

City Council Work Session Transcript –1/27/2015

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>> good morning.

>> good morning.

>> are you all ready to start?

>> yes.

>> okay. All right. Sessions go.

[laughter] a quorum is present. January 27, 2015. After 9:00. We have the agenda in front of us. The preselected items so we can discuss them. Time. That we have greater understanding and awareness. So we'll go ahead and work through that agenda. Per se, although we had it identified. Matters. Questions, but we ran out of time. We have an item noticed on our agenda.

[10:32:10 am]

We've noticed it. So without further -- yes, go ahead.

>> i'm not sure my mic works.

>> i don't think it's working. Mine works.

>> but hers doesn't.

>> but anyway, i can talk loudly.

>> you're broadcasting.

>> mine comes on. Here's doesn't.

>> my light didn't come on but --

>> it's on now.

>> thanks. Details, a little later. That would be my request.

>> okay. I think that makes sense to go to those items. To expenses issues. And hit those?

>> i don't have a problem.

>> does anybody have an objection with that? All right. Had in mind, beyond just -- with --

>> starting with item no. 20?

[10:34:15 am]

>> i think so, yes, sir.

>> that was not pulled --

>> that was not pulled.

>> so no. 21? So we have -- we have -- back up.

-- that says approve (indiscernible).

>> that mic is not on.

>> pardon?
>> that mic is not on.
>> there it goes. Was there any supporting documentation? Information, what was behind that?
>> i think there was, some committee appointments. Ms. Tovo? The boards and commissions appointments?
>> yes.
>> item --
-- put that forward for the council decision. The dais and the mayor typically --
>> so it's kind of like a placeholder? Because people step off a board. Available.
>> okay.
>> is that a fair explanation, city? Information. Right, of who we're considering. From district 1 is being appointed. That i gave.

[10:36:23 am]

Too. For me. On that one. Added. Isn't that the case? It's kind of a work in progress.
>> okay. I think are the ones we should do first. Engagement issue, and then we have the --
>> and then the --
>> the council meetings and procedure.
>> committee structure. Three first. Procedure and council issue, if that's okay. Go ahead. To start with the committee? Of the garza issue.
>> okay.
>> start with that?
>> yeah.
>> all right. Fine. Any objection to starting with garza?
>> no objection.
>> let's go with that. Staff might as well. Manager and/or our planning and zoning staff. Thursday for this item. This is item 39.
>> it wasn't our original --
>> i'm sorry, 38 and 39.
>> 38 and 39?
>> -- intent to do that. But here is -- is your button on? I think --
>> is your button on?
>> i think i'm on.
>> sue edwards, assistant city manager.

[10:38:25 am]

And council who does not want it to be postponed. Therefore the staff is not asking for postponement. The decision.
>> greg guernsey, planning and development. The western oaks neighborhood association. They have submitted a postponement request.
>> mr. Mayor?
>> yes. Follows. Or how would we proceed? Is that right, on thursday? Here, can we?
>> that's correct. Make a motion. About. It, we could discuss the merits of the case.
>> okay. Would have to be heard on thursday. 39. Thank you.
>> mayor, i have a question for staff, please.
>> yes. Garza tract? How many years? Law department to come up. Probably has the best information.

[10:40:35 am]

To the early 2000s.

>> thank you. Protection. To the tract. Or those people. For recusal. Make that disclosure on the record.

>> i have a question. On the property was established in 2007.

>> council member, that is correct.

>> and -- units. A mixed-use zoning. To the zoning bases. To between 16 and 17,000 trips. In 2007, trips? Trips.

>> okay.

[10:42:35 am]

And agreed on in 2013? Could do. To this property to the north. The courts. To in 2013?

>> that's correct. Impact study and the number of trips? The agenda this thursday is about.

>> okay. Thank you.

>> and then this. The aquifer recharge zone; is that correct?

>> yes. Possibility of damaging -- damaging the aquifer? But i'll learn -- our environmental officer.

>> i'm the environmental officer. Cover on the property of 43 1/2%.

[10:44:38 am]

Quality treatment for the tract. Were the two big things. To water quality. Features and streams. Not normally be allowed. Compliant current property. Impact. How to quantify that is very difficult. The tract.

[10:46:44 am]

Trips. Information about why that is. Kept separate. Am i correct in that? Description -- that description?

>> yes, generally that's true.

>> all right. Question that i have goes to imagine austin. Austin about densification and redevelopment.

And that is imagine austin. The blending. Water quality regulations that apply to them.

[10:48:49 am]

Much less water quality protection. Keeps most of the water on-site. And discharges into the streams in the area. That was in place. Place in 2015.

>> okay.

>> ms. Troxclair --

>> so --

>> i'm sorry. Is found on the growth concept map. Mopac.

[10:50:51 am]

Been developed. Complex would exist. To the south has already been developed. To be negative in this particular case. Features. With the imagine austin. Area? Identified in imagine austin.

>> thank you. A passive use.

[10:53:00 am]

Around to get to that property.

>> is that all?

>> yes, mayor, for now.

>> all right. Agreed to and passed by council. Is on the agenda. Higher impervious cover. Impervious cover. That down. Cover. South of the parcel.

[10:55:01 am]

And so those were the b big trade-offs. Assumes a maximum level of development. Have a lot trips per acre of impervious cover. Per acre on a parcel by parcel basis. To an area. The trips. Been agreed to by previous council. With the owner, with the developer.

>> yes. Back requesting additional trips. Of your discussion in 2013? Traffic count. Requesting a higher traffic count.

>> okay.

[10:57:07 am]

Impact analysis wasn't available in 2007. Cases. Working with our traffic engineer. Decided?

>> well, that matter is entirely up to council. It probably does not happen as often. History. The zoning case. The past about those items.

>> kathie was next. Ms. Tovo. Troxclair, that you raised. Postponing it or not.

[10:59:20 am]

I could find quickly. These issues. The 2013. 2013, they came and asked for a sos amendment. Impacts and other things. Was not granted. Them. With staff. Postponement, i'd just love to know. On thursday. Opportunity to talk about this. So i have a couple of questions. The neighborhoods. Had the opportunity here from that neighborhood.

[11:01:24 am]

Letter? What did they say? Are. Hearing from that neighborhood. Heard from the public. In your backup already.

>> okay.

>> it's dated january 14. Association. To that. For their opposition. In oak hill, and that letter is in support. Change at that time. Supported the zoning change in 2007. I do not know if they did or not.

>> could i ask something quickly -- question.

>> go ahead.

>> again, i poll gi, -- apologize, i haven't read all the backup. This is very quick. Was. Of vehicle trips from 6,000 to 16,000.

>> did they state why? At mopac and william canon. Main objection.

[11:03:26 am]

As i understand?

>> yes.

>> okay. Associations. Oak hill. Did they speak to that particular issue too?
-- let me flip back over to that. Sorry, i just had that. Thank you. Support that. 12 of 2006 of that support.
In the future.
>> okay -- it. Today. One going forward. Okay. Thank you. That answers my question.
>> okay. In the area.

[11:05:29 am]

Answered. That they have all the information.
>> thank you. Mr. Zimmerman?
>> yes, just a couple of quick questions. Dated back many decades. Mopac was being constructed?
>> council member, that is correct. Passed. Right-of-way for that large intersection. Eventually the corners have been developed. Corners that has yet to be developed. That northeast property.
>> okay. I appreciate that. Review sheet here. We did look up some documentation. June 24, 2014. Year?
>> yes. Originally on that date, and it was postponed.

[11:07:37 am]

Springs alliance had requested a postponement. Was on your -- very good. Council had, about deep dives. More about zoning than i know. I'm brand-new to this.
[laughter] and it's overwhelming. We're dealing with a complex case. And choosing? I just throw that out. And choosing. That out there for discussion.
>> so let's keep the conversation going. Because i think people are giving their sense. I could.
>> yes. We don't have to do that. We shouldn't do that.
-- where that was raised as an issue. Question of postponement. That i think is as a council we need to decide how we're going to go forward.

[11:09:48 am]

Already been made. Decided and what has not already been decided. Things can move forward. Been decided. What hasn't been decided. That. Well as the watershed that applies. From the sos ordinance is not really an exemption. Water quality controls are for a property.

[11:11:53 am]

Majority for that -- for that to happen. Had that issue come in front of it. Would ordinarily be allowed in an sos area. Was a hard decision for that council to make. There was a risk in court. Do something on the property. Of impervious cover. Saw the traffic impact analysis at that point. In order to have that done. Of the city council at that time.

[11:14:08 am]

Net that this tia shows. Issue. Count, automatically gets put on. In many respects it's a placeholder. Count. Was the review of the -- of the tia. So we now are back then with the tia. This property has. Ordinances. Constraints on this property. Zoning. Because of the zoning classification. The zoning classification. Trips a day.

[11:16:18 am]

Analysis with respect to traffic. System fails and the intersections fail. That kind of use on it. With the load imposed by traffic. Vote to postpone it. To reconsider that.

[11:18:33 am]

District. The city. The city. Person comes from a different place. It arose anywhere else in the city.

[11:20:44 am]

Best direction. Who else wants to discuss? Ms. Kitchen? Supporting --

>> your mic. Go. To vote. Of the issue around the traffic. The council, from a transportation perspective. Account impacts throughout the area, as well as the direction that we're trying to go to, in terms of transportation from a policy perspective. I think that's very important, particularly since transportation is on all of our minds now and it's a huge issue in the area. I also want to say that i fully respect the role that council member troxclair is playing with the neighbors in the area. I think that that's very important, and i trust that she will be working with those neighborhood associations. I know she will, and to the extent possible, we will have neighborhood associations who can be on the same page when we come back. Thank you.

>> mayor adler: ms. Houston.

>> houston: i'm listening to all of the information that's being presented. I certainly appreciate the mayor's comments about having a policy that cuts across districts and that we're giving people predictable and -- something that they can depend on when we say that this is what we agree to, this is what we agree to, and we're not going to go back and revisit all the things that we don't agree with.

[11:22:59 am]

But the one group of people that i don't hear, and this is the garza family, and they've been dealing with this for a long time now. And i understand that the patriarch has already died. So i'm just wondering, from a person that's trying to deal with my property, how long does it take? So i don't have any other comments other than that. Thank you.

>> mayor adler: ms. Garza.

>> garza: first i want to say there's no relation.

[laughter]. And i will also be supporting postponement, as i do think we need some more information, and i'm trying to grapple with the policy decisions that will be made here. On one hand, i hear from businesses and homeowners how the frustration with being -- the city asking them to do something, and they do it, and asking them to do something else, and they do it, and just this process, that they want a predictable process, but i do see, on the other hand, the concerns about, was this done correctly and the environmental concerns. So i just wanted to make those comments, and that i will be supporting postponement.

>> ms. Troxclair.

>> troxclair: i think we're pretty unanimous in supporting a postponement. I have no issue in making sure that everybody has the time to collect all the information that we all need to make an informed decision on this case. I just thought it was important for us to have this opportunity to have staff here and to answer these questions and to start this conversation today so that we can be better prepared for a future, for a decision in the future.

>> mayor adler: all right. So is it -- go ahead.

>> i have a process or procedure question of what we can do in these work meetings.

[11:25:02 am]

As i understand, it is public in a sense that it is televised and people are welcome to come in, but i thought we were not supposed to be doing what we're doing now, by taking -- you know, how are you going to vote, i thought we were kind of not supposed to be doing that until we were in the full, open --

>> i'm asking a question. We can't take full action, but at a work session like this people can certainly express their views.

>> they can express their intent, i'm inclined to vote this or that? My comment on this, if we postpone all zoning cases, i would be in favor of that, but i'm not in favor of just postponing the garza project if we don't postpone all the zoning.

>> i consider that amendment to the postponing.

>> mayor adler: when you make that motion on thursday, he can make that friendly amendment, you can accept it and we can approve it. Yes.

>> i would like to know -- i mean find out when we're going to be postponing all these zoning cases, or are we going to set a time certain that -- when we're going to do this?

>> mayor and council, these items come up at 2 o'clock, and i would present them the cases. I would probably offer them for consent postponement, so i would just read them into the record; then you would vote. You could vote on all of them at once, in a single vote, for postponement.

>> mayor adler: and the we have the option of postponing to a time certain or we could just postpone them and the staff could but them back on the agenda when they're ready. My sense is, we could postpone them so people will know they're coming up, we should do that.

>> if you postpone to a time date certain, my office is not obligated to send notices out all over again. So i encourage the postponement to the time and date certain.

>> mayor adler: let's make sure the motion does that obviously, anyone can pull that off the consent the same way you can pull anything else off the consent, but that would give us the opportunity to do it that way.

[11:27:10 am]

Go ahead.

>> i have a request of staff. Since it appears that the traffic issue is the issue that we will be talking about, could staff help us know what other traffic improvements are being planned or in process for that area? I think that would be very helpful.

>> yes. I can get with the director of the austin transportation department, rod speller, who can talk to them about what is planned in the immediate future.

>> and the timeline?

>> yes.

