank you, may kwlor.

>> Mayor Leffingwell: So joe, ron, betty, you want to come up?

[09:52:06]

>> Morrison: Really, mayor. The first thing I wanted to do is to thank these folks for all of the work they're doing on the project and to thank my colleagues for bringing this as an item to council because you know I've been visited learning about what's going on and the challenges that on funding and benefits to putting this project on the ground. And have had many questions and looking at how the financing is going to work and how that might impact other choices that we need to be able to make is all very important to me. So I'm glad to see this on the agenda. Really, I just wanted to point out one particular element of this. Let me see -- that I'm really pleased to see in here. And that is in one of the be it resolves in terms of the direction to the staff to come back and tell us about the impacts and talk about the financing with the tif in all, the last bullet in the first be it resolved asking for the assessment of the potential for benefitted private property owner in rail funding including in special districts such as the public improvement district or the municipal management district. That is something I've spoken about as being important to me in other scenarios where we've done this. And it's absolutely the right thing to do to look at sharing the costs with private property owners who can look forward to an increase in value in their property because of what the public is doing. I'm glad to see this is part of the discussion. I pulled it to see the good work you put into it.

>>.

>> Morrison: Thank you. A little related to 31 -- is it 31 or 32? 32. And if I could just say, i didn't see a similar element in 32. 32 Is to ask for a staff if staff is already doing some work on policies, I know, and asking them to come back with specific answers and a specific timeline. That's great also. What I would love to see would be a similar consideration be added in general to the tif policies we're looking at. At least have it on the table. So all to say I don't have specific language for amending 32 right now. I will be prepared on thursday with some. Unless a revised version shows up with an amendment already. I hope to say I want to be able to get something like that private property owner participation as ane element that we consider in general.

[09:55:20]

>> Cole: Mayor?

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: First of all --

>> Mayor Leffingwell: Why don't we try to stick to 30 right now?

>> Cole: Oh, okay. I want to thank lone star and stills for all of the work they've done to bring this item -- for working with us to bring the item forward. It's been a long road of working with jurisdictions and get them there. We won't go to details about item . But one of the things that was real important to our staff and to us was that we have a comprehensive tif policy in place before we embark on tif in this and tif in that and we started down that road. So we wanted to be able to assess our 5% of property value, limitations, and other limitations that exist in our financial policies but they're not comprehensive. We ask for that from tml and we received recommendations from looking through their literature that they provided about how to go about the tif policy. I guess number 30 is -- 32 is pulled so I will wait for that.

>> Mayor Leffingwell: I think we covered it. Since you came down here to join me for a few brief comments about what this is thank you for the consideration of this item. Thank you.

>> Joe lazard with lone star rail and lp is the firm we consult and work for the rail district. We've been working on this for quite sometime. The -- we've been working with staff since the middle of -- since august of 2011. So a long process of reviewing these documents, updated the estimates on what the implications are. At this point, it's really up to the city manager and his staff to weigh in on what the next steps might be in, the next advice to the council so we can continue the discussion.

>> Mayor Leffingwell: That's what this resolution does, establish the framework to go forward with some basis. I want to thank you for your efforts on this and former councilmember mayor pro tem who worked on this. Betty, thank you. Councilmember riley?

>> Riley: I am thankful for the support of the resolution. I would like to offer a full amendment and that relates to the last for be it resolved. The paragraph directs the city manager to coordinate the development of the report and the drafting of the interlocal agreement with the county and the austin community college district. And I would suggest we include among those stake holders capital metro which is an important partner as we sift through all of the issues through the financing and high capacity transit in central texas

[09:58:30]

>> Mayor Leffingwell: Capital metro will be involve in the discussions. Nonhow much they have for these tips?

>>.

>> Martinez: Item 30, also item 32. It doesn't specifically state it in item 30, but when we talked about before about having a trust fund, that's where in my mind I related the two so I want to keep that many mind when we talk about the tip policy. If you talk about it, it's a tif and to affordability in the geographic area in austin. I don't feel compelled to add that language in. I

wanted to publicly state for me that is also a component of this because we adopted this. We're waiting for the county to adopt it.

>> Mayor Leffingwell: Is there any more discussion on item 32 since we've already basically discussed it?

>> Morrison: Sorry about jumping up there, mayor. Just emphasize that we would look forward to bringing an amendment to somehow acknowledge the possibility of private property owner participation.

>> Mayor Leffingwell: Thank you very much. Back to item 29 pulled by councilmember tovo. And relates to the membership of the planning and development code advisory group. Councilwoman tovo? Let me begin by saying I'm very concerned. Very concerned would be an understatement about this item. And was distressed to see it back on our agenda after we considered it at council and voted it down. I have some questions for the sponsors about kind of what you're -- what beyond the resolution you're hoping to achieve by it and what's the rationale? I've got specific questions about the resolution. I do want to start by asking our legal department for some answers about kind of the law in this area so it's my understanding -- right now our city code prohibits a person required to register as a lobbyist for serving on any city boards. That is section 2121, subsection c. I wonder if you had history about how long we had that provision for how long we've had that in the city.

>> I don't specifically. It was part of the rewrite that occur in the code 2009, 2010. Whether it was a carry over from the older version, just a recodify occasion or not. I'm not sure.

>> Tovo: My guess is it just got carried over. I would be interested in kind of knowing how long we've had it on the books and why -- and it's very consistent with both state and federal law, from what i could tell. But I wanted to get your opinion about that. So I don't know if you're familiar with an attorney general opinion that came down about the state board of education dated august 12, 2011. I can kind of quote from it. I wonder if you were aware of what the state law is in terms of volunteers who serve or individuals who serve on state advisory boards and whether or not they can be lobbyists.

>> Not specifically. We can look at that. I'm prepared to speak to our code requirements with respect to advisory boards versus permanent standing boards and the resolutis related -- the proposed resolution and the adopted resolution provided by the lpc. If you would like our take on this opinion, you're talking about, we would look into that.

>> Tovo: I wasn't suggesting it was in violation of state law, though it might be. The point I want to make is number one, this is practice we have in our city of not allowing lobbyists on our city boards and commissions. From what I can tell from the attorney general opinion which was responding to a situation -- responding to the question whether lobbyists could serve on the state board of education and the words that came down from the lobbyis but from the attorney general is this -- we can tell if a person is lobbyist by virtue to communicate directly with legislation or executive branch to legislate on behalf of a business, profession, or association in a matter associated with or connected with any of the statutorily enumerated powers or duties of the board



is not eligible to serve on the board. They drew a distinction between what other person's lobbying tends to be in the same board's focus. A similar answer as I know there are other advisory boards is that it is inappropriate for a lobbyist. It is not allowed. A lobbyist would not be allowed to serve on the state advisory board. I wasn't suggesting that the proposal is in conflict of that. But I want to suggest is, one, we have a city practice where it's not allowed. Two, the state has a practice where it's not allowed. And the federal government has a practice where it's not allowed. So, my question -- and I do have some additional legal question, but my question for the sponsors are, why could you help me understand what the rationale is from veering from the city policy that seems to be making good sense. Making sure people who are allowed to lobby on behalf of their clients with specific focus of land use issues, why would we veer from that practice and allow them to participate in the rewriting of our code.