>> mayor adler: i do like the idea, as we're scheduling our deep dives, my understanding is, is that probably this afternoon there will be posted onto the bulletin board a schedule that has days that we can block, and topics, and it probably does make sense to make sure that we get given this environmental or something that touches on traffic early in that group. When you go to your bulletin board and look at it, you'll see that it is a pretty aggressive schedule, figuring that it was easier to give back days than it is to claim additional days. But everybody should go to the bulletin board. There will be some questions that are posted next to it, like, do you really want to have these many sessions? It's also been suggested that maybe we change the structure of those sessions so that we're not getting as long a powerpoint kind of overview, shorten that, and then have a panel discussion of different voices

together so that it's easier to go back and forth and -- you know, trying to shorten the individual comments so that we get greater interaction and have people being able to comment on what other people say. But there will be questions related to that. If everybody could please look at their bulletin boards today and comment back on that, that would be really helpful. Ms. Houston.

>> houston: and mayor, i'm sure you said this, but one of those policy intensives that i think we need is about traffic impact analysis because that is -- that is touching every district because of the emphasis on density and there's issues that i think we need to talk about.

[11:29:27 am]

>> mayor adler: point well taken. Does anybody have anything on this? Yes.

>> i'd like to thank council member troxclair for giving us the opportunity to have things in front of us from staff on that case. I have three questions, something i directed at you and something for staff. After hearing your explanation on that case -- oh, there goes my --

>> we know who you are.

>> i've been getting the most coverage in the press still recently, so you mentioned that at the time of the sos variance, that there was already -- that there was a traffic impact analysis. I had heard that there hadn't been until there was a buyer in place, so i just wanted to clarify that point. If the number between 16 and 17,000 had been determined or had been floating around at the time of that case, or if -- or if that particular number has come up after that was passed. I think that would just help me in my understanding of what facts were available to the council members that voted to make that variance, and then which facts came up afterwards for us to consider independently of that.

>> mayor adler: and i wasn't there and wasn't involved in that, so i don't know for certainty. I just had heard that.

[11:51:14 am]

How public input is taken and applies it to the committee level. So we could talk about that more when we get to that subject, but there may have been some confusion that we were -- that we were -- that we were creating that language as new.

>> council member kitchen, are you then saying that we will have public hearings at full council meetings, as well as adding public hearings at the community level?

>> kitchen: yeah. I mean, i think that what we've said before is that there's a number of ways for input that we're continuing. You know, we are continuing and we've talked about this before, that there -- that there will be hearings or input at the full council. We've talked about how that can happen, if we have four council members -- if we have four council members who choose to bring an item to the full council for a public hearing, even though it may have been hard on the committee, that's one route. Also, if any item was not heard in a committee, then it will have the full public testimony in front of the full council. There are some items that are required to be heard by the full council and required to have hearings by the full council. That remains. We're not changing that. We also have citizen communication in front of the full council. That will continue. And then, of course, all the other ways that we've talked about people having input, and they're using speak-up, emg council members, calling council members. And you know what i think we've all talked about that's really very exciting for all of us is the fact that we do have 10-1 now, and we do have advocates, council members that are advocates for the public in their districts, as we just talked about in our previous discussion. So that's something new that will be another avenue, very close to the ground avenue for people to have input. So i just wanted to -- and thank you for pointing that out, council member pool, just to reiterate the ways that we are talking

about people continuing to have input, besides the fact that the public engagement task force will be charged with examining ways that we can make that even easier for people.

[11:53:27 am]

>> i have a question. Mayor. I have a question.

>> mayor adler: i'm sorry.

>> could you specify which things need or are required to be heard by full council? And the reason i ask that is, it's been very clear to me, both from the public hearing that we had and also talking to people in the district, that there is a concern that we continue to hear zoning before the full council. And so my question would be, is, if we're hearing zoning before the full council, does that really need to go before a committee first?

>> kitchen: okay. We have an item in here to clarify what the committee will do with regard to zoning. Would you like me to address that right now?

>> uh-huh. Please. Thank you.

>> kitchen: okay. If you look on the document that is posted on the message board that talks about proposed ideas for changes, it is -- let me find it here -- it's on page 3, item number -- it's numbered as number 7. And talks about adding language to the posted proposed ordinance to clarify the committee's actions with regard to zoning, as well as with regard to minority and women-owned businesses. But you'll see with regard to zoning, and i'll read it, that it would -- the suggestion is that we add to that section, which is 2-5-108, a new

Subsection d which states: with respect to zoning matters addressed by the planning and neighborhoods committee, the committee shall attempt to determine disputed facts, identify policy issues in controversy, and allow for mediation as appropriate. So the point here is that that committee will look at zoning cases, but all the committees, including that committee, are advisory, and it's the full council that has to vote on zoning cases. So the thinking is that the role of the planning and neighborhoods committee with regard to zoning is to help clarify, like this says, facts or issues in controversy, and then to the extent it becomes possible, as we consider mediation, perhaps use that.

[11:55:37 am]

And then it goes on to full council.

>> so just to comment on that, that maybe we could speak about and i'd be interested in the other council members' opinion, in order to be conscious and sensitive to the public's time, i would imagine that if something is being heard, both before a committee and the full council, that someone would want to be at both meetings. And given the discussion that we had on the council already about one of the zoning issues, my guess would be that the full council would want to be part of all the discussion. So my question is, do we really want zoning -- is there a need for zoning to go before a committee made up of just some of the members of council, or do we eliminate that from the committee structure and only hear zoning from the full council?

>> i'll open that up to everyone.

>> i have a thought on that it occurs to me that the more opportunities to address in public the issues that are surrounding a zoning case, the better, so that having zoning included in the committee structure would give an earlier opportunity for differences to be identified, and i think you had mentioned that if there was an opportunity for mediation to strike a balance, that that would be engaged at that point. If we -- if we allow zoning only to happen in the three readings, which we will continue to do at council, i'm concerned that we continue the high stakes -- the high stakes hearing format that we've had in the past, that has pushed the meetings to 2:00 or 3:00 in the morning. So if we

can identify issues earlier in the process and talk individually and in small groups, ourselves, with the constituents and the developers, then we have a better chance at developing the brief a lot earlier and in more depth.

>> mayor adler: i agree. I think there's an advantage in having the committee here, as there is in all the committees. It brings everybody together.

[11:57:40 am]

If there are disputed facts that can be ascertained, we don't have to spend a lot of council time trying to chase them down. Hopefully we'll be able to identify the facts that are in dispute that can't be resolved, but resolve those that can be. It would help to have a committee work through it and help to identify what the issues are, as the committee sees it, as it presents it forward. We also talked about getting to a place where there would be a mediator's position in the auditor's office, where there would be an outside review, something independent of the rest of the machine of government, and it gives, you know, us the ability to delegate trying to identify where those opportunities might exist and try to encourage the parties to go that way, so things might be resolved, rather than the practice we see when it just goes to the city council, where council people leave the dais and they're trying to mediate in side rooms and that kind of thing. So i think that even here, we should at least give the committee process a chance to see if it helps improve. We know what it's like if we don't do it. And we know what that's like. We should, i think, try this and let's see if it makes it better. If it doesn't make it better, if people are feeling like they're not being heard, or it's not -- it's a waste of time, then -- then we'll stop it.

>> one other question, please. So we had a little bit of discussion about moving zoning to a different day, before the full council. Is this the time to discuss that? Or is that going to be part of a different discussion?

>> mayor adler: i don't know if we do that by ordinance, but i know that it is the sense of the council to do that. So we're going to do that. We're just going to call the meetings that way, and we're going to set the agenda that way because everybody -- my sense was, that's what everybody wanted toot.

[11:59:44 am]

>> okay. Thank you.

>> mayor adler: kathie. Ms. Tovo.

>> tovo: this is a real interesting one. I think that's probably the change that i've heard the most feedback about, for some of the reasons that council member gallo said, there is a concern, certainly among the public, that their district representative might not be on the zoning committee, they may not hear -- you know, be able to be there as -- they might be able to be there as an advocate but not as a voting advocate. And it is certainly true, and i appreciate, council member gallo, you raising this issue, that for community volunteers, they will have -- they will likely want to come to the committee, as well as to council, and remember there's a process that they'll have been through before it reaches the council level, and that is, the case may have gone to the environmental board, it will have gone to one of our land use commissions, so they'll have participated in some other meetings earlier. But it occurs to me that one way -- one way we could try this out, but maybe remove some of the anxiety, is to ask -- as to change the -- change the process a bit for the zoning, for whatever committee is handling the zoning committee. And i hope we get around to talking about the names here in a minute. But it would, i think, relieve some of the anxiety if that committee does not make a recommendation on that zoning case, but just does, as has been described -- has a discussion among parties, tries to identify issues of fact, help get the staff resources available, but doesn't issue a formal recommendation on the zoning case. And i did want to say, so the city has had mediators in the past, and actually one of the -- well, the issue that

got me interested in being involved in my neighborhood association, and here eventually, was a zoning case that ended up in a dispute and we had a city mediator assist us with that.

[12:01:53 pm]

So the city has had mediators in the past. I think they resided in planning and development, which is a little different from what's being considered, but it's worth kind of looking back at what worked, what worked well about it, what didn't work well about it, and i think as a complete aside, i think we have a letter from one of the past mediator from the city in some of our backup materials from thursday, so it all comes around. But anyway, that's my thoughts on the zoning -- on the zoning issue.

>> mayor adler: okay. Thank you. Mr. Zimmerman.

>> zimmerman: i think maybe some of the public perception is that zoning -- there's a lot of power in zoning, a lot of money in zoning. Right? You get a piece of property we zoned, you could be talking millions of dollars difference in value, based on a zoning decision. So there's a lot of power there, and i think the public is a little bit concerned about that power being concentrated in a smaller group. Because, you're right, even if it's an advisory role, it's a huge advantage. If you have all this inside information, you're on the committee, you studied it, you're way ahead of your colleagues. But let me maybe offer a technical suggestion. If you look at the statistics of how many zoning cases come from which districts, i'm just going to go out on a short limb and think council member tovo's district uses probably a lot of contentious zoning cases. In my district, in northwest open, for open space and bccp you don't see that many zoning cases. So if you're going to make this committee, it would make sense that where most of the zoning cases are, those members should be on that committee. It should not be arbitrary members. I wouldn't be on it. Council member tovo certainly would be on it because there's so much of that in your district. Has just an idea to throw out.

>> yes. Okay. Go ahead.

>> mayor, if i may ask a question of either mayor pro tem or council member gallo, i can understand perhaps that there is a feeling that your district council member would best represent you on zoning issues, and i think it's because those are so clearly geographic.

[12:03:57 pm]

But so many other issues that we would face in all the other committees, in my view, would have very desperate implications on geographic parts of the city. So i would just caution that doing that might imply that the decisions in other committees don't have geographic implications to that level. And i don't think i should -- i don't want to lay out any of the examples because i think this council can think of those pretty quickly. The other thing that i want to mention is that the mayor did say that we would like -- my inclination would be to develop that policy, that set of values, maybe even put competing values on that zoning committee so we can have a policy discussion at that zoning committee, rather than a discussion that is so deeply routed in particular council members sort of building council deference in their district. So while i actually see there being a great benefit to having a zoning committee that officer recommendations, i could be convinced otherwise, but right now, coming into this meeting, i actually was thinking that, in particular, it would be good to have a zoning committee making recommendations so that council members can -- so that we can have council experts that are developing good well thought out policy reasons for zoning changes and what zoning changes should and shouldn't be made. And i thought that that was something exciting and that's something that might benefit all of the council, is to hear those sorts of arguments. So, anyway, i guess there's two parts there, you know, a question about why zoning, as opposed to utility rates, or health and human resources. Then second,

what do you think about ways that perhaps we can continue to define the zoning committee to lead us towards so forth building up that policy rationale.

>> i just want to throw this thought out while we're flushing this out. From the several e-mails that i'm sure all of us got and individually got, and then the public input from last thursday, i see -- and i know you're going to go through this, council member kitchen -- the individual suggestions, how they've been implemented, but i just want to throw out that the overwhelming feedback was, we want to be in front of the entire council, overwhelmingly, i feel like every single person said that.

[12:06:20 pm]

And so i want us to start maybe considering -- i know there's a bypass for four council members. If it goes to the committee process -- i want to make sure i understand this correctly. If it goes to the committee process, but four council members allow public hearing at council, that can happen, i want us to maybe consider not requiring that four because if this process works the way we're hoping they will, that will be shorter public hearings in front of the council. The whole point was, flush it out at the council level, get decisions made at the council level, and maybe what -- and i read some deafened read -- i haven't read everything as far as the changes, but i know there was wording in there that said the council could decide how that public input would be had from the full council. And maybe that's where we put a limitation of a minute and a half or two minutes, as opposed to the three minutes, if it's in front of the full council, because, like i said, if this works how we think it's supposed to work, it'll get to the full council, decisions or most ideas will be flushed out and made, but i just feel like the overwhelming feedback was, we want to have a chance to address the entire council.

>> mayor adler: i don't know the best way to do it.

>> yeah. Let me just say this. So this is a topic that very much needs to -- we need a lot of discussion about. Have we finished talking about the zoning issue that we could move to this topic?

>> houston: mine it on this topic so i'll wait to see what is on this topic.

>> mayor adler: is or is not?

>> houston: is on that topic.

>> we need a lot of discussion about that topic. So can we close down the zoning? Does somebody else want to say something about the zoning and then go to what council member garza has raised?

>> kitchen: council member casar asked some questions. Did you want a response to those? I think you've nailed it.