>> Councilmember spelman.

>> Spelman: Because we know more about if land development code than anyone else. There are frequent users in the land development code. Because they have an interest in the land development code making sense. It would be easy for them and their clients to use. We can offer some good advice. I don't think we should be in charge of the process by any means at all. But I think having two or three or four people who know the code extremely well from the point of view from the people trying to develop property worked in the code for the reasons of the last umpteen years since we revised it.

>> Tovo: I appreciate that. It's of extreme value to have people on here very familiar with the land development code and the building process. We've got a lot of people in our community who would meet that description. Engineers, architects. Certainly, our neighborhoods. Leaders spent lots of time going over the code, none of whom that I described come down here and advocate for changes. It is -- excuse me, that's not true. Of course they come down some of them and advocate. But there's a huge distinction between having people who are paid to represent clients come down to make changes that may be in the best interest of their clients but not in the best interest of our city planning and in the best interest of our land development code. But I -- I think that we have a lot of very talented people in austin and we've had technical BOARDS LIKE the McMansion task force where they had people who are very skilled and very familiar with the land development. I think we would say councilmember morrison served on it. Maybe she wants to chime in here. We have a lot more expertise than just the lobbyists.

>> I understand that.

>> Spelman: I understand that. But why is it that we should be not sure the right words here. Why employ someone who does this for pay and not professionals in the consideration of the land development code. The olympics doesn't require only amateur status anymore. Why should we?

>> Tovo: I think there's a very good reason we don't have lobbyists on our boards and commissions because of the role that -- that having a vested financial interest can play in shaping policy. And, you know, I'll just -- it's sort of ironic coming so close to our unanimous but I think one councilmember two weeks ago we all voted unanimously to support the citizens united

resolution. One of the cave dangers I think present in what we're trying to address is the role of -- the role that money can play in shaping public policy. To me, what we have before us today is a very serious question in what role money is going to play in shaping the land development code.

>> Spelman: One of the things we're not doing in the resolution is changing the recusal policies or the conflict of interest policies. So if somebody has a client who has a particular interest in a particular item on the land development code, the lobbyist more than anybody else is in a position to say here's what my interest are. Here's the interest that I am representing. So long as far as I'm concerned, they stayed up front. Here's who I'm representing. I have a client who wants a particular change in the list of uses for cs. If they say that up front, we can take it for a grain of salt or take it for whatever it's worth. If anybody who's not a lobbyist has an ax to grind, we won't know what the ax is. It seems to me the lobbyists serve -- they are a lot more frequent opportunities for a conflict of interest. The conflict of interest will be more apparent and they will state when that conflict of interest does arise.

>> Being on the board in and of itself is going to be a conflict of interest. If they're representing clients on land use issues, they're all going to benefit from the changes in the land development code that might make it easier for development interests or for change compatibility requirements or do all kinds of things to allow different kinds of developments or, you know, different uses in particular areas. And it will be I'm flummoxed how any of the lobbyists could account for their conflict of interest on a regular basis. Allowing more than a third of that board to consist of paid lobbyists will fundamentally change -- excuse me, fundamentally the kind of urban planning that we have moving forward, the kind of city planning we have going forward. Specific questions about the resolution as well. If anyone else wants to jump in here?

>> Mayor Leffingwell: It's important to get all perspectives. The comment about the necessity to disclose conflicts of interests that are on the record. Lobbyists has to register and tell what he's lobbying for. But a lot of questions have come up about our land development code. They probably know it better than anybody else. I think it's important to have the perspective. They're not going to make any decisions but it's important to have that at the table. A lot of that support relates to legal issues. I don't know if you came up to make a specific comment on that subject? The conflict?

>> I'll have some questions.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I understand your concern. I have the same concern that I have a concern about having a mix of different representatives. Not only a specialty mix, but an epic mix. I have been challenged to find ethnic representation. I'm going to do it. But what I want to do is make some changes and I wanted to tell you about them and tell my co-sponsors about them. First of all, I want to reduce the number of individuals from 4 to 3. That takes your percentage down. No more than three individuals who are either a developer or a lobbyist. Because I'm trying to get that particular category limited in our discussions who can serve. So we would have no more than three registered lobbyists per developers who can serve. Then I would also like to make a change again out the of the concern for diversity, opinions, expertise, balanced against the

particular interests of individuals, whether it's affordable housing or neighborhood. The last change would be the last be it further resolved clause that says one staff position shall be appointed by the planning position or its designee. I hope to get those changes posted before thursday's meeting. Comments?

>> Morrison: I just want to comment briefly. Agree with councilwoman tovo. I think it's a extraordinarily bad idea to change the way we do things and put registered lobbyists on. I understand we recuse conflicts of interest, reporting requirements, and recusal. I don't think there's any way to separate the livelihood of these lobbyists, the livelihood is basically representing clients to enhance financial gains under the laws. Those folks are going to be in the leadership position to rewrite those laws. I think that's wrong. I think that it's -- I'm glad councilmember tovo brought up the resolution that we passed about citizens united because there is interesting language in that. The citizens united speaks to the election hearing. Also the legislative process. I wanted to read a couple of the lines. I think they're extremely poignant -- poignant? Extremely poignant? But any way. Talking about influence in policy decisions drowning out the forces of "we the people" and democracy. That's high fa luting and visionary. It's easy to say those things. It's easy for us to support those things when we talk about what we want washington to do. It's a lot harder to stick to our guns and say this is how our city is going to run. And then just briefly, some other wonderful language in here, talking about the expenditure of money talking about the electoral or legislative process. And money affects the quality and quantity of speech and is not in itself speech. Talking about how important it is we not drown out the free speech of the people in our diverse society. All of that speaks to exactly what's on the table here. And I would just -- I think that it's really important that we walk the walk. It's easy to talk the talk.

>> Spelman: Mayor?

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: I don't feel the need to -- I do feel the need to pile more rhetoric -- actually, I do feel the need to pile rhetoric on top of this. I'll add some extremely poignant rhetoric. If you are redesigning a hammer, it's typical to bring a carpenter to figure out how to design a hammer. If you want a pipe wrench, you want a plumber. If you're designing a plane, you better call in a pilot. If you're designing a curriculum, you need to talk to a teacher. I'm not a pilot or a very good plumber, ask my wife about that one. But I'm a pretty good teacher and I would hate for the state board of education to tell me chapter and verse what I could include in my graduate school curriculum. Fortunately, I'm not a high schoolteacher, I don't think it's fair either. We're talking about the primary tool used by the development trade which is an ex-treatmently important part of our economy and all of our lives. We all live in developments and live in houses that were built by the builder, somewhere. This is probably the most important tool they have available. If we're designing this tool from scratch, we need to bring in the people who are using this tool on a daily basis. We're going to be doing it right. That is all the rhetoric I have to say right now.