[12:08:22 pm]

We're all probably receiving same feedback, and there are concerns about how the district -- how their district -- how individual -- well, let me say it this way. I've certainly received the same feedback. People are concerned about the change and not being able to address the full council, and what happens if, on an issue of interest, their council member is not there representing them on that committee. So i would say i have heard that concern for the other committees as well, and i take your point that we want to be careful not to set up an expectation that that's necessary for you to get great decisions. I think, though, you've nailed it. I think the difference for zoning and why there -- why that committee, in particular, is raising the biggest concerns is because of the -- because they are geographic in nature and will rely on, you know, specific information and contacts and adjacent projects and things of that sort. And so, you know, certainly as a district representative, if i don't serve on that committee, i'm absolutely going to feel compelled to be present there for any zoning case that is within district 9. I don't know if that's always going to be possible because we have lots of constraints on our time. So, again, that's why i thought what i was proposing might be a middle ground, and certainly it's something we can evaluate in

six months, you know, whether -- i mean, we have a planning commission or -- we have a land use committee that will issue a specific recommendation if they're able to arrive at one, and it might be worth thinking about just having the council, you know, explore it in a more -- in a broader way without weighing in, up or down on the zoning. But i appreciate your comments. I hope that's responsive to the question you raised about why this one in particular. It does seem to me that it's the geographic nature of zoning cases that's targeting some of the concerns.

>> mayor adler: okay. Can we go past zoning?

[12:10:25 pm]

Just --

>> i was just going to respond. On the recommendation issue, i tend to agree with you that it may be helpful to have a recommendation from that particular committee. So i don't know where we go with that discussion.

>> mayor adler: we're just now kind of expressing -- we're trying to allow things, so we're not going to be deciding that issue now. Other people can comment if they want. I think we're going to come back to the zoning issue in a second. But let's go through -- a lot of times these sessions end at noon. Doesn't look like we're going to end at noon, so staff is making arrangements for us to have lunch here.

>> yeah. Okay. So let's move now to the issue that council member garza raised. And let me just say that, just from my perspective, i did receive -- i received different types of comments from the public hearing and from when i went out into the district and talk to neighborhoods. I did receive a lot of enthusiasm from people, in moving things to the committees, and a lack of concern about the fact that it wasn't in front of full council, because what people were telling me is that they felt like when it got in front of full council, it was already decided. And these were from folks that don't typically participate in meetings in front of the full council. So i think that -- and i did also hear a lot of the same that we all heard about concerns about speaking to the full council, but from my perspective, from my district, i think it's important to understand that there's a whole range of concerns, and that there are significant number of people out there who feel like the committee -- having hearing them in front of the committee actually does give them more of an opportunity to participate, and they don't see hearings in front of the council as any opportunity to participate right now. So i just wanted to say that.

[12:12:26 pm]

But let's turn it over to everyone who wants to talk about -- this is like the -- thank you for bringing this up, council member garza, because this is like the number one issue about all this.

>> mayor adler: ms. Houston, i think you can address anything you want to.

>> houston: thank you. This is on topic, actually. I've gotten many personal contacts in, as well as e-mails and telephone calls, regarding the fact that people have read the audit, and the audit, if i'm not mistaken, indicates that if we move executive -- executive session to another day and move zoning to another day, then we really are in line with our peer cities, if not shorter, of council meetings. And so one of the suggestions that i received was, why not try it, doing that. Still keep the ability to have public testimony at the committee level, but the fact is that many of the people that i represent, including asian americans who don't feel like they have adequate representation, they question whether or not those people who are concerned about their issues can spread themselves across so many committees. And that leads to the second point, is that melvin on last thursday suggested that we collapse it. That many committees is a lot, even for staff to kind of accommodate. So one thing is look at reducing the number of committees. The other thing is, can we try having executive sessions on one day, zoning on

one day, and see what that looks like for having the ability for people to have a full, open, accessibility to the council, where everybody is hearing the issue.

>> mayor adler: ms. Garza.

>> garza: and just for clarification, i agree, keep the committee, keep everything as is.

[12:14:34 pm]

I think i've heard overwhelmingly, thank you for trying to change this, with -- you know, i have concerns about a, b, c, d, and e, but i'm saying leave it the same, just -- the main thing i've heard, and i think we could all agree we heard last thursday, was, we want to be able to have a chance to address the full council. And i'm not saying -- and i've heard criticism about the decision is already made when you get to council. We don't like that. I still feel that a lot of the public still wants that chance, that one last chance. Because sometimes there are amendments made from the time -- maybe from the time it went from the committee recommendations, changes, to the time it gets to the council agenda. So i just wanted to clarify. I'm not saying let's not do the committee thing, just consider adding the opportunity for people to address the full council, without having to have four other council members glee to it.

>> on what does everybody else think about that? Because this is a real key question.

>> i really don't have any problem with -- my concern is that we have so many committees here, that some of these issues that comes up, especially like mine, you know, like a homestead preservation act, tif, where would that fall? Would it fall under housing or economic committee? I think we need to be clear how these committees are going to operate and what are they going to be looking into? There might be some that overlap, two committees, especially because tifs are designs for affordable housing. And it's going to be requiring taking so much money or concentrating in little areas that, you know, i would like to know where and how they're going to fall into these committee structures.

>> mayor adler: you know, part of it is that the committees, as are listed, are designed to overlap.

[12:16:38 pm]

And they do overlap. So we get appointed to a committee -- the committees are designed to overlap. So we get appointed to a committee. But it's also to note that there's nothing to stop the committee from saying, in our committee, we also want to talk about this issue. You have the ability to do that, and a council member can do -- can do that. So there are different ways that it could be done in committees. And it may very well be that some of the committees work together on an issue. There's nothing to stop two committees from saying, we both are dealing with this issue. We're going to get together and hold a public hearing on this matter. So the whole intent is to have general committee to most of the flow, but not stopping people from doing what they want to do and represent the constituents that they have. So all those options still exist.

>> okay. So back to the issue of the public testimony, the feedback from my district has been very positive about having public testimony earlier in the process at the committee level. And i think it's always -- you know, this is a big change, so we're all admitting that we're making some major changes to the process, and that we may -- not when we do the review in six months -- we may end up making some edits to the decisions we make this week. But in addition to people saying -- people who are used to speaking in front of the committee, advocating for keeping -- in front of the whole council, keeping the option, they also usually say, we don't want to be here at 2:00 a.m., and we applaud any efforts to shorten those meetings, therefore, making, you know, meetings really more accessible.

[12:18:48 pm]

So there is a balance to be struck. And i also think that there is -- we'll see how -- how district representation plays into all this because a lot -- in the past, you know, people may not know who to contact about a specific issue, which has, in turn, then led to them feeling a little bit disenfranchised and that their voice hasn't been heard. So i hope the new system -- speaking in front of the whole council is not their only opportunity, and may not be their best opportunity to have their input taken into account. There's individual meetings, there's e-mails, there's phone calls, there's more accountability in the 10-1 system. So i think it's important that if we're going to make reform, that we make -- that we commit to trying to improve the system to making the reform, to responding to the concerns that led us to this discussion in the first place, and see how that works. So the feedback from my district has been very positive about having public testimony in committees.

>> mayor adler: it's not just necessarily a choice between having a public hearing and having no public hearing. And i think a lot of people that have come to me and said we need to have public hearing have seen that as kind of, if i don't get that, then there's no discussion. We know, again, what public hearing looks like, generally. But what we haven't tried are the different kinds of ways that we could do public hearing, if it had, in fact, gotten a full hearing in front of a committee. It could be that the debate at the committee is developed in such a way, there were a lot of people that spoke, but on the two sides or the three sides or the four sides, there were two people that did a particularly good job of articulating the argument for the group. Maybe when we have the debate in front of the council, we invite those eight people to come and talk.

[12:20:52 pm]

Maybe we work to the place where there is, in essence, something similar to what the house research organization has, where there's a statement at the beginning of the debate that identifies again what the facts are, or what the best arguments are on both sides. Maybe there's the opportunity, based on the number of people that look like they're there to actually have the debate, and to do it at a minute in that particular case. Maybe it's important that the speakers are identified, and we say we're going to have a public debate, but we're going to give people five minutes because of the importance or the complexity. So i read these rules as not to say there's no debate at the city council. I think what the rules are saying is that we'll fashion what is because we have given the wide open discussion at the committee level, and maybe when we see that, again, maybe it works and maybe it doesn't work, but that's -- that's more of an unknown to me, which is both scary to some, but to me says there's a real opportunity to maybe find something here that would work a lot better where people would feel like they actually got heard more effectively. Ms. Houston?

>> houston: and mayor, evening i think all i'm trying to be want for people in the district -- i want to represent for people in the district is how do we ensure that the committees have a cultural awareness and sensitivity so when issues of that nature come before them, and none of us are sitting there to kind of negotiate or be that bridge, that they will be heard. That's the concern.

>> mayor adler: well, you know, i -- and i understand that, and i think that, one, there will be cultural representation on most of the committees because there is cultural representation on our council as a whole, and we're putting four people on every committee.

[12:22:58 pm]

But that is not to say that every committee will have the wealth of cultural insight that the full council has. But we do know that anybody on council can attend any committee and that there will be notices associated with everything that's being covered, so there's that opportunity as well. So -- and we also know that nothing that goes before a committee will ever go on the consent agenda in front of this

council. So anything that goes through a committee will be pulled up individually at the council, when we're all together, and i would hope that the measure of cultural sensitivity will have already been in the process, but to the extent that it's not in any way, it will be in front of the whole council.

>> i want to clarify one more type, i agree that a majority, the public input earlier, is better. I totally agree with that. I was just trying to address the fact that people have -- seem to say that they still want that opportunity, and i don't think it's our job to decide what the best mode of communication is. I think that's the austinites, and if they feel that standing in front of the council for a minute and a half, for one minute, that's what i really heard last thursday.

>> mayor adler: why don't you go on to the next issue there.

>> all right. So let's -- there's a lot of questions about -- well, let me run through the first one quickly because i think this is something that there were probably -- they were probably more straightforward, and that's number one -- and this is back on the sheet -- on the documents that -- posted on the message board with the proposed amendments -- message board with the proposed message, and that's number one, and this is to add language clarifying that the public testimony and all the other information follows an item from the city board to the council committee to the full council.

[12:25:09 pm]

And i believe that that was all of our intention, but in looking back at how the ordinance got drafted it appeared there were a few places that perhaps that wasn't entirely clear. So -- so these -- these set of proposed changes, and there's four of them, are designed to make it clear -- to make that clear. So there is an amendment to 2-5-105 committee meetings, that speaks to -- and i'm not going to read out the full language but just the substance of it, which is a final committee report, and that that report consists of, you know, reports, resolutions, other documents, any city board reports, any public, written or oral testimony, minutes and transcripts or video proceedings. So the language attempts to put in there all the different ways in which we may have information that needs to go from a city -- that might have been collected by a city board, that then needs to go to a council committee, that then needs to go to the full council. So -- and we also -- under 2-5-108 makes it clear that this information is posted publicly and that this final committee report does go to the council, it does go back to the city board, it goes to another council committee if it's being referred there, and also if the council committee makes no -- takes no action on an item, that information is still posted and made available to the public. So then --

>> council member, may i ask a quick question clarifying something earlier?

>> kitchen: yes.

>> just one point earlier. I just want to clarify that -- and my understanding is in many cases there will be items that go before a city board that get passed to a committee and then go to the full council. But if a council committee decides to take action on an item and send it to the council, that is still possible, and -- it doesn't have to go through all three steps in the council committee determines they can send it forward.

[12:27:14 pm]

>> kitchen: yes, that's a good clarification. There may not be information in front of the city board because it may not have been in front of a city board, but thanks. Thanks.

>> okay, thanks.

>> kitchen: and finally clarifies that this committee report will be posted as part of the backup information for any agenda item in front of the full council that happened to be reviewed by council committee. So basically is trying to clarify what goes into that committee report and that it -- that it follows every step of the way. So that's the first item.

>> mayor adler: and i think the intent was not to have the clerk have to provide the actual package to everybody but just a list, here are the ten things that have happened -- or three things that happened in committee this week, and here's the link to the backup materials.

>> mayor, i wanted to -- a clarification. If an item goes before the planning committee and then the planning committee passes it on to the city council, is it going to go to a committee structure first after -- or are they going to go before --

>> mayor adler: the board of commission -- the planning commission?

>> renteria: the planning commission, yes.

>> mayor adler: it would, and that's the conversation we have. But in our deal it would go to the committee to help narrow the issues, to make sure that the facts are known, to perhaps send it to mediation, and maybe to make a recommendation and maybe not, depending on what we ultimately decide.

>> kitchen: okay, and we can certainly wordsmith this, if anybody has recommendations on this language, but i think i'm getting the sense that people want this kind of change. Okay. Okay. So the second one -- now let's talk about the committees because this is obviously like the second major issue that has been raised. The number of committees and the scope of committees. So this item no. 2 on page 2 addresses some of the issues that have been raised, and so we can talk about those and anything else you all want to talk about in terms of committees.

[12:29:14 pm]

So right now this -- the section on committees in the posted ordinance is page 2 through page 3, i believe, and -- well, actually through page 4, and sets out a list of the committees. It first makes the statement that's in the ordinance right now that the listing of committees should be construed broadly - - the subject matter should be construed broadly and be illustrative. In other words, they're not -- it's not limiting. There may be other issues that come up that are appropriate that we didn't think to actually put in this list. And the idea is that every policy matter before the city has a council committee that can be reviewed. So that language is already in the ordinance. So what's not in the ordinance that the thinking was to add was that council committees may create subcommittees because for some of these committees it may be appropriate to create a subcommittee to address a policy matter, so the proposed amendment is to add that so full committees have the opportunity to create a subcommittee. And then there's a series of proposed changes here based on some questions that were raised in the public hearing and based on questions and other avenues of input, that add some -- add some additional subject matter to some of these. So just quickly, b1, which is the audit committee, adds internal services in matters related to the city clerk. B2, which is the finance committee, adds taxation. B3, the mobility committee, adds land use as concerns mobility. And this is put in there to recognize the fact that there is a connection between mobility and land use. So with this approach it keeps those as separate committees but it recognizes the link and suggests that there may be situations where those two committees either meet together or they both address an issue.

[12:31:17 pm]

Under b8, likewise, b8 is the planning and neighborhoods committee. So adding language that says mobility as concerns land use that again makes that connection between mobility and land use. B9, under open space, environmental and sustainability committee, adding cemeteries, we can think about that, but we did have a suggestion from someone on thursday that wanted to make sure that we remembered that we needed to address cemeteries. And then under 103b-10 which is the housing and community development committee, adding language that says, mobility as concerns housing, land use

as concerns housing. And that -- that's to reflect the relationship between housing and both mobility and land use issues. So there's that. Now, we can come back to that. Let me mention one other thing and then we can come back to the scope of the committees, and that is there's also a suggestion to add a section, a 2-5-26d-3, which is language about how the assignment of items to committees occurs and adding language that makes it clear that assignment can occur to more than one committee, so that a particular item can be assigned to more than one committee to be -- to act either jointly for those two committees to work together on that item or sequentially to address the item, so that the item goes from one committee to the next, together with a request from the mayor to the committee chairs that they coordinate. So in other words, adding some specific language that makes clear what we've talked about before, that items can be assigned to more than one committee, that suggestions can be made to those committees that they work together. So with that said, let me bring up a particular issue that was raised, and that was the connection between land use and mobility, which I think that I received feedback on, and I'm sure others received feedback on, and a concern that by creating separate committees, that we don't lose sight of the fact that there's a close relationship between the policy issues related to transportation and the policy issues related to planning and land use and neighborhoods and -- you know, and housing.

[12:33:38 pm]

So -- and there was a suggestion from someone who spoke to us Thursday night that suggested that we organize those two committees differently. So this document has some language about how they could be organized differently just for discussion purposes. So let me make it clear. Right now we have a separate mobility committee that covers all types of transportation, and we have a separate planning -- neighborhoods committee that addresses comprehensive plan, the land development code, development processes, those land use processes. So that's what's in the ordinance right now. What was proposed to us is we reorganize that, that we put those two together and we have mobility and land use, and then we separate them again so that we have a mobility and land use committee that focuses on strategic planning, that takes the comprehensive plan, the land development code and looks at the broader issues from a planning perspective but puts the two together, and then a second one that takes mobility and land use and looks at it from an implementation standpoint. In other words, is there a problem with a road in your district, it would be that second one. So I'm putting this forward just because we received so much feedback on it and concern about the connection between those committees. I'm not sure that's a good idea. I like the idea of keeping mobility and planning and neighborhood second and realizing that they can work together because it's confusing to me to create a committee that looks at strategic planning and a committee that looks at implementation. So anyway -- but I think we should talk about it. So --

>> council member Kitchen, I share your concerns. I'd like to see them separated. About one thing that jumped out at the page on me, you're on page 2 and 3 at the bottom, the words "including lone star rail and high-speed rail."

[12:35:39 pm]

Just to let you know, some of my people in district 6 that I showed it to kind of went crazy. I thought, didn't we just have an election? And this is back in the documents, it would make them all feel better just to strike that out and leave everything else there as far as -- just strike through it. Thank you. But I concur with you that the committees separated makes more sense to me.

>> Kitchen: okay. Any other thoughts on that?

>> i would advocate for -- i don't care if the words are in there, but clearly we will be addressing issues relating to rail, and rail, whether it's named in this list or not, will be before us. So i think that's why that was listed, so that people understood this is where those issues would rest.

>> renteria: and i also agree with council member pool, that we need to really look at -- i mean, this is a reality that's coming down that's going to be connecting different cities, and i mean, we need to have that on our -- on our committees so that we can discuss that item.

>> kitchen: okay. Any other thoughts on this keep them separate, put them together? I'm seeing heads nod, but.....

>> tovo: i'd like to see them remain separate, for the reason you indicated, yeah, and --

>> kitchen: okay.

>> tovo: i don't know that it's necessary to weigh in on the rail issue, but the lone star rail is moving forward, i think one of the last acts of council was to enter into a financial obligation for lone star rail, so that is moving forward.

>> mayor? I don't think it's not saying all forms of modes -- modes of transportation, including high-speed rail, but to name the lone star rail in the ordinance is what i think i have a problem with.

[12:37:44 pm]

>> mayor adler: i think all modes of transportation is pretty broad. All modes. The other issue with respect to committees have also discussed were the minority and women-owned business issue. There were people that asked questions about that, and ann, i see you dealt with that on the second paragraph on no. 7 on page 3 of 3.

>> kitchen: yes, and council member tovo, i know you were giving some thought to this and i didn't have a chance to run this by you, but one of the thoughts were that we could specifically state that the economic opportunity committee will provide an update to the city council semiannually on progress towards the city's minority and women-owned business contracting goals. Do you have thoughts on that?

>> tovo: yeah, i'd like to share with you a conversation i had yesterday with frank fundaise, who did come before us. I think it's -- let me begin by saying i'm not sure where personally i fall in this discussion, but i think it's important that his concerns sort of be shared. And know too that the -- in the past the mbe/wbe has looked at those goals in a very specific way on a monthly basis. So i hope whatever we decide to do, whether it stands alone as a council committee or in a broader committee it will have that same level of broader scrutiny and be looked at because the committee members, we did kind of fold out our charts and looked at each specific city project, how well it was performing, why there were substitutions made and had an opportunity to hear from the citizen committee and, you know, get a real granular look at how well the city is doing at implementing that ordinance. So mr. Fuentes shared with me, as some of you may know he represents the hispanic contractors association and was also speaking on behalf of the black contractors association and the asian contractors association. He talked about the history of the program, having started in the '70s, and that it was followed by an ordinance, and that the ordinance specifically requested that there be a council committee in part because contractors were having difficulty working with staff on the implementation of it.

[12:40:01 pm]

And so i think that's a key part of their concern, that this was important historically but also important for them navigating -- navigating the city system, that in the past, though it hasn't necessarily always been -- it's the kind of committee that tends to run shorter than the two hours that were budgeted for it. Occasionally it wouldn't meet in a month, but that there's an interest in seeing that be a more active

committee, so that while it hasn't always been a terribly active committee other than the kind of granular monthly look that i was talking about, there is an interest among some community members to see it become more active, and they -- the concern -- so the committee was set up as a bridge between contractors and the staff, and again, there is a concern about that bridge being removed. Let me hit some other points here. He raised the point that it is the only minority -- the only committee focused on minority issues that exists within the current configuration, and that it is different in a way. He expressed the difference as economic development broadly configured as more focused on how we do business in austin and the mbe/wbe subcommittee is more focused on how minority and women-owned businesses do business with the city of austin. So again, it functions a little bit differently. And there was also a concern about -- that potentially focused of that committee might get more -- might be more focused on economic development and labor issues and less on issues related, again, to contractors and their ability to do business with the city of austin. So, you know, i share that. I would encourage you to, you know -- to speak directly with mr. Fuentes if you have questions.

[12:42:01 pm]

I hate to speak for somebody else. I did kind of read back to him my notes and, you know, i think i've captured at least some of his viewpoints as accurately as i've been able to. So again, i would suggest if we -- that we move forward with a broadly configured committee, that we at least include a space on that committee's agenda for that kind of granular look that has proven to be critical, i think, to the function -- continued functioning and successful functioning of the mbe/wbe ordinance.

>> i like council member casar's renaming of those opportunities, and i think council member houston said on thursday that the point is to bring those issues up, these kind of issues up, and i think that's important. We need to make these issues a very clear part of the economic opportunities. I would -- i would suggest if we could, at a minimum, quarterly reports, if not more, to the council.

>> mayor adler: ms. Houston?

>> houston: in the conversations with mr. Fuentes, he reminds us that the city has fallen woefully short of meeting the goals historically, and so that's why the concerns. I would go along with all that we've said today. I would wonder if the veterans should be included in minority and women and veteran-owned businesses, because i'm not sure where they are at this point. And it may just be my naivete, but that's a concern of mine, where do veterans go.

>> mayor adler: okay, ms. Pool?

>> pool: i con kerr with the comments made as well about the minority and women-owned business and the ve veterans, and i think it's key that specific attention be paid to these areas that have fallen short historically so that we can keep track and hopefully make better gains.

[12:44:15 pm]

I am comfortable with having them as a part of a larger committee, and that could be the focus of a specific subcommittee that we will be talking about granting ourselves the ability to create subcommittees, which i think is key. So that light can shine directly and specifically on certain issues that need that kind of care. Thank you.

>> mayor adler: any further --

>> i have a question.

>> mayor adler: ms. Gallo.

>> gallo: and to me the purpose of this committee is to address the issues that i think we all have heard over and over again, that the perception is out there that economic development is really focused in the city about bringing large companies in, and we've been neglecting the focus on smaller, individual, local

companies, and that would include everyone we've talked about so far in this discussion. So this to me is a real positive move forward because it's saying the local small businesses, regardless of their makeup, are important to us, and we want to make sure that we have focus through the council on helping to enhance and build and grow and hear what the concerns are.

>> mayor adler: okay.

>> mayor, if i may?

>> mayor adler: i'm sorry.

>> i didn't mean to interrupt you. So i'd like to thank folks for supporting the move to make this about economic opportunity. I would focus -- and i have tried to focus my comments on -- when i've heard that the mbe/wbe subcommittee is the only committee dedicated to minority issues or folks of color, i urge us to continue pushing out the message because i know each of you personally we know that every committee should be focused on the demographics of our entire city, and so -- so let's just -- i just urge us to continue pushing that message as we talk about this on thursday, that minority issues and the issues of just all demographics should matter in all of our policy discussions.

[12:46:16 pm]

Also, part of my hope of including all sorts of issues about economic opportunity within one committee is so that we don't wind up in situations as i've seen in recent years where the interests of small businesses get pitted against the interests of working people that make those businesses run, and that by separating those committees sometimes the council is posed with a choice between the two rather than figuring out ways that we can utilize the city's purchasing power and the innovation and energy in the city to elevate the interests of both, and i hope that this committee will be dedicated to doing that.

>> renteria: , you know, the housing community and development commissioner -- the cdc also has a small business loan grant that -- and they have their own committee that they issue. Shouldn't we be moving some of these programs into the economic opportunity committee so that -- i mean, they have standing committees where they work with minority contractors, and so i was wondering if we could just look into that, because we do get federal grant money for those kind of programs. And that would be a great place to put it under since we're going to be putting minorities in. I know we -- we gave a loan and worked with (indiscernible) on congress to -- getting evicted from the scarborough building, so we can see how successful these programs are. So if we could just move some of these grant monies that are coming in into these -- into the economics so we can all work together and make sure that this kind of money gets spent and every other committee knows what's going on.

>> mayor adler: i think that's a good point. And one of the hopes that i hope as everybody chairs a committee is when you're -- when you're fielding things as a council, you're necessarily to some degree in a reactive mode, because things are kind of being brought to you and then you're reacting.

[12:48:23 pm]

And the committees, by dividing ourselves up and -- gives us a real opportunity to be proactive in ways that we -- that -- new opportunities to be really proactive. So a committee like that should be really focused on behalf of all of us in that area and be finding both those kinds of opportunities to be able to push agendas and to originate concepts in a real broad way. Be great.

>> kitchen: okay. Should we move on to the other question about committees, which is the number of committees? I know everybody is dying to talk about the number of committees.

[laughter] i want to --

>> tovo: yeah, i appreciate the comments that were raised, and so i just want to be clear, it sounds like there was an interest in moving toward changing semiannually to quarterly, and again, i would offer this --

>> mayor adler: does it work monthly? You said you got those reports monthly. Is that --

>> tovo: yeah, i -- i want to understand the difference between the reports to the full council, the quarterly reports to the full council, and the monthly review. I guess it would -- you know, based on the feedback i've heard from some of the individuals, you know, who were most involved in that committee in the past, i think it would be appropriate at least -- well, i think it would be appropriate for those reviews to happen on a monthly basis, whether that's the report -- whether the report to the full council goes forward monthly or quarterly, i would prefer the change to quarterly. It's not clear to me whether this language is about updating the full council or the subcommittee itself reviewing those reports.

>> kitchen: this language speaks to updating the full council, so we would need to add language about monthly review at the committee level.

>> tovo: is there general support for that?

>> kitchen: seems to be.

>> mayor adler: i would support that.