>> Mayor Leffingwell: Councilmember martinez?

>> Martinez: Well, I don't disagree with the analogy of designing a hammer. If you design a prison, you don't allow the inmates to design it.

>> Spelman: In some places, you do.

>> Martinez: The point being these registered lobbyists are paid by clients. They represent clients. And they must represent their clients' best interest, not the community's, not Austin's, their specific clients. When you look back in history -- just look back to the waterfront overlay. It's a very specific example of the policy codified where some folks have lobbyists at the table, some didn't. Therefore you see some districts of the overlay with 35 feet of height and some with 95 feet of height. They will tell you that matter of factually, those with 95 feet of height had paid lobbyists, 35 feet, didn't. They tried to represent themselves. That to me is where I see the issue. They will have advisory capacity. They will have all of the input they possibly can give. It's a public forum. No one is excluded. They're excluded from making a final recommendation to council. Taking a vote on the final recommendations. You know, I just don't see -- I don't see the difference between them serving as advisory to this group in any way than letting them sit on the group. They're going to have full and complete access. We have hundreds of citizens who want to serve. People who do have great knowledge. And it's, you know, going to be hard for me to pick one person. I have several folks that are interested. But I don't feel compelled that lobbyists won't have a voice at the table. That's not the case. They represent their clients. They will be there, just like they are, you know, here at city hall all the time.

>> Riley: Let me do the legal tap, let me get another question or two about our current code. As I understand it, the current code prohibits lobbyists from serving on standing boards and commissions, is that correct?

>> Correct.

>> Riley: Are there any advisory bodies that the code does allow lobbyists to serve on?

>> Well, the code essentially -- the code includes a provision that says a lobbyist cannot serve on a board. It defines board to be a permanent advisory or decision making body that is codified and listed in the code in chapter 2.1. So a task force that's to be a transitory body and a capacity for a purpose that will expire at some specific point does not fit the definition of "board" and is not subject to the requirements of 2.1. The advisory group that council established in December with the resolution would fit the definition of an advisory group because it's formed for a specific purpose and it has -- it's set to expire on a particular date or at such a time as a new LPC is adopted.

>> Riley: If we had not addressed lobbyists expressly at all, under current city code, lobbyists would be allowed to serve on this task force, is that correct?

>> That's right. It's important that when council wanted to include that, it be included in the resolution.

>> Riley: To underscore, the current practice of the city is that lobbyists would be allowed to serve on this and the departure is to step in and by making it a prohibition in this one specific case. I want to get the record straight on that?

>> Tovo: Mayor?

>> Mayor Leffingwell: Councilmember tovo.

>> Tovo: We had a pretty healthy discussion at that point when we were considering the resolution in that proposal for the first time. I'm not sure our discussion is very consistent. I'm going to go back and clarify that. I guess I would like to know what our lobbyists are serving. It's my understanding that they are treated the same in terms of whether or not we have registered lobbyists on them. I would like to know whether, for example, if we've got -- do we waive requirements for someone serving on a task force and serves on a board? Because I feel as if I've seen examples of that. That's another by this new definition of a board and the distinction of what governs a board member and a task force member, that wouldn't seem to apply that you need to, that is 2-1-21-h, for example. A person may not serve on more than one city established board. That seems to me if it's a temporary board, it's not the same thing. I think we have a process of waiving requirements if someone is serving on the task force -- more than one task force. My point is we tend to apply all of these requirements, complete the board training, comply with the attendance requirements. We comply all of these to the task force members but maybe that's a good question for the city clerk. And secondly whether we have any registered lobbyists on any of our task forces or any other boards. Are you suggesting that you are allowed at this point -- our city code allows lobbyists on anything that's not official standing board?

>> The prohibition on lobbyists serving on a body is limited to bodies that meet the definition of board, which would be a permanent advisory or decision-making body. Under current code, there would be no prohibition on lobbyists serving but for the requirement in the resolution establishing the group.

>> Mayor Leffingwell: Ms. Morgan?

>> I would be happy to --

>> Tovo: Also be interested to know whether we've ever as a city since the prohibition has existed, whether there's ever been waivers in the past of this particular provision to allow lobbyists to serve on it? Remind me, who is subject to the revolving door policy? Is it staff or is it also city officials and staff?

>> I cannot speak to that. I am prepared to speak to most issues related to this resolution but other issues related to general ethics policies, I'll have to follow up with you on Thursday.

>> I don't think we're really post for that discussion anyway. I think it's separate.

>> Tovo: I'll explain why I think it's related. That is because as I see the member requirements under 21, the eligibility requirements, a board or commission member is actually defined --

maybe it's not in that section -- oh, city official under 482 in our definitions. The city official means it mayor, the councilmember, or the mayor of a city staff or a board commission and committee described in sex 483. The reason I'm asking is I'm wondering if the member of a city board, commission, and committee would be subject to our revolving door policy which would prevent them from doing business with the city for a certain period of time after their participation.

>> We'll get an answer to that. We'll follow up on the questions related to just our overall practice apart from what it requires and move with the city clerk with that.

>> Tovo: I appreciate that, thanks. A couple of quick questions and then I'm ready to move on. On the resolution, I'm not sure if this is for staff or if this is for the makers of the resolution, sponsors of the resolution, one of the -- one, two, three, four -- the fifth talks about these individuals think lobbyists will be unable to accept remuneration for their participation on the task force. I wondered -- I wondered how you would assure that those individuals are not able to accept remuneration. It was an assertion but I'm not sure --

>> Spelman: I'll get back to you on that, councilmember?

>> Tovo: They could be expecting remuneration for their participation. No way for the city to say they could not expect remuneration.

>> Spelman: I don't know what enforcement mechanisms we might have to prevent someone from taking money under the table for a task force like this.

>> To: You're suggesting if this passes, it will be some type of prohibition.

>> Spelman: Yeah.

>> Tovo: They would commit with a signature or something and not expecting remuneration for their participation. That would be a commitment you would extract from any economist?

>> Spelman: On the clock while serving for this commission, yes.

>> Tovo: I see what you mean.

>> Mayor Leffingwell: That could apply to all members of the advisory board.

>> Spelman: Absolutely.

>> Tovo: I wanted to make sure -- we shouldn't assume they're not going to get remuneration unless we ask them to commit to not receiving remuneration. If I say it again, I'll probably have it -- okay, the last "whereas" talks about the city's current provisions with regards to the registration of lobbyists cannot include individuals who rely on the city for a variety of topics for which they hold financial interests. I wanted to be clear -- are you suggesting that is this meant to

indicate there are individuals who should be registering as lobbyists who are not registering which I agree with?

>> Spelman: Yes.

>> Tovo: And I see some of them on a weekly basis? Okay, so you're not suggesting that there's an issue with how we define lobbyists, just there's a problem with getting all of those who should register to register?