>> tovo: i think that would be very --

>> mayor adler: because that continues the current practice as well. I don't think we should move back from --

>> tovo: i think it's important to have that review continue, and also, you know, it does give that space on the agenda for contractors to come if they're having a particular issue, as sometimes happens.

[12:50:30 pm]

And so it provides that level of openness and highlights those issues.

>> mayor adler: sounds good.

>> casar: mayor i would support that and i would like to thank council member kitchen in figuring out how to put all the words in these various committees, and we got a lot of emails you must have had to pour through to sort all of that all. So thank you.

>> tovo: mayor, sorry, on the same section but a different issue.

>> mayor adler: yes.

>> tovo: just very quickly, we had initially talked about having council members who are bringing forward a resolution for county -- for a committee to consider that he or she would suggest what committee would be appropriate. I don't see that reflected in the language. It looks to me like the mayor is making all of those decisions.

>> kitchen: okay. Let's see. That's in section --

>> tovo: it is in section --

>> kitchen: let me find it here.

>> tovo: i believe it's in section 2-5-26d 3 on page 8.

>> kitchen: that's right, it's d3, and it is -- yeah --

>> tovo: it's possible i missed it.

>> kitchen: no, it's there -- you didn't miss it. You're right on what it says. It basically says -- what we're talking about now is how items are assigned to a committee. Now, remember also, though, that later on it does -- does say that any committee member, or the committee chair can bring up items in that committee. So that doesn't have to go through this process. This process relates to an item that's suggested for a committee that's not coming from that particular committee. Does that make sense?

>> tovo: yes, yes, i saw that provision later. I guess what i'm trying to -- and again, we're crafting -- we're crafting an ordinance not just for this council and this mayor but --

>> kitchen: no, no, i'm agreeing with you.

>> tovo: -- but the future, so i would like to preserve the ability for a council member bringing a resolution who may not necessarily sit on a particular committee to suggest that that be the -- that be its destination.

[12:52:40 pm]

>> kitchen: yeah.

>> can i interject? I'm glad you brought this up. I posted on the council message board yesterday. I think, ann, you may have seen that, but i'd like to call your attention to page 7 of 13. I'm sorry, page 5 of 13. Page 5 of 13, about line 23. So this is 2-5-106, committee agendas, and we have four items there, right?

>> kitchen: yes.

>> zimmerman: i was proposing to add a fifth that said, "at the request of any two council members." so if there are two council members that want to introduce something on a committee agenda and two council members in agreement could do that. Because you see the way it's written here, the mayor could do it, one member of the committee can do it. And so we said, well, then if we had two members that are not on the committee, they can go ahead and submit that, an agenda item. So that might help resolve that, right?

>> tovo: it would, however, let me point out since you raised that, i think that might be a good solution, and with all due respect to our current mayor, this does then set up a different equivalency than does our charter, where the mayor is equivalent to two council members, and that gives me pause, again, with all due respect to our current mayor, it does -- it does set up a different equivalency.

>> well, it means that you need two council members to get something on but only one mayor, that's all.

>> tovo: right.

>> basically what we're talking about now is the process by which a council member gets on to a committee oh how an item gets on. You're talking about how can someone do that that's not on the committee.

>> i have no problem putting into the language that the mayor should consider the suggestion from a council member. I mean, at some point i think you need a traffic cop in order to be able to do that. And by putting in that language i would have no problem with i would be doing that.

[12:54:41 pm]

I think it would be important for someone to do that. But at the end of the day you need a traffic cop. But i am fine putting in that language that says the mayor does that and will consider the suggestion of the council member, the filing member. As a practical matter i would consider the suggestion of anybody on the council as to any issue, and it's an idea -- any idea is not really owned by that one person. They put it out into the world and there may be a situation where one person files the bill, there are multiple people that have invested in that or believe their constituents are interested in that and would want to be able to make suggestions as to which committee it would go to. We've bent over backwards to make sure it could go everywhere. I can send it to more than one committee, i can send it to -- sequentially. People can bring it to their own committee if it didn't end up in their committee. So there are lots of different ways for it to go lots of different places. Yes?

>> i would like to differentiate between the topic that council member kitchen and tovo and the mayor were talking about, which was the committee assignment, and the item that council member zimmerman was referring to, which is placing an item on an agenda.

>> no, this is committee's agenda he's talking about.

>> pool: thank you. Because i do see putting it on the council agenda as an entirely different thing. Okay, thank you.

>> kitchen: thanks for the clarification.

>> is that what you were trying to do, council member zimmerman?

>> zimmerman: yes, and that was to distinguish -- it's different putting on in the entire council versus a committee. I thought two would be a reasonable number. Is there any objection to that? Let me ask one more quick question. I guess what we'd like to do is get -- and by the way, i agree -- i really like what you've done with all these edits. So there's going to be another version, right, of this document, and so ideally -- ideally -- we're not there till 4:00 in the morning, it would be great if we were good with the whole document, but is there any way or any prediction about people trying to do amendments to this on thursday?

[12:56:57 pm]

Because it would be better to try to get them all in --

>> kitchen: yeah, but my preference would be, and i don't know what the process is, is to take our discussions today and put it into a whole document that's like a substitute. Can we do that?

>> and then post that on the bulletin board so other people can see that.

>> kitchen: and post it.

>> one more suggestion, housekeeping is very, very important. This is my engineering stuff here. If we could version these copies, right? And it would just be a date, say version, date, draft 1.1 or 1.2, so that we could -- we'll always know what we're talking about.

>> mayor adler: and ann, rather than having a substitute, whole document, i think i would be more comfortable if you did it in exactly the form you have here and then post that so that it's real clear to us and to the public what's changing from what was distributed generally.

>> kitchen: do you think that's understandable -- we can write it so we repeat the language.

>> mayor adler: i wouldn't mind you having both documents available.

>> kitchen: we can do that.

>> mayor adler: that would be helpful.

>> i want to go back to the differentiation between what mayor pro tem suggested and what council member zimmerman was talking about, which is referral to committee versus something actually being placed on the agenda and i think the important piece that we need to discuss is -- because the person otherwise that would normally have the ability to put together the agenda is the committee chair.

>> hang on, item 3 says at the request of a member of the committee.

>> so what about a member who's not on the committee, is where you would --

>> that's why we have two, two people not on the committee can put it on the committee.

>> so the question, and i don't know if this is something we've talked about or that needs to be discussed, is is there a requirement of something that has been referred to committee to be placed on the agenda within a certain amount of time?

>> kitchen: yeah, that's in here, i think. Let me see if i can find that. I think that's where we said the one week. But let me --

>> mayor adler: it was one week for me to assign, in my recollection it was 30 days to get on an agenda.

[12:59:00 pm]

>> kitchen: help me make sure we reflected that because we did talk about it.

>> mayor adler: mr. Casar said he couldn't find that earlier and i know that was the intent to do that.

>> kitchen: let me make sure i've captured that, the intent being that 30 days to get on the agenda after it's referred, right?

>> mayor adler: correct. If it's not in here, could you please make -- i would support making that addition.

>> kitchen: okay.

>> mayor?

>> mayor adler: mr. Casar.

>> casar: and if i may, i would support the language saying that the mayor takes into consideration the council suggestions of which committee it goes to, or i'd also ask you perhaps to consider what the -- what the steps in your traffic copping are, so that perhaps it might say -- and i'm not sure what the steps are, i haven't thought about it yet, but if the council member requests a committee, that it would be sent to that committee unless it wasn't germane to the topic of that committee or unless that committee was already too full, or just to consider that so that we have some idea, council members might have some predictability about what they can request to a committee and understand why it goes or why it doesn't.

>> mayor adler: help me understand this. So let's say there's an initiative that four people are really interested in. One of them files the draft ordinance to go to a committee, and all four people who are very interested in it contact me and say, this is the committee i think that it should go to. Please send it to this committee. And let's assume for a second all four don't suggest they send it to the same committee.

>> casar: now i understand why we need an at-large official in the city too, traffic cop.

[laughter]

>> mayor adler: it should probably be broader than just the council member who filed t i will take into account, which is expressed to me by the council which is where committee appointments are made.

>> casar: i have one final one easier than that.

[1:01:00 pm]

On page of 71 7 of 13 at line 20. This is easy, item b. We're talking agenda for council meetings, city manager may place an item -- it says the city manager should not place -- we place should with shall.

>> mayor adler: where are we reading?

>> kitchen: that's on page 7, line no. 20.

>> casar: line no. 20. The first word there, should not place, change it to shall not place. Does that make sense?

>> kitchen: i want to think about that because i don't want to tie the city manager's hands unduly. I don't think we intend to tie his hands. But if we say shall not, then there's no --

>> this is current language in the code right now. The should is in the current code. So just so people understand.

>> mayor adler: my recommendation we keep it the same, because i don't think by what we're doing here we intend to change any kind of balance or order. If we ever wanted to do that that would involve much longer conversations. And i'm comfortable with the should as -- in the current charter, ordinances in the language, because it sets it out. My recommendation would be we not get into that broad a conversation. Let's just make the changes we can as concerns us at this point.

>> okay. So there's a number of -- there's a couple more smaller items. I could run through those quickly, or we can talk about how many committees there are. Which would you all rather do first?

>> go through the small items.

>> kitchen: let me run through those. On the bottom of page 2 again, this is of the proposed changes that was posted on the message board. There's item no. 3.

[1:03:01 pm]

This one is -- and again, these are all in response to feedback that we got from the community. But this one says -- this is to add language clarifying that committee meetings must be posted and open to the public. So this is -- if you look at 2-5-105a, and that is on page 4, there's language in it now that says a meeting of a council committee must be posted and open to the public in the same manner as a meeting of the full council for the committee to take action or receive live public comment, and what we're suggesting to add here is "or to meet as a group with third parties." so it's just making it clear that the committee has got to post and be open to the public to take action, to receive live public comment, or to meet as a group, in other words, as a committee, with third parties. So that's the proposed language to add there. Any questions or -- yes?

>> so would this clarify -- what if three people who sit on a committee are -- want to meet about an issue but it's not having to do with a topic that's before the committee? Should we clarify or meet as a group with third parties regarding business in front of the committee?

>> kitchen: yeah, maybe the word -- maybe it needs word submitting. Point as a group means as a committee. So perhaps the language should be clearer.

>> gallo: because i just worry to meet as a group of third --

>> mayor adler: you're right. So we fix that language so it's clear as a committee is what we're talking about. Okay.

A. >> kitchen: any other questions about that before we move to the next one? The next one, which is on page 3 of the proposed changes that was posted on the message board, item no. 4 add language clarifying that the same rules for posting agenda and backup materials apply to committees.

[1:05:02 pm]

In other words, there are rules in place right now for items that go on the full council agenda, so this just adds language that makes it clear that those same rules apply to the council. So in other words, it would -- and this is in -- applied -- i'm sorry, apply to committees. So if you look at 2-5-105a, which is what i was just talking about, which says that -- oh, let's see. I think it's 105a. Yeah, anyway, what we'd be saying is that the agenda -- we'd add a sentence, is what we would do. We would add a sentence to 2-5-105 a, the agenda and materials for a backup and committee meeting must be posted in the same manner as a meeting of the full council. And what that means is that the items with the backup material have to be posted for that committee meeting within a certain number of days, just like -- the same number of days that it is if you were to post it for the full council. So -- and that was added because the current -- the ordinance as written right now is silent as to any of those time frames for posting backup material.

>> sco so that adds to the transparency of the process?

>> kitchen: yes. Does that make sense? Okay. Item no. 5, again on this proposed list of amendments, applies -- it goes back to 2-5-26a that we were talking about a minute ago, and this is the provision that talks about preparing the agenda for the full council meetings, and so the proposed addition to a is that the city manager, in consultation with the mayor, shall prepare an agenda for each city council meeting, group agenda items by -- or if an item has not been considered by topic, mark each action item, identify an item that is an ordinance or resolution and list items from the council in a separate section of the agenda unless the item has been reviewed by council committee.

[1:07:15 pm]

So basically the point of this change is to talk about how the agenda is set for full councils and basically saying the city manager shall, in consultation with the mayor, do all these things to prepare the agenda.

>> i think the intent is to make it part of the process. I haven't had a chance to talk -- our intent is to make sure that i'm part of the process, so that we're part of the process. I haven't had a chance to talk the individual language with the city manager and i'll do that and post any further thoughts or comments on that on the bulletin board.

>> kitchen: okay. Okay. Moving on to item no. 6, again on that page 3, the proposed amendments, again, this is just a clarification about the flexibility for the registration location for testifying in a council meeting. The way the language -- it's to strike located in the city hall lobby, and it just recognizes that we may have an electronic sign-up system where you don't have to actually go down to city hall lobby to sign up and it's providing more flexibility for signing up for council committee meetings. Okay, and last thing, there was a typo, we don't need to go over that. Oh, wait, there's one other one. Item no. 8, on page 3, and is this has to do with adding notice to council members about district items that are on a committee's agenda. So this would add a new subsection to 2-5-105, and that would then be on page 5. It would add a new subsection g, which states, the city clerk, although, you know, whoever the appropriate person of the staff, we can work on that language. City clerk at the direction of the city chair will notify a council member when an item impacting property in their district is posted for consideration at a committee meeting under 2-5-105a. So this is just recognition of a mechanism for notifying council members if there's an item that impacts their district.