>> Spelman: I think actually there may be both problems going on. There are people who fit our current definition of lobbyists who are not registering. We're not dealing with here, obviously. We want to think who we want to register as a lobbyist given the trade and the wide variety of things from which we want people lobbying us.

>> I would say with regard to the first circumstance, we need to step up the monitoring of the people who are required to lobby and we're covered in the code in the current provision because it says those who are registered as lobbyists or are required to register as lobbyists. It does capture the individuals who are not doing what they need to do in terms of registration. It doesn't allow them on the boards. Okay, that's all I needed to ask right now. Except this could be a grave concern for the future of our city policy.

>> Morrison: Two points, to follow up on the issue of the folks should be registered as lobbyists but are not. These are folks presumably violating our laws and regulations and you're saying explicitly here it's okay to serve on the task force.

[ Applause ]

>> Spelman: Yes.

>> Morrison: That's very interesting.

>> Spelman: We should handle the separately. I don't want to deal with anybody who should be registered that's not registered. But we aren't dealing with that in this particular resolution.

>> Morrison: I believe the discussion and the amendment I made that was accepted when we discussed this issue the last time around required that the folks that seven are subject to our ethics guidelines and policies would violating one of our regulations be in contradiction with our ethics guidelines?

>> Spelman: I don't know enough about our ethics guidelines with this respect to know.

[ Applause ]

>> Spelman: Would that allay your concern.

>> Morrison: I think that --

>> Mayor Leffingwell: Can I ask you to stop the applause demonstration? It's distracting our discussion up here.

>> Morrison: In any case, it takes us down a very strange path and I think we need a bright line here. Lastly on the issue of not being 1 applies to boards are permanent organizations, I believe we're hearing about the current practice. While it might not be in the code -- I'm surprised it's not in the code I believe that oftentimes when we create task forces we put in there task forces subject 2.1. So when you do the research, I wonder if we could check a few of the resolutions that have created some of the task forces that we have now and get back to us on whether or not they are subject to 2.1 or not?

>> Certainly. I know there are instances where certain requirements that otherwise wouldn't apply to our task force are sort of cherry picked from the code and made applicable to a particular task force and I believe there are times where just to provide clarity, the requirements that are in the code are recite in the resolutions so people know what the rules are. I will have examples for you by Thursday.

>> Morrison: Thank you.

>> Spelman: Mayor?

>> Mayor Leffingwell: Mr. Spelman?

>> Spelman: Although we did not deal with the enforcement or lobbying in this resolution because it was outside of the scope of this resolution, if this is something that councilmember Morrison or any other councilmember thinks ought to be included I'd be happy to consider it. I would have to talk to the co-sponsors

>> Mayor Leffingwell: I would have to ask the city attorney that when he do have advanced notice requirements, is that within the scope of this language?

>> Spelman: Allow me to state it more specifically. It might be easier to answer. If -- as part of this resolution whereas were included or a resolve were included which would prohibit appointment of someone who should have registered for a lot -- to be a lobbyist but was not currently registered, that would be fine with me. And I think it might help to spur some people in a very, very small way to do their duty and register if they're otherwise required to do so.

>>.

>> Morrison: The language is pretty broad.

>> Mayor Leffingwell: Councilmember Martinez?

>> Martinez: Before we move off, I wanted to talk about the names I was contemplating appointing. That's -- we don't need anymore one-on-one and we don't discuss items that are pending. So I wanted to bring it out here to see if folks are willing to share the names of the folks



they're considering so that we don't -- all seven of us appoint the same one person, the same lobbyist.

>> Mayor Leffingwell: There are several options available. I don't have -- I don't say that --

>> Morrison: Can I note real briefly, we actually do have that very topic explicitly on our work session agenda, item 5-b-1. Discuss code revision nomination. Happy to jump right in should the mayor think that's a good idea.

>> Martinez: I'm happy to wait, mayor.

>> Mayor Leffingwell: Okay, that brings us to item 32 which I believe we've discussed. Is there anymore discussion on item 32. If not, to 34, pulled back by councilwoman tovo.

>> Tovo: This is -- I think this is pretty quick. I guess I just need a little more background about why we're being asked to contemplate this?

>> Mayor Leffingwell: Sure, okay. I can do that. This relates to the joint powers agreement that governs the bylaws and operating rules and composition of the metropolitan playing organization. As a part of our rules, it sets forth who the members will be. There are five counties iolve in the cap doll area npo. And those are williamson, travis, hayes, bastrop, and caldwell. Representation is generally population based but there is a requirement that there will be one representative from each in those counties. So what has happened here for several years, since we started this, the representative from caldwell county was a county commissioner. That's a requirement that the the elected official. So the county commission selects an elected official to represent caldwell county on an npo. That individual has been commissioner john siree. He did not run for re-election. So he's no longer an elected official. However, the caldwell county commissioners did want him -- they do want him to represent caldwell county on the npo. Which we need a waiver to our rules to allow him to serve. That's all it is.

>> Riley: If I may. The information from caldwell county is just really short on available elected officials to participate.

>> Mayor Leffingwell: People don't want to drive all the way up from austin. John has served a long time. He's attended a meeting and we can't vote until this agreement is signed. It has to be signed by all six members plus the city of austin.

>> Riley: Does not change the deciding factor or the split in the organization.

>>.

>> Mayor Leffingwell: Although, separate from this, it doesn't have anything to do with this, but now burke count tip made an application to join the ipo also. That will require another similar revision perhaps in the future if it happens.

>> Tovo: He's not remaining on as an additional caldwell county representative. And you said he served for a long time?

>> Mayor Leffingwell: Yes.

>> Tovo: Thanks for that background.

>> Mayor Leffingwell: Okay, that brings us to item b-1. Code revision committee nominations. Councilmember martinez. Did you want to say anything further?

>> Martinez: It sounds like not everyone is prepared to list some names but these are the folks on my short list. There would be more once they're out there. Brian reese from este is very interested who I think also has great knowledge and the revolving door policy that's been brought up would have to be addressed because he does city work. Michael casias, a local developer. Jerry garcia, an engineer, a local engineer. And tara thomson from d.r. Horton. Those are the four names that I'm considering.

>> Cole: Tara thomason?

>> Martinez: Thomason. horton formerly with habitat for humanity.

>> Mayor Leffingwell: Anyone else?

>> Morrison: Yes.

>> Mayor Leffingwell: I'm settling on jim duncan who served the committee in the '80s. Was involved in the rewrites then. He has experience around the country with lots of different kinds of code because he has worked with other cities and rewriting their code. And is not -- has not submitted a proposal to be part of the effort formally. But he could bring a good broad perspective. One of the things we are looking forward to is having a hybrid code which I think I heard about, not just one base, it's not just one thing at all. He will have a breath of experience to keep to a discussion and keep it a broad discussion.

>> Mayor Leffingwell: Anyone else? Councilmember riley?

>> Riley: Like councilmember martinez. Been talking to a number of people. Haven't made a final decision. Three folks have expressed interest for quite sometime. They're on my short list. Steve oliver, who is my f-1-t on the planning commission. I think I'm hearing from planning commissioners that there would be some value in having someone serving on both the planning commission and this task force. Chris bradford, a local lawyer and fairly well known blogger. And michael wilt, the engineer. I haven't made a final decision. And then -- I've also been hearing from other people beyond those three but at this point, those three are the main ones on my short list.

>> Mayor Leffingwell: Okay. Councilmember -- well, okay. We've gone to the next item which is council items of interest. I don't have any listed here. Mayor? Councilmember -- mayor problem?

>> Cole: I would like to talk about item number 33. I noticed a line that's not accurate. It's now evidence that a master planning process for the capital complex and other state property are in the city limits now on hold for the foreseeable future. They went through the process. They were told to continue their planning and continue the master planning effort. They wanted them to stop receiving projects because the planning had not been done. So what we have on the table and pass add resolution to consider is exactly what the sunset commission wants to happen. And to go back on that commitment would be detrimental to the efforts that would be mutual benefit for the tfc and us and our tax base.

>> Mayor Leffingwell: My understanding is that the proposals until september 1. Until a master plan is in place. They do have the first for the master plan. They want to collaborate with the city of austin for collaborating with that. There's been misunderstanding about what the -- what the sunset commission actually said and I had a conversation with the chairman, myself, about what to get to that clarification. And that's what he reported to me.

>> Cole: Mayor, I would like to add that I have of course been a strong advocate of low income weatherization doing the rate case, I was an advocate of that. And the funding for the tfc item actually comes from austin energy because it's part of ergfo, and the actual planning for all of the five properties that will occur throughout the city of austin that is owned throughout the state would be beneficial to us, especially economic development.

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Actually, I'm familiar with the sunset. The motion was explicit that all planning for the redevelopment, the state facilities in the capital complex cease until september of this year. It was unanimously adopted by the commission. Then he committed after the boat to file legislation with the texas facilities commission to redevelop state property in the capital complex. That legislation is not followed but I anticipate it will be. So there is no planning. Everything is on hold until september of this year. Then, of course, depending on the outcome of any follow-up legislation. So there may be misunderstanding. I could certainly clarify that by thursday and I'm trying to get the clarification right now. But that is my understanding of what took place at the commission.

>> Mayor Leffingwell: That is substantially what I said. Could argue about when the master plan should be in place. We could argue about that, but mayor, this master plan is essential with the lead development, state property, or monetizing state property for the capital complex. --

>> Martinez: The facilities commission wanted to move forward with the planning. They cannot move forward without the authority of the texas legislature. I agree with you. Tlc wants to move forward. They have a huge portfolio. The legislature specifically put a complete halt to that. That authority comes from the legislature. And if not, that's where the legislature will come from to ensure that it does. So we're mixing two things by saying tfc wants to plan.

>> Mayor Leffingwell: I didn't say anything about tfc.

>> Martinez: I thought you just said, the facilities commission wants to plan.

>> Mayor Leffingwell: I didn't say that.

>> Martinez: That's what it sounded like to me. And I'm saying tfc may want to do a lot of things but the legislature grants the authority and they've taken that authority away from them.

>> Mayor Leffingwell: What i said, they don't want to accept -- this is my understanding, characterizing it, unsolicited projects until they have a master plan.

>> Morrison: I would like to add that I think it's important to within the context of the conversation that's going on at the legislature, what I heard -- and maybe it didn't come out specifically in a motion, but what I heard was there's a lot of question as to whether or not there's a vision and you can't plan unless you have a vision. The vision in the priorities and the path you go down has to be dictated by the legislature and nobody else. So without that, you can't have a plan. So to me, it fits clearly within this conversation.

>> Mayor Leffingwell: Fair to say there will be a master plan in process. The question is will the city be a part of that or not?

>> Morrison: If I could respond. The question is when will it happen. We can agree there's a master plan in process. The question is what goals will the plan be trying to achieve? And when are the goals even going to be solidified?

>> Mayor Leffingwell: I think it's important to recognize that the legislature as a body, either the house or the senate, has taken absolutely no actions other than prior years with respect to tfc continuing with what we're doing in our master planning effort with them. Second, important to recognize the only people who have put any halt on the activities is the sunno carrierringconnect 57600 it's a natural fit. Further more has a role in making recommendations to the council. So at this point, I'll turn it over to lee crawford.

>> Good morning to you all. For the next few minutes, we're going to have a brief overview that we'll provide for you about the new municipal civil service system that was approved by the voters in the election last november. And for ease of convenience, what I would like to do is focus my comments on the authorities and the responsibilities that are created by the new civil service system. And, so, first, I'll talk for a few minutes about the authorities and the responsibilities of the civil service -- of the city council under the new civil service system and we'll talk briefly about the authorities and the responsibilities of the new civil service commission itself. After that, I'll talk briefly about the authorities and responsibilities for city management under the new civil service commission. And then I'll touch briefly on a couple of other topics that i think will be of interest to us all as we go through this implementation process. And my goal here is not to give anybody a real deep understanding of it, but to really touch the high points to make sure we're all on the same page as we think through this. So kind of the 30,000 here, of course, is the civil service system creates a new civil service commission for the

city of austin and gives the commission the authority to review certain personnel decisions that are made by city management for compliance with a group of personnel rules that are called civil service rules and those rules are under the ultimate authority of the city council to establish. So that's basically what the system is. It applies to almost all city employees who are not part of a state civil service system. Now in this regime, there are responsibilities and authorities that new article ix gives to the city council. U can see from the slide, basically, there are three primary authorities that the council has under the new system. The first is to establish governance around the civil service commission itself. By that, I mean simply houses this council exercise its authority to provide a way for the new commission to become and be part of the government of the city of austin. And that includes issues like how our commissioners are appointed, how are meetings noticed and conducted. How are -- how do the city's conflict of interest and ethics rules apply to members of the commission, those types of issues. And I believe mark washington will talk with you in a few minutes about a recommendation 1 in the city code as a vehicle for the council to fulfill that governance and oversight responsibility. Second main authority that the council has in the new civil service commission is chief McDONALD POINTED OUT IS IT'S Irresponsible for the appointment of the civil service commissioners. The chief said there are five commissioners, so you'll need to make those appointments as a body. The charter itself provides minimum qualifications for the civil service commissioners. Basically, you need to be a qualified voter of the city. And you can't be current office holder in either the city or the state government. That's about it. We can talk with you as we go forward about how council wishes to exercise that appointment authority that you have. And then the third area that you have responsibility on is the new civil service commission is the -- the approval on behalf of the city of the civil service rules. And the civil service rules, you'll see, are kind of a red thread that weaves through your responsibility, our responsibilities, and the city management's responsibilities. Let me take care of those all at one time. First and foremost, the council has legislative authority under the city charter to establish service civil wars. So ultimately that's your authority to establish those rules on behalf of the city. The -- a limitation on that is that the civil service rules under the charter language start with the human resources director. So the council doesn't have the independent authority to initiate a process to adopt a civil service rule, rather, that process starts with the human resources director who recommends rules to the civil service commission, the commission can then -- under the charter, has to hold public hearings, take comment and so forth, they can either modify that recommendation, reject it, or approve it, either in the form that it comes to them, or as modified and then they recommend that rule to you and then at that point, it's your prerogative to take final action on those rules. Basically, you have the authority to approve the rules as recommended by the commission. You have the authority to reject the rules as recommended by the commission. You have the authority to modify the rules recommended by the commission. You have the authority, if you wish to do so, for instance, to send those recommendations -- send your recommendations back to the commission and ask them to consider modifications and then come back to you. But the point is that ultimately the authority of the council to establish those civil service rules in the designated areas that are provided for in the charter. Those are really the council authorities and rep responsibilities in the administration and governance of the new system. So, with that, let me turn for a moment to the authorities and the responsibilities of the civil service commission itself. And, again, the slides suggest, there are three primary areas where the civil service commission has authority and responsibility. First it's in the role of recommending the service rules to this council. And b, again, they are governed by the limitation they don't initiate the rules process. That comes from the human resources director.