[1:09:24 pm]

It's another way to help people keep track. You know, all of us should be looking at what's happening in committees, but it's just another way to keep track.

>> mayor adler: i think probably -- i'm sorry, go ahead.

>> i was just going to say, i would prefer that to be standard operating procedure instead of at the direction of the committee chair.

>> kitchen: oh, okay.

>> i think that is important, and we've asked that staff do it with agenda items.

>> mayor adler: and i think we should also note that that is a planning or zoning case. Pretty much everything we're going to do is going to impact somebody's property somewhere, and we can't put the clerk or somebody trying to figure out how -- so i think that to narrow it down to -- because that's really what we're talking about. So it would be a zoning or planning case where a particular piece of property is the subject of the case, that notice would go out to the --

>> and maybe traffic mobility committee also, that certainly could be --

>> kitchen: i don't think it would necessarily be just zoning, although i understand the gray area.

>> mayor adler: so figure out language that will take it to a particular piece of noticed property.

>> kitchen: okay. All right. Okay. So now do you all want to go back and talk about committees? Okay. So --

>> casar: my question is if there are other small issues, if we should address those before this one.

>> kitchen: i think so. Is that all right with everybody?

>> casar: i have a number but looks like the mayor pro tem has --

>> kitchen: are you sure?

>> casar: great. The first one is in relation to the process for four council members asking for bypass the committee structure or bring an item forward for public input, and i may need help from our acting city attorney on this question, because i want to make sure you're not bored during our hearing. So if you are looking at page -- let me tell you the page -- page 9 of 13, you can see the language that states that if four council members in section e on page 9, that 23 four council members wish to bypass the

committee process and place it on the item directly, and then also the section precluding a public hearing, i just wanted to hear if you all had contemplated who wrote this, the process by which four council members would speak up about it, and if not, make a suggestion on how that might work.

[1:11:57 pm]

But i want to hear if you already had thought through the process of how those four people would essentially sign up to sponsor that bypass or that additional public hearing.

>> mayor adler: and part of that question as you presented it to me was if you want to find three other people, what if you don't find that third person until you've talked to your ninth council person, whoops, i've now talked to nine council people.

>> casar: that's right.

>> i thought the solution to that was the council message board.

>> casar: well, i first wanted to hear if there had already been a contemplated path on it, and if there hadn't, to suggest mine, and once i suggest mine, maybe it will clarify -- maybe it will make the way the mayor asked his question a little less scary for acting city attorney.

[laughter]

>> why don't we say this. We -- this is -- this is silent as to the process. So why don't you suggest your process, and then we can go from there. Is that okay?

>> casar: sure. So my understanding under -- in the past when you would ask -- we'll just take -- taking it to the public hearing for now, that a pair of council members would suggest to the mayor's office that they wanted to request a time certain, and that that would be sent to the mayor's office and would be incorporated in the agenda-making process. Is that more or less -- i think that's more or less correct, right?

>> mayor adler: i'm sorry, i was --

>> casar: that's all right. I was just asking about the previous method for setting a time certain on an item and requesting a public hearing --

>> typically the council members talk about it here in the work session and then there would be agreement about it.

>> casar: great. My hope then would be that since in here we pretty vaguely stated that the council would determine the method of this additional public hearing, perhaps the best way would be for one council member to state their preference to have a second public hearing, to state the time certain that they preferred, and for the number of -- the allotment of time for that time certain, because as the mayor explained there may be cases where we would like that second public hearing but just have it for 30 minutes, just because symbolically we want to have those words heard or perhaps there does need to be a particular debate heard and we need two hours of it.

[1:14:10 pm]

That way we don't have four people -- all with their own ideas for how long that should be. You know, have one council member sort of make a motion or pitch in that we would like it at a particular time, and then -- at a work session, for three -- so that it mirrors the process that we already have that if three people support it, then that would be the time certain that it's set at. And of course if there's competing times, because there could be actually competition if you have only a limit of four, then i guess we would need a majority vote if, for example, you know, four of us thought it should be one time certain and four of us thought it should be another, then i guess at that point we would probably need a provision to reconcile that. My hope would also be that we don't do that necessarily on the tuesday work session just before the next thursday, because part of the idea of setting up a realtime certain is to

give people time. Perhaps this tuesday we could be talking about, you know, several -- several thursday - a couple of thursdays out, perhaps to give people the opportunity to know what the time certain is and what the allotment of time would be. So that's my pitch. And of course we could use the council message board to let people know that it's something we'd be bringing up at work session. So this is an idea i cooked up in the car on my way here, so please --

>> and can i clarify one thing? Is the mayor considered the person who breaks a tie? Is that how generally in these kinds of bodies that works?

>> mayor adler: could be that way, yes.

>> so that could actually help resolve if you have an equal distribution of votes on either side of an issue, the mayor would wait and weigh in at the end? I don't know.

>> mayor adler: fortunately we have an odd number of people here.

>> pool: right. With you.

>> mayor adler: ought to be able to work that way.

>> kitchen: okay. So that's the proposed process. Thoughts on that?

>> mayor adler: so i understand what he's proposing is at work sessions we can -- in an appropriate place for four people to be able to express their desire, to have a public hearing at a city council meeting to set at time certain or to discuss the 340 dalt or method of that public would be at -- at a work session.

[1:16:22 pm]

I also think that someone could also introduce that subject on a bulletin board as well in anticipation of a work session. So -- but -- is that what i understood your proposal to be?

>> yeah, and it's almost like -- the other part of what you're saying is that one person can put that forward without having to have their other three -- put that forward so that there's a couple of mechanisms that the other -- the other three can come forward without, you know, violating open meetings. In other words, that one person could put it forward, like on the message board or work session, and the other three could be identified through those processes. Is that kind of what you're thinking?

>> casar: that would be the hope, that similar to the fact that we have, for example, this committee restructuring item listed with many sponsors for thursday, because we did not discuss amongst ourselves the details of this, but we could still discuss our -- or at least state our willingness to sponsor it in the same way we could -- if we had already spoken with several people, some of whom may not be supportive of an additional public hearing, that others could still step forward and grant that.

>> council member casar, since you brought that up, i have a question and i think now is the right time to ask. I noticed there were a bunch of sponsors on the ordinance, and i was interested in that, but i don't understand how that happened. I was looking to the message board to hopefully see somebody say, okay, i'm officially sponsoring and somebody else pitches in. I didn't see anything on the message board. I guess i'm hoping the message board will be used for more than it's being used for now. I was planning to put my support for the resolution, you know, publicly on the message board, kind of when we saw it, kicked it around, okay, i'm in. So i was hoping for that and i didn't see that.

>> kitchen: well, this is how it operated and we'll do better in the future, i think. So basically we were in a situation where we had the ordinance ready to post and we obviously couldn't run it by everybody without, you know, violating open meetings, and so we just asked, i think the process for the -- for the city is -- city clerk called everyone -- contacted everyone to see if they were willing to sponsor, understanding that you had not yet had the chance to read it.

[1:18:34 pm]

And then it became posted. And then for these amendments, the same thing. We posted those on the message board so that you all would have them and those g got posted yesterday. So yes, with more time we can do it that way, don.

>> mayor adler: and again, i would urge everybody to get on that and either look at it or have their staff look at it at least twice a day to see what else has been posted.

>> zimmerman: mayor, i have a couple other tiny ones. Just to clarify, on page 5 of 13, you'll see on line 13, section e on page 5, the chair of a committee may allow the chair of a city board to participate in the deliberation of an item. I think that it might be helpful to clarify. I think the intent is to allow the chair of the city board to participate or to assign an alternate if the chair of the city board isn't able to be there.

>> mayor adler: or his designee.

>> casar: exactly.

>> john steiner, law department. The city code provides generally that any mention of an officer includes that officer's designee.

>> casar: and my question would be, is -- would it run afoul of legal for us to just make that very clear just so that lay people --

>> someone who's reading it who didn't know that would know clearly that's the case.

>> kitchen: i would say, greg, i think that we can certainly state it. You know, it -- you know, part of the thing is, you know, when the public -- when people in the community, or even myself for that matter, are reading these things, you know, we -- we appreciate your comment, but a lot of us don't know that. So it's helpful to repeat it. And so we can do that.

>> casar: right. Well, thank you. Then i also -- oh, no, i had -- i had my point about the 30-day guidelines, but we've already addressed that.

[1:20:35 pm]

And i wonder if there's a way that -- if it should be in the resolution or if we should just state it openly now that there -- you know -- another concern that i heard quite a bit was that if the committee meetings are always in the morning or in the daytime, as they tend -- ad hoc committees of the last council tended to be, that we were removing the chance for public hearing in front of the council in the evening and replacing it with standing committee meeting in the morning, which gives people the opportunity to influence the council before the decisions have been made but only if they can make it there in the morning. And so i don't know if the resolution -- if there's a place for this or not, and i would like for you all to advise me on this, but if we could recommend to committee chairs for them to set their agendas such that controversial items or items that the public really wants to talk about can be heard in the evening as practicable. That's going to be hard, with the number of committees. But if we are going to choose to restrict the ability of the public to comment at the council level, which right now i'm certainly -- i'm inclined to do, it would be only if the public knows they can come before a committee after work.

>> if i could speak to that too? I've been thinking about that too, cou council member casar, and council member kitchen and i have talked about it a little bit, and she'll probably lay out a schedule in a little while. I think there's a chart. The thing that we thought about was having paired meeting times so that you have a daytime slot and an evening slot, and then depending on what issues are coming up in front of that particular committee, you're either working it during the day. If you have to have a public hearing, and it's indicated that there's a lot of interest, that would be something you would do in the evening. So that i think if you look on the -- i think council member houston is looking at it now. I don't know -- i don't have it in front of me right now, but the idea was to try to demonstrate that we would be able to do what you're talking about, and also being mindful of the fiscal implications, because it does have budget -- a budget impact.

[1:22:47 pm]

So we will be mindful of that as well. But that we'd have a choice on an afternoon or an evening.

>> kitchen: so maybe the language just clarifies that in the ordinance, that we're trying to set them in the evening -- you can help think about the language.

>> mayor adler: ms. Gallo?

>> gallo: one of the things that i've heard from people is a concern that -- and i would say certainly i'm a proponent of this much of transparency as possible, is a concern that these meetings continue to be televised, so as we talk about the structure of scheduling, i think we need to be very sensitive to that issue also, if at all possible.

>> casar: and then i had one -- sorry. One last --

>> mayor adler: i think we -- i think it would be real appropriate to put in the ordinance kind of the statement of intent. I think that the committee is going to have to work and figure out how to actually apply that, but i don't mind reaffirming the fact that it is all of our intent to make it both transparent and make access as easy as possible for as many people as possible, as appropriate on any given issue or ordinance or whatever. Go ahead.

>> casar: and then actually i'll add one thing for that statement of intent and i wanted to make sure that folks -- i think this should remain a rule at the council level was somebody stepped forward and said, well, what if i have new information that's very critical for an item, and i can't have a public hearing on it, you know, for example, brian rogers mentioned saving the city quite a bit of money with a single chart. Right now i think the council has the ability to ask a question of any citizen in the audience when the public hearing is open and give that citizen time to answer questions or present new facts. So i believe that with this resolution that authority would still remain open and that the intent of this is that we could still call citizens up.

[1:24:53 pm]

Julie montgomery brought up the idea during committee that should groups be dissatisfied with the policy but it could be passed in a way that's satisfactory to those citizens but there may not be a public hearing for them to state their support. And i think if council members had an opportunity at the full committee to call these citizens up and ask them what they think about the policy, that would create opportunities for the people to pitch in even if there wasn't a public hearing on the item.

>> mayor adler: i think the ordinance gives the committee the authority to do all of those.

>> the very last language point i wanted to ask a question about is also on page 5, the very first line, which says, except as otherwise provided, three members of a committee are a quorum. Three favorable votes are required for a committee to take action. Does this mean that if, for example, one of us is sick for a month, that the committee is unable to take action with a 2-1 vote? And if so, that is -- ?rook good --

>> good point.

>> something for us to contemplate. I haven't had a chance to think about it very much, but it -- and i have no inclination --

>> mayor adler: i would support a change so a majority of the committee can act.

>> yeah.

>> yeah.

>> yeah.

>> mayor adler: good point.

>> casar: thanks, that's all my nit-picking for now.

>> mayor adler: ms. Tovo?

>> tovo: one small one. On page 11 out of 13, there's a change to make the nominating committee under a city auditor vacancy, three council members appointed by the council rather than three council members appointed by the audit committee. I'm not sure we've had discussion around this issue, and i wasn't sure where the change originated or why. I just wanted to get some background on that.

[1:26:55 pm]

>> mayor adler: where are you reading? I'm sorry, line --

>> tovo: line 22, which makes a change -- 11 out of 13. It makes the change -- so when there is a city auditor vacancy there will be a nominating committee and it has -- it looks like under the existing ordinance, the audit economy that nominated the committee ever, the change makes the full council that selects that nominating committee. And again, i'm not sure that we as a council have had a discussion about that, so i'm just wondering who made that change and why.

>> council member, john steiner, law department. I put that in at the request of the mayor because the - in the current code, both the council judicial committee and the council audit and finance committee have the authority to take final action on some items, and the desire was that none of the committees should be able to take final action but only to act in a purely advisory role to the full council and make recommendations. So i am amended the provisions related to the audit and finance committee which will now be called the audit committee and the judicial committee, which will now be the --

>> public safety.