But they do have the authority and the responsibility to hold hearings on the recommendations. And then from the hr director and then pass this on to you if they deem it proved. The second area that the -- that the civil service commission has authority in, obviously, is to hear and decide employee grievances on personnel actions that are list in the charter, including employment terminations, disciplinary suspensions, denial of promotions, etc. And the charter provides that the civil service commission is the final decision maker on those grievances. The council does not have the authority to override the civil service commission under the charter -- that's the commission has the final decision making authority on that. And then the third authority that the commission has under the charter language is the -- is the authority to conduct investigations. So, we say a brief word about that. The commission's investigative authority is advisory to the council, which is to say that the commission can -- can make -- conduct investigations on the scope of municipal civil service. And they have the ability to make findings and recommendations to you, but the commission does not have the independent authority to require that either the council or the city or anyone actually can take any action on their recommendations. 1

>> -- there are three areas i want to touch on. First is the charter authority of the human resources director to initiate the rule making process toward recommended rules that go to the civil service commission. A couple of points here as well. The charter language provides specifically that our existing constellation of human resources policies stay in place till supersede bid a specific civil service rule. So what we have now continues in force unless and until it is changed by a civil service commission rule. And critical point here in terms of the authority and governance, there is nothing in new article 9 that removes the authority of city management to decide on hiring promotion and disciplinary decisions. That's still the prerogative of the city manager and city management, but it is subject to review. Those decisions are subject to review for compliance with the civil service rules, and that review is conducted by the civil service commission. So that's kind of a 30,000-foot flyover of what charter article 9 does. Let me touch briefly on three other topics useful for us to all have a clear understanding on. First is at-will employment. As you know, new article 9 provides a for-cause disciplinary standard for the disciplinary actions listed in there, and what that means, in effect, is that city employees covered by civil service have what the courts call a property right, and what that means, in effect, is that they have an interest in their job that is sufficient such that the way the courts articulate this is the city needs to provide a minimum level of due process. This is the constitutional provision that the state can't deprive people property without due process of law. That's the due process interest we're talking about. It kicks in in two places. First is prior to a disciplinary action, there is a minimum level of pre-action due process that we'll need to build into the civil service rules, and then there is also a level of post-disciplinary action due process that will be in the rules as well. Basically, the city already has existing policies that provide a pre-disciplinary process, in their post disciplinary grievance process that will look and feel what you will see coming out of these rules, i expect, so that won't be a big change for employees, but that is a change from the way city employment works or has worked up until now, which is that people are at-will. Now we provide the disciplinary process both before and after the disciplinary action. Quick word about open meetings. The civil service commission is a sovereign commission, and, as a result, it's covered by the state open meetings law. The relevance of that is, of course, that the meeting for the commission need to be open to the public in general, and then the public needs to have notice at least 72 hours in advance of what's going to be covered in those meetings. With respect to

employee grievances, our analysis is that the individual employee grievance is probably subject to the personnel exception in the open meetings law, meaning that the commission could post either the grievance hearing or the commission's deliberations on that hearing as either an open session or executive session. Okay? And you remember from your training and examples we've had, of course, in a personnel executive session, if the grievant, the employee involved in the grievance, wishes to do so, that employee can require that the grievance hearing or the commission's deliberations on that hearing actually be in open session. So even if the commission wants to have the hearing or wants to have their deliberations in executive session, then that will be their prerogative to set it that way. If the employee wants it in public, it's in public. As you recall, on our personnel matters that we deal with, already, while the deliberations can be in executive session, assuming that the employee is okay with that, the actual decision, the vote by the commission on an employee grievance will have to be done in public. So you may have a situation where the deliberations by the commission are in executive session, then the commission comes back out into public, and votes on the grievance. So a quick word. As I mentioned before, the article 9 covers almost all city employees who are not already subject to state civil service. Mark's probably got a better head count on that number, but, basically, the largest excluded groups include, of course, our public safety civil service populations, police, fire, e.m.s. Of course, the council members and council appointees and the off staffs in our offices are excluded from the civil service system. And in the largest other group of excluded employees from the civil service system are the employees who are considered to be part of executive -- or classified as executive employees under the city's personnel system. Those are basically department directors, assistant department directors, members of the city management office, et cetera. Also the charter provides that all the attorneys in the law department are excluded from the civil service system. The non-attorney staff in our office will be part of civil service, but the attorneys are all outside that process. So mark's again, got a better headcount on this, but exclusive of public safety, civil service, probably 225 to 240 total employees of the city outside of the municipal civil service system, and those employees will still be subject to the regular city personnel policies already in place. Those conclude my remarks. I will be happy to answer any questions you have at this point, or maybe we could reserve those for later in the presentation. So we'll turn it over to mark, then.