>> public safety committee, to take away all their ability to take final action and render all of their actions only advisory to the full council.

>> mayor adler: and i did that because we were dividing people into groups and i was concerned about making sure that we had citywide representation on things like that. It's an important issue to do and didn't seem like it would be too inconvenient to do it that way. That was not something we've discussed as a group.

>> tovo: that makes it consistent with what -- i saw the change with regard to the appointment of judges. This makes it consistent with that, and i assume there would -- i assume that full council would still give important -- in my -- in my view of it, probably the audit and finance committee might suggest who those three folks be and have the full council take that into account, but that probably makes sense to have the full council be the decisioning -- deciding body on that.

[1:29:17 pm]

Thanks for the explanation.

>> okay.

>> mayor adler: anybody have any other changes they want to discuss to -- yes.

>> troxclair: i have a couple of quick things, so just -- and i think that we already have answered this question, but the mayor has expressed interest in wanting to attend -- be a part of a lot of the committees, but in the case of a 2-2 vote he's not -- do you have a tie-breaking vote?

>> mayor adler: no.

>> troxclair: and then this might be part of our broader committee discussion, but there was a major change in the makeup of the austin energy committee going from four members to a committee -- i think we need to talk about that.

>> okay, we could talk about that. So any other changes? Nobody else has -- okay.

>> just one thing i just wanted to support is that when we -- we set out enough time so that people get notice, so that we don't have these conversations on a tuesday and then expect us to have public

testimony -- you know, we need to make sure that we're planning this out so people have a couple weeks to be able to come down and have a conversation.

>> mayor adler: all of our intent, i think. I agree with that as well.

>> kitchen: okay. So shall we turn down to 2-5-103, that starts on page 2 and talk about the committees? Are you all ready for that?

>> mayor adler: it's now 12:10. Is this a good time to take a quick break?

>> lunch in the back room.

>> can i ask a question? It is freezing in here and i wasn't going to say anything until council member houston bundled up in her blanket over there, but --

>> i'm fre freezing too.

>> your point of privilege trumps everything --

>> no, no, not until she showed me --

>> mayor adler: it is ten minutes after 12:00. Do we want to grab the food and come back and keep working? Okay. So then let's do that, and we'll reconvene, say, at 20 after? Does that -- ten minutes? Is that sufficient time?

[1:31:17 pm]

Ten ma minutes?

>> tovo: before we adjourn can we get a sense of -- i have some afternoon appointments i have to reschedule. Do we have a sense of how long we may meet?

>> mayor adler: who else has amendments to the committee? We're going to talk about the austin energy, the committees themselves. Does anybody have amendments that go beyond that? So i think we're down to that last issue. Then we're going to have the presentation on the engagement committee, but then we have a lot of other items to go through with respect to the budget items.

>> items for approval are \$70 million.

>> mayor adler: let's do this. Let's -- i mean, if the last thing we have is the committees, maybe we stay here for just a second or two more and have the conversation, unless someone needs to -- a lavatory break. Let's stay here then and let's finish this, and then let's hold off on the engagement issue and the other --

>> affordability.

>> mayor adler: affordability issue and let's pick those up last, because that's us, and we'll go immediately then into the pulled items that staff is -- does that work? All right. So let's talk committees. It's our last thing. Who wants to tee that off?

>> kitchen: so that is section 2-5-1 (indiscernible) pages 2 through 4 of the posted ordinance. And so let's just start with --

>> is your mic on?

>> pardon?

>> is your mic on?

>> kitchen: okay. That's 2-5-103, page 2 through 3 of the posted ordinance. So let's -- let's start by talking about -- do you want to start by talking about the energy committee? Do you want to raise any questions about that? Okay.

[1:33:19 pm]

Go ahead.

>> well, i just think it's a major change from what we originally discussed so we should all have an open discussion about it, and see if that is a change that we want to maintain. My -- i certainly understand, i

mean, we've been contacted by several people suggesting that we keep the austin energy committee as a committee of the whole because it is such a major asset of the city. And i certainly understand the argument. I just want to also be aware of not setting any precedent that the number of members that sit on a committee directly relates to how important that issue is, because there are lots of important issues, and so, you know, we've had a lot of discussions about four members -- about the roles of the committee, just really truly being just a way to find information, to ask questions, to take public testimony, but that the full committee is always voting on all of these issues. So i just kind of wanted to -

>> mayor adler: the full council.

>> troxclair: yeah, sorry, the full council is always voting on all of these. So i just thought it was worth having a discussion about whether or not that change was -- we'd want to make that change.

>> kitchen: let me explain the reason behind t the reason behind it -- behind it was the thinking that okay, for lots of reasons the austin -- the austin energy utility committee became a committee of the whole in the past, so the thinking was rather than change that, rather than wade into all those reasons and change that, just try keeping that understanding that subcommittees would probably be a lot of the way in which action would occur. So -- but you're right, that is different -- that is different from our original proposal. So we should discuss it.

>> troxclair: and just another note on that, as i think we're about to have the discussion about the number of committees and our time commitments, so having a committee of a whole that we're all sitting on also plays into that issue as well.

[1:35:20 pm]

>> kitchen: okay. Well, again, my thought was that -- and let's see if anybody else has any thoughts, that because of the concerns about the structure of how the council reviewed austin energy and because of - i received a lot of feedback on it, that i personally just thought that it was good to keep it as a whole but break out into subcommittees as we needed to. Does anybody else want to weigh in on that or say anything about that? Do you all have a preference?

>> mayor adler: misgarza?

>> i agree with council member kitchen, and i guess it's -- we're still all on the board of austin energy, correct? And so sthsand so this is just saying we're all also members of the council committee? I think that's a good way to keep that one.

>> i think your point is very well taken and we should be really clear that the number of people on committees doesn't say anything about the importance of the committees. They're all important. So that the -- the reason for making this as a committee whole is completely different, and it has to do with history. So -- of that particular committee. Does that make sense to you? As long as we're pretty clear into that intent?

>> mayor adler: -- about that intent.

>> mayor adler: i think so. And i don't think austin energy -- i don't think we're the board of that because i think that's a department of the city, just like any other department of the city. Unlike the housing corporation that we're on the board of. I think it's different than that. Sorry.

>> i was going on reflect back on the history of why that became a committee of the whole. Would somebody like to address that for information purposes, quickly?

>> mayor adler: my -- they all started volunteering for it and when they looked at it they all wanted to serve on it.

[1:37:20 pm]

>> the short answer is it was a derivative of a larger discussion having to do with governance of austin energy, and that conversation took a variety of different paths, including some discussion, i think, even at the state legislature level. But in the end what came out of the other side was the establishment of this committee that you're talking about today, council committee on austin energy, and it's an opportunity where they meet once a month, and they -- when they first started out they established a range of topical issues that the council was interested in, and they would meet and they would go through those issues. Since being established they've talked about many position, deep dives relative to austin energy. It's a way of council staying on top of the status of that very large business, obviously from a budget standpoint, the largest enterprise operation that we have, staff, under the leadership of general manager larry weis, keeps that committee, and because it's a committee of the whole, the council very much apprised of the -- you know, the various aspects of that business, in a substantive way. So it was borne you've all that conversation about governance structure.

>> and it could be that after six months or a year we decide that the issues that were so key and critical and timely at the time when this was created, has since abated and then we could maybe put it with public utilities? And i would just say as a sidebar to that, i see that our issues with water and water conservation and a water plan are probably rising to an equal level going forward and had given some thought to actually making that statement about our water utility as well.

>> kitchen: so are people comfortable with us continuing down this course for the first six months and then revisiting if we need to?

[1:39:23 pm]

Okay. Okay. Other thoughts on committees? Concerns about numbers of committees, and let me just say that, you know, i -- i share folks' concerns about numbers of committees and time it takes and that kind of thing, and i think it will take some time for us to figure out how they will meet. I can say that some of these committees will need to meet monthly, some of them will need to meet more than that. It's hard to know at this point. I think the committees need to figure that out once they're appointed. It's also hard for me to envision which committees we could put together, but people may have ideas about that. So --

>> mayor adler: and also in looking at the committees, there are 13. We had just made one, probably a committee of the whole, which would meet probably -- might displace, if we're meeting four times a month, it might be we make one of those meetings primarily the austin energy meeting, depending on how we're working our agenda. So it could just be part of that day. It would be my current thinking at this point to chair the intergovernmental affairs committee. We're in the legislative process. That probably also is a committee that will not be meeting very much. A lot of the intergovernment work will be being done by the intergovernment committees. The joint task force with aid and those things. So really what we're talking about here are 11, 11 committees that people will be chairing and trying to push the -- acting affirmatively.

>> and i think we did try to do some analysis, you know, thinking that, you know, with four council members for 11 committees, that means that each council member would sit on approximately five committees, which translates into about six hours for each -- each week for council member, about 16 1/2 hours of committee meetings each week.

[1:41:24 pm]

So this document only -- all it attempts to do is show that we actually have approxim approximately -- -- approximately 8 times during the day that we can --

>> mayor adler: do you have extra copies of that?

>> kitchen: i thought we sent it around. You sent them back this way?

>> mayor adler: so if a committee met every two weeks, i'm not sure that the committee would, but assuming a committee met every two weeks, and if the committee -- we need to share at this point, probably.

>> kitchen: sorry about that. I thought i had passed them all out?

>> mayor adler: if a committee meets every two weeks and if it met for three hours, then you're talking about three hours and every committee, every two weeks, if you're on four committees, that means that over a two-week period of time you would be spending 12 hours in a committee meeting.

>> mayor?

>> pool: and some committees may not meet every two weeks. Some might meet more or less. I'm of a mind, because this is speculation, let's go and give it a try, and we also don't know which committees will be assigned -- we'll be assigned to and then how staff will figure out the logistics on when those committees meet so it doesn't bump up against another member. Like at the legislature, you fly between two committee meetings and can't really spend too much time there sometimes.

>> mayor adler: and it could be that any given council committee meeting doesn't need to be three hours. It could be they meet for an hour and two committees meet in an evening in the same space. We don't know until we get into it, and then obviously we'll all be running back here. It is an iterative process.

>> houston: mayor? I'm willing to try this, prepping for work sessions, prepping for council, work sessions, and things have been talked about and changed, prepping for that, that's pretty scary, because i also have to do constituent work, and --

[1:43:43 pm]

>> mayor adler: and, you know, those were not blocks of time that would actually be filled. Those were just available spots.

>> houston: no, but even with the conversation there's a lot of time, and i don't know about everybody else, because this is, of course, my third week on this council, and i'm not drowning, but i'm getting real wet.

[laughter] and so i just want you to understand that there's a finite amount of time that somebody can do this, and just so that we're clear that we also have financial issues with trying to get this up and running so that we make sure that it's transparent, and so there are a lot of disconnects right now. But i'm willing to try. And when i start drowning i'll let you know.

>> mayor adler: we'll all be drowning together.

>> so i took the calendar that you had provided, and i also printed out, my calendar for the week. And it was -- i mean, there absolutely was not time for me to -- had we had the committee system in place this week, and obviously we'll be scheduling our -- you know, calendars in the future around our committee meetings, but, you know, i have constituent meetings in the afternoon, i have district obligations in the evening, i have briefings, i have meetings with staff to go over council agendas, i have meetings with other council members. So when you look at that by -- the calendar by itself, you think, oh, well there are some blocks of time there, but that also is not taking into consideration appointments to things like cog as well as other commitments that council members have mentioned, hate crimes, tasks force, or other organizations we're expected to be involved in as council members. So i guess i would like to try to have a conversation about if we were going to reduce the number of committees, what would those suggestions be?

[1:45:46 pm]

So my suggestion just -- and again, not that it would mean less topics being discussed but it would streamline where we would need to be and when it would help our constituents to keep up who is meeting and when, and i do thing the transparency issue of multiple council committees meeting at -- if we were able to schedule them so they don't overlap to the extent possible, i think that would be ideal. So my -- i mean -- in looking at this list, yes, everything is important, and how -- and how would you do that. I -- i think originally i had suggested possibly the technology innovation and creative industries, that i think fits very well with economic opportunity. I think those topics will frequently kind of overlap and be discussed together, so that would be one suggestion. And i know that currently the finance and audit committee is together, so that could be something we would also discuss. And intergovernmental affairs committee -- i don't know if we -- how often that committee would meet or if -- so those were the two suggestions that i kind of came up with in looking over this list, but open to other comments.

>> kitchen: other comments? Other folks have thoughts?

>> i have exactly the same observation as ellen. I didn't talk to her about it at all, but combining 11 and 12. I had exactly the same thought, independently, with no conversation.

>> i'm not necessarily opposed to reducing the number of committees but i'll just point out that it doesn't reduce the amount of work. It just reduces the number of places where that work takes place.

>> kitchen: other thoughts on committees?

>> i have a question. A little bit of discussion maybe on our sense of how often the different committees would work -- would meet, because i think that would make a difference if we've got a good number of them that would meet infrequently, then the time issue doesn't become as critical.