>> Thank you, lee. Just anecdotally, the number of employees that are covered by state civil service, police, or is about 3,000 employees, so that leaves the balance of our workforce with the inclusion of the executives -- inclusion of the executives. So a little over 8,000 employees will be covered by civil service, so approximately 98% of our workforce will have some kind of civil service governance over employment matters. So just to bring you up to speed on what we've done to date in terms of the implementation, we have been preparing for the potential of the charter amendment passing once it began to be placed on the ballot, and we have been benchmarking and looking at other cities throughout the state in terms of how they implemented civil service and their current practices, and we're taking all of that into consideration as we propose and develop the rules for the commission to consider. The city manager did send information to his employees. It's important for us to continue to keep the workforce abreast on the progress. There have been a lot of employee inquiries. As you recall, there was a communication sent to council back in december updating the council on what has been done to date as well as indicating that there would be this big council work session in january. We did produce a video on the basics of municipal srvice, and what lee shared in terms of the dos and

don'ts of proposition 10. And you did a fine job, by the way. But that video was shared with the entire workforce, and we're also planning a town hall meetings throughout the month of february. I think we have six town hall meeting that sites where there are lots of employees gathered and we will be publishing those meetings and making sure that the workforce is aware of them as well as sending communication through our news letters. Just to give you a timeline, although we indicated we have till november of 2013, one year from the passage of the charter amendment, our intent is to try to do this as efficiently and expeditiously as possible. So, as you will see on the chart that's before you, what we've done is we've segmented the implementation in three areas. Within the next 30 days, you will see the areas of red represent the things that we'll do for the establishment of the commission. We help to get direction on the gave nance, and I'll talk a little bit more about that. chief McDonald mentioned the audit and finance committee chief to participate in the election process. We anticipate that process, if council agrees to begin within the next 90 days so that by april we would have commissioners that would be appointed. We would be working with them, orienting them, giving them information. Then between may and july, we would continue to train the commission and begin sharing with them potential grafts of rules. Our -- drafts of rules. Our goal is to have the rules proposed to the commission in full by the first of august, although we have till november 2013. In yellow, you will see we'll continue to communicate with the employees throughout this process and get perspectives and feedback from department directors, hr community, employees, and getting the perspectives on some of the proposed chan to any rules that we might have. And in the green area, high light some of the things we will need to support the commission. I think one of the communications that the city manager sent in advance of the item being on the ballot was identifying the need to have additional support staff like we have for our public safety civil service commission, police, fire and e.m.s. We have three dedicated staff in our human resources department that provides that support for them, and we would also need that level of staffing for the municipal civil service commission. And I think ed and elaine will talk about in detail some of the fiscal implications of that later on this afternoon in workshop. Again, our goal is to try to have the rules proposed to the commission by the beginning of august. Lee spoke a little bit about making some revisions to chapter 2-1 of the ordinance to make the commission subject to some of the things that other boards are subject to, such as having designated staff support, getting the city clerk's office for application. Eliminating the board's service and financial disclosure and we've spoken with the city clerk who would assist the council, if need be, obviously, in the vetting and the solicitation process and, if the county so agreed, that the audit and finance committee would do the vetting. There are certain things we think need to be in the amendment to chapter 2-1 as we define the municipal civil service commission such as the exclusion of employees to be on the commission, that's consistent with all the other major texas cities, that we bench marked, dallas, corpus christi, el paso, and houston employees are not eligible to serve on the commission. Then defining compensation, if need be, because that is a provision in the charter amendment that the council has the ability to determine whether or not the commissioners would be compensated. Just to give you an idea of those that might potentially serve, the type of commitment or time, and I think that, perhaps, was one of the considerations when the language was put in the charter amendment to allow some form of compensation because of the potential amount of time that may be needed to serve. We have just estimated, based on talking to other cities as well as our staff, the time that may be required, and we anticipate just for the establishment of the rules that we may need to meet earlier on once or twice a month. So we estimate at least 4 to 8 hours' time commitment in terms of trying to establish administrative rules of the commission. Once the



commission starts to hear grievances -- right now, a grievance may last an entire day. We have a hearing officer, one hearing officer that hears the grievance and writes an independent report and prepares a recommendation for the city manager, so they deliberate by themselves. We anticipate not only will the meetings continue to be not so much the time it takes now but also the number of grievances may increase because of this new process, and because there are five commissioners instead of one hearing officer, there may be more time to deliberate the facts of the case. So we think there may be somewhere between 20 and 30 hours, our estimation of the grievances and deliberations by the commission, as well as other matters of business that the commission might have and the general issues employees might present to the workforce. I mentioned previously the assistance of the city clerk's office and the audit and finance committee to assist in the improvement process. The council may want to consider commissioners who have knowledge and experience in the areas of human resources or labor relations and make sure that, when they have been solicited, if there is a term about time commitment, that they be aware of any time constraints. Right now, the hearing officers are paid for the hearings during the workday because they're a paid third party. So the commissioners, if there are time constraints, the commissioners will have to determine whether or not the meetings will occur in the day or the evening if they're volunteer citizens. So we have shared what we think are some of the resources that are needed to provide the proper support for staffing, having -- as I mentioned, we have three staff persons that provide that level of support to our public safety commission for police, , and we're also proposing additional staff persons for the municipal civil service commission, an administrator and two coordinators, and we would like to, of course, begin staffing as soon as possible, but we understand that we have to wait until there are decisions as to whether or not those positions will be funded. So staff will continue to do implementation plan as outlined, unless there are significant changes as a result of the discussion. What we would seek from direction from the council today is the council's perspective on the utilization of the finance committee for the initial vetting of the applications as well as any future modifications to 2-1 to include -- chapter 2-1 to include the municipal civil service commission and, finally, whether or not there will be consideration at the point of soliciting commissioners of any compensation. That concludes my portion of the presentation.

>> Questions.

>> Mayor Leffingwell: Are you basically patterning this whole municipal civil service commission after other existing civil service commissions? Is there a commonality there?

>> There is commonality in the aspects of hearing grievances and disciplinary actions and appeals for hiring. So there are some similarities to our current public safety civil service commission.

>> Mayor Leffingwell: Pay and things like that? Pay and compositions, qualifications, so forth?

>> Well, the commission is strictly voluntary. They're not paid. That's a position we have for the municipal civil service commiss.

>> Mayor Leffingwell: Why would that be different?

>> Well, mayor, one of the reasons it's difficult to compare some of the workings of this civil service commission as opposed to police, fire and now is, for example, grievances. One of the options that an employee has is an arbitrator. So, for example, with police, for the most part, on a grievance, a large percentage -- I was thinking over 90% of their appeals, they select an independent arbitrator and don't take the civil service route. So the civil service commission, for the most part, when it entails police and in some cases fire, you know, most of their role has to do with, you know, the promotional process, for example. You know, appeals to the promotional process, which we only give that test one or two times a year. So their role won't be as intensive, we don't anticipate, as, say, this role would be because we would anticipate them hearing a lot of grievances.

>> Mayor Leffingwell: So a lot more changes in personnel status?

>> Yes.

>> Mayor Leffingwell: So that requires a lot more work on the part of this civil service commission, therefore the need to compensate them. Is that what you're saying?

>> Well, if you don't get the volunteers. What we're saying right now -- of course, it's up to council. Part of what we wanted to depict to you is we are showing there is going to be a lot more work involved in this.

>> Mayor Leffingwell: All right. Are there opportunities to share support and resources between the commissions?

>> Well, our assessment is the staff that we have right now with the number of -- we just civil service, and they have doubled the number of promotional exams and ranks that we currently have between police and fire because they have several ladders for promotion, so that's going to increase the activity of our regular public safety civil service commission, so we don't think we have the resources within our current employees to provide the additional support to the municipal civil service commission.

>> Mayor Leffingwell: And this will all be in place by november of this year. Is that right?

>> Well, our goal is to try to do it sooner than november, but we have till november.

>> Mayor Leffingwell: There was a reference made to november as the absolute deadline that you think you will have it done before that. By when?

>> We would like to get it done by august 2013, provided we have appointment of commissioners by council. When I say "done," it is management's proposal of the rules for the commission to consider, and the commission will take whatever time is necessary to review them and make their recommendation to the council for final adoption.

>> Mayor Leffingwell: All right. Any other questions? Council member morrison.

>> Morrison: I do have a couple of questions on that timeline issue. Can you remind me the explicit reference in the charter as to timing on this?

>> Council member, the only specific reference in the charter is that the human resources director has until -- ONE YEAR THINK, NOVEMBER 15th, 2012, Has one year to present an initial set of civil service proposed rules to the commission. There is actually no specific time requirement for the commission to take action on that recommendation from the director in the charter, nor does the charter actually require this council to take action on recommended rules from the civil service commission within any particular time. So the one year comes in the charter language that requires director to submit an initial set of civil service rules to the commission, and that's it.

>> Morrison: Okay.

>> That's the way we, in our discussions, looked at we had till november, but recognizing our importance to council and to the community and voting it in, the city manager instructed us to try to come up with a timeline that was reasonable where we would tell about it but be as aggressive as possible and we feel like what we're presenting to you is a timeline we can reach but certainly there is key direction we need from you to achieve that timeline.

>> Morrison: Clearly. And I would assume the body of work you have to do independent of that is really crafting an initial set of rules to recommend, is that correct?

>> That's correct.

>> Morrison: And is that something you all are starting on now?

>> We are in the process of benchmarking and beginning our initial draft of rules and utilizing what resources we have in terms of staffing to begin the process.

>> Morrison: You think it will take eight months to actually get the rules drafted? Is that partly resource constraints? Because I would think, given unlimited resources, that's a job that would take less than eight months, or seven.

>> We think, certainly, if it were only the rules, in my mind, it would take a lot less time.

[ Laughter ] but there is an engagement process that we want to be very deliberate about in the creation of the rules with the department directors, with the h.r. Community, with employees, and with the commissioners as part of that process, because once they're appointed, we're not going to wait till august to share the final version. We're going to have works -- we're planning on having workshops in advance of that. Also, I would like to have some peer review of the rules by other cities who already have civil service, so I've already been in contact with other h.r. Directors from other cities who have agreed to come down and help us in the crafting of the rules. We have one opportunity to present the initial draft, so we want to make sure we do it right.

>> Morrison: I appreciate that. I think what's important in that to me, what you just said, is that you're not just going to be working behind closed doors, creating a set of rules and plopping them down august 1, that there is going to be a lot of dialogue, a lot of opportunity for a lot of folks to be discussing the rules before you put your final stamp on h.r.'s recommendations?

>> That's correct.

>> Morrison: I appreciate that. And, so, you also have a parallel timeline in terms of civil service system together, I presume. Is that a correct assumption?

>> Yes, somewhat. , it's a little different because, you know, certainly we are -- you know, we plan to bring a classification ordinance to classify them all as civil service, but we have an existing meeting for a contract with them and as, you know, this year, we will be negotiating that contract, so some of those negotiations will weigh in quite a bit on what we ultimately end up with.

>> Morrison: Great. And then, when we were looking at the responsibilities and potential timeline commitment for commissioners, you mentioned, in terms of grievances, that you expect the number of grievances may increase.

>> Right.

>> Morrison: I think that might have been a point that was made by the city manager when we first put this on the ballot. Could you talk a little bit to why having this system you think may lead to an increased number of grievances?

>> Well, I think a couple of reasons. Number one, it's the way that it is being communicated by certain employees, organizations and workforces that this system is going to be a better system for employees to express some of their dispute resolutions and, so, because of that and because it's new, we're anticipating that employees who previously have not utilized the grievance process for promotional aspects, for example, will probably take more advantage of it. So I don't want to mischaracterize what has been represented, but it's being presented as something that is an improvement above the current process and something that is much more advantageous for employees to take advantage of.

>> Even with that, we're being somewhat conservative. Earlier, mark talked about some of those grievances, on average, asking a full day. On average, now, we're hearing about maybe two a month, and, so, really, what we're estimating here is saying, you know, 20 to 30 hours. You know, we're not inflating that estimate really high. I mean, it's not far off from what we're actually hearing that hearing officers are seeing right now.

>> Morrison: I was curious about that because I guess that just remains to be seen.

>> Right.

>> Morrison: I think those are all the questions I had on that. Thank you.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: I just wanted to briefly say thanks -- you know, I asked the city manager in december to give us a timeline. He committed he would do that by the end of january, and i appreciate you following up on that. I know there is still a lot of work to be done and still may be some disagreements as to the timeline implementation, but i do appreciate you and your staff following up and doing everything you can to get the process rolling and get it in place. I think many of the members are really looking forward to having the process in place and, right rightfully so, wanting it to be sooner rather than later and doing it right is important. So thank you for the efforts in fulfilling your commitment to bring it to us before the end of january.

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: You have referenced the audit and finance committee as reviewing the applications. I wanted to know if you -- well, let's see, how do I ask this?

[ Laughter ] you like that part, huh? What month are you contemplating? What time period are you contemplating that the applications would come?

>> Well, cer maybe janette could help us out with the solicitation process we talked about, but I think it would be a public announcement of the opportunities and we talked utilizing maybe pio to do it for about 30 days or so. She's at the table, so I'll let her talk about that.

>> Yeah, if you all decide to make this part under chapter 2-1, we can treat it like we do some of the other boards and commissions as far as the application process, and the city clerk's office could take in the applications, we could do the initial review for you based on whatever criteria you have and give you all the requirements for you to review, whether that's through audit and fina --

>> I guess at this stage you would have no idea about how many applications we would be contemplating?

>> I would have no idea.

>> Cole: Okay. But at the time that you are anticipating that we would be reviewing these applications, would that be in the month of february or march? I've noticed I saw where the timeline was actually to make recommendations to council regarding the csc governance in february, but that doesn't -- and then in march to support the csc commissioner selection. I'm thinking it's sometime in there. Is that right?

>> So participation, should we be able to move forward to get on the audit and finance committee meeting agenda in february and talk about the requirements prior to the solicitation, have the solicitation occur after that meeting through partially march and by april have commissioners selected.

>> Cole: Okay. We'll have all the council members attend that meeting. Thank you.

>> Mayor Leffingwell: Okay. If there are no more questions, thank you, and that concludes our agenda. To make this comment. It's about the agenda. We've moved on from that. We have items posted for a 00 hearing, at 34th street items and, in fact, when we made the motion and approved the motion to POSTPONE BACK ON THE 17th, IT Was explicitly that we were going to postpone these items until 6:00 p.m. So I know the agenda office is aware of that and they're going to put that on changes and corrections. But I just wanted to get that out in public to make sure all the folks out there in tv land know.

>> Mayor Leffingwell: Without objection, we stand adjourned at 11:35.