[1:47:53 pm]

>> kitchen: well, i think that the rough analysis that we did was if -- if the committees meet twice a month, then you're talking about six hours a week, okay? If they're meeting once a month, then you're talking about roughly half of that. So the truth would probably be somewhere in between. Some will meet once a month, some will meet twice a month. So we're talking about somewhere between three and six hours a week, probably, per council member. So --

>> so do we have an idea of which committees would meet twice a month?

>> kitchen: we could run through -- it's hard for me to say that because, you know, i'd want those committee members to say that.

>> gallo: do we have a sense of that?

>> kitchen: does anybody want to take a stab at that?

>> troxclair: you're talking about if we're on five committees and they're meeting on the schedule you just mentioned, that's about 15 hours a week per -- or month or --

>> kitchen: let me go back and look at the math. Basically we're talking about -- if we're talking about 11 committees and they're three hours each, or six hours each -- if they're six hours each -- let me do the math and i'll get back to you.

>> troxclair: i guess i more wanted to point out how many committees we'll each be on, and i think the number is five.

>> kitchen: yes. Mm-hmm.

>> zimmerman: while you're working on that math, another point goes back to what i was saying about zoning, the zoning committee could be contentious and is powerful and probably takes a lot of time, because issues can be very complicated. And what can happen is if we have a council member saying i'm from northwest austin and there's virtually nothing on that agenda that affects northwest austin, my constituents are like, where is our representative? Well, i'm on a committee dealing with zoning issues for some other part of the city. That's not going to make much sense to our constituents, right?

[1:49:54 pm]

If i'm, you know, tied up working on zoning things that have nothing to do with my part of the city, they're going to feel like i'm not serving them.

>> houston: mayor? This is probably not the best place for this, but my brain is getting tired and needs some fuel. So if we could recess for whatever, come back and then we've had the staff waiting for an inordinate amount of time. If we could come back and start on some of those things and then maybe just give us a break and think about this and then maybe we could come back with some other more helpful suggestions of how to pare some of the committees down.

>> mayor adler: what do you think? Are you okay? All right. So it is 12:30 now. Let's reconvene at -- do we need 10 or 15 minutes?

>> 15.

>> mayor adler: 15 minutes, a quarter till 1:00. Grab your lunch, bring it back here. But everybody, can we please start

Real promptly at 12:45 p.m

[short recess]

>> mayor adler: are we about ready to gear up?

Are we ready to -- sorry.

Let's gear back up so we can go.

>> okay.

I think there may have been -- we were talking about the number of committees.

I think we were perhaps talking about some that could be combined.

So -- go ahead.

>> in the interest of moving us forward quickly, i would indicate that on thursday i will make a motion to combine audit and finance committees to collapse them into one.

>> is that the correct way to go about this?

>> kitchen: i can put it in the proposed amendments to put the two together if there's a sense that people would be comfortable with that.

We don't have to do it as a separate motion.

>> yeah, it seems like if there was consensus today on making some of these changes.

>> kitchen: that would cut down on the number of committees if we combine those two that were combined before.

So is there a sense that people would be comfortable with that?

>> mayor adler: that would effectively get us to 10 real operating committees.

>> kitchen: okay.

Is there -- so let me just ask this.

Are people -- i mean, i think that there's lots of questions about how we would meet and that sort of thing.

Are people comfortable going forward with these 10 committees, in effect 10 committees?

>> houston: i thought i heard a suggestion to put technology, innovation and creative industries into economic opportunity?

>> you did hear that.

Two people, i think.

>> kitchen: i personally have a concern about that and the reason is that i think that those are two big areas.

And i am concerned about putting -- particularly putting all of those subjects together.

So my preference would be to keep them separate.

>> i would agree.

Keeping them separate.

>> i thought councilmember pool pointed out that if we combined committees we still have the same amount of work to do, but we do save on reports, we save on creating council agendas.

In other words, there's a lot of overhead, right, involved with each of the committees.

So the more committees we have, the more overhead we have producing reports, generating --

>> staff members.

I'm assuming we'll have staff members, additional staff members.

Similar sip it's more work for somebody, taxpayers or us, somebody else.

You generate more work.

>> kitchen: i see those as two diverse types of subject matters.

I'm also thinking -- i'm personally thinking about the testimony we received from members of the technology community that had concerns.

And i just think putting economic opportunity committee together when we've already had discussions about the concerns of minority, women owned businesses, we've had concerns from the technology community, i think there's a difference between economic opportunity and technology innovation and creative industries that all those overlap.

I just think that there's too much difference and too much of a work load to put the two together.

But that's just my preference.

>> houston: i certainly understand your preference.

But if you look at it, tourism is an economic driver in this city, events, music, all those things are economic drivers.

I'm not sure, perhaps technology doesn't go in there, but these other things that have to do with economic drivers in this city should go with economic opportunity.

>> kitchen: okay.

What's the sense of the group?

>> mayor adler: i'll agree with the will of the group and not express a preference.

I would point out that if we have 10 committees, then probably everybody ends up chairing a committee.

If we have nine committees, somebody probably does not chair obviously a committee.

>> houston: thank you, mayor.

You know, there's a lot of committees that are not on this page, so i think we'll all have an opportunity to chair something.

>> kitchen: what's the sense of the group?

Should we put this into the main one or should we keep it separate?

People can make a motion if they want?

>> i think you're talking about prospectively on friday to make a motion, right?

>> kitchen: what i'm saying is what we've been talking about doing is putting the things that we seem to have a sense of the group into one set of amendments that we go -- that we address on thursday.

So i'm asking if --

>> mayor adler: how about if we do this, ann, keep the committees exactly the way they are in what was publicly posted on this issue, keep audit and finance separate, keep economic development and technology separate.

And let's raise that issue specifically on thursday.

>> kitchen: okay.

>> mayor adler: everybody can have a chance to think about it, talk about it, and that will be something that we have left undecided at our work session for us to decide on thursday.

>> kitchen: okay.

>> mayor adler: is that okay to do it that way?

>> yes, but i would like to hear if anybody else has any other thoughts or recommendations about committees that could possibly be combined so that we can be thinking about that.

If we're not going to make any decisions until thursday.

Those were just the two that came to the top of my mind.

I don't know if anybody wants to talk about if there was a place for open space environment and sustainability.

Does that fit under neighborhoods?

Does that fit under community development?

I don't know.

I'm just trying to throw some ideas out there.

>> houston: i actually have the eight and nine paired because if you're talking about neighborhoods you're also talking about open space, environment and sustainability.

>> troxclair: great.

So that's another one that we can be thinking about for thursday.

>> mayor adler: and if people have further thoughts it would be a good place to put that on the bulletin board.

The ones i've heard are one and two.

Eight and nine and 12 and 13.

>> i would also state that i think putting eight and nine together would do a disservice to the subject areas that are coming under those, particular since open space environment and sustainability has not had a committee in the past and it's such a huge area.

So that would just be my thoughts on that.

>> mr. Mayor, did you mean 11 and 12?

>> mayor adler: 11 and 12.

Thank you.

If there's nothing further to discuss on this -- ann, i'm sorry, did you have more on this?

>> tovo: are we talking about committees and timing and frequency more gently or did you want to finish up on combinations?

>> mayor adler: does anyone have any additional combinations to urge?

So now let's talk about the other.

>> tovo: it's a little bit of a tough nut to crack.

We definitely want to have our public hearings in the evenings if that's the time when public hearings are taking place.

On the other hand we have a limited number of evenings.

So i appreciate councilmember kitchen you developing this schedule for us, and i hope that we can kind of keep thinking about ways to manage that effectively for -- both for our city schedules, but also for our -- as councilmember troxclair pointed out, the numerous obligations we all have in our district to be present at neighborhood meetings and other community meetings, all of which happen pretty much between monday and thursday.

And saturday.

The other thing that we had mentioned is our staff -- my staff, are enormously helpful to me during meetings and committee meetings and they also attend boards and commission meetings which happen in evenings.

And citywide meetings on transportation issues or other issues which happen in the evening.

So we've got a lot of meetings, all of which relate to our business, that are scheduled between monday and thursday.

So it's really a challenge.

It's been a challenge for me trying to figure out how all these pieces come together.

And at the moment the only suggestion i can offer is that perhaps we begin with the expectation that the committees will meet once a month and not twice.

And that would in some ways, i think, help us kind of manage the other pieces of our schedule.

>> kitchen: maybe what would be helpful, and this is just a thought.

Maybe it would be helpful -- because i can envision difficulties in scheduling meetings if each committee is trying to figure that out.

So maybe it would be helpful to start with a schedule.

Right now we have a work session schedule and a council -- full council schedule so that everybody knows what that is and you can work around that.

Perhaps what we need to do is start with a schedule of each of these committees so that that schedule is set also and we can look at it and know that that's going to be the set -- the schedule, instead of expecting each committee to try to figure out what that schedule is and try to figure out what everybody else's schedule is.

I can see that that could be a nightmare.

>> tovo: the other issue i would raise, and you know i'm really conscious of the fact that we have a lot of staff waiting to talk about their issues so i don't want to go on and on about this, about my comments on this.

But i am really interested in what we might learn about channel 6.

I agree with the comments that have been raised.

It's really critical from my perspective that we have our committee meetings televised.

And that will necessitate some changes in how channel 6 arranges their schedules and there may be costs associated, but beyond that i know when we discussed this in audit and finance, there are commissions that would like -- boards and commissions that would like to be televised that haven't been able to be televised either because of the constraints, the financial constraints or because of the room constraints.

It presents a different challenge if you're not meeting in this room, but you're meeting in another building.

So i think we need the staff -- some of the staff's help in helping us understand if we expect every council committee to be televised, will some of the boards and commissions no longer be able to be televised, and if so, how do we want to manage that?

How can -- owe do we want to consider budget amendments, even beyond the budget constraints there are room constraints and we want to be sure that we're providing as much transparency and information and that becomes even more important if we're not all part of every public hearing.

I sure want to be able to review them.

And i can tell you my staff and i very frequently go back and review board discussions and we can do that because it's been televised.

>> i think that's a good point and if you would allow us the opportunity, what i would like to do is for the staff of channel 6 to get together with the rest of the staff and let's look through that and see what it might take in order for us to do what i think you want to do.

>> tovo: great.

>> mayor adler: ms. Pool?

>> pool: mayor, i saw a memo come through, i think some new information came through today that channel 6 is going to either -- either soon or is now able to live stream from two sources.

And that's new.

I think it's live stream.

Maybe it's the tv.

At any rate, they now have the capacity to broadcast two meetings that are happening -- simultaneously.

And there may be some more enhancements to that out there that we don't know about.

>> mayor adler: great.

Thank you.

>> tovo: thank you, assistant city manager edwards.

I hope that can be part of the scheduling that councilmember kitchen said as the draft schedule is laid out that can be done in conjunction with where are the channel 6 availabilities and room availabilities.

>> mayor adler: okay.

Any other discussion items about the structure motion that will be presented on thursday?

Okay.

We'll pass that again.

Thanks to ann for taking the labor on that.

My thanks to everybody going back to the conversation that we had back in december on this issue.

We're now going to move to the items that were pulled from the agenda that we have staff here to talk about.

Then we'll get back to the council items.

Does anybody have a reason why we should consider that other than in the order beginning with number two?

Then let's do that.

Item number 2 is pulled by councilmember zimmerman.

With respect to these questions, mr. Zimmerman, are you looking for a general explanation generally what it is?

>> zimmerman: i guess there's one page here -- let me just -- this is what our staff was able to find.

I guess this is kind of a common form right here, and it's got a couple of paragraphs here.

So if you would like to explain those in some detail, a little more information about this.

Maybe just let me start by saying i hope you can appreciate how almost kind of traumatic it was, i'm here for three weeks and i see 70 million dollars' worth of approvals on a consent agenda.

What!!??

We were hoping that we could -- we were hoping we could get some more deep dives and background information in these areas before we would be making tens of millions of dollars of decisions.

So just a general comment.

But go ahead.

>> yeah.

Good afternoon.

I'm larry weiss, the general manager of austin energy.

And pleasure to be in front of you.

There's more than was here last time i had this meeting.

Excuse me.

With me is debbie kimberly, our vice-president of consumer energy services.

And i isn't a memo how about a week ago and -- i sent a memo out about a week ago trying to answer that question ahead of time to mayor and council, and that -- and what was in that memo was that we generally have three areas where austin energy's business goes through the city purchasing process.

There's a contracting process and there's also this item, which are all of our payments that we make to customers for various rebates and energy program participation that we have.

Now, having said that, austin energy is a pretty good size utility.

It's the fourth largest public system in the united states.

We have a \$1.9 billion budget and so the numbers are big.

There's lots of transformers, lots of wire, lots of material to hook up all the things that are going on around here.

In this very fast growing service area that we operate.

So it's -- the numbers can be large.

So i'll turn it over to debbie so have her address this one.

>> so it's a pleasure to appear before you for the first time.

I'm sure i'll be talking to you again. I manage our customer energy solutions group and we're charged with meeting the energy efficiency and demand response and solar goals established by the city council. One of those goals at least near term is to get to 800 megawatts of energy efficiency and demand response savings by the year 2020.

And you're all aware of a generation taskforce study and worked with austin energy to look at a target for 2025.

We get to that goal by offering incentives and rebates in part to customers who undertake actions they wouldn't otherwise undertake.

So in the case of this specific item i have a budget that was approved last -- towards the end of last fiscal year, a rebate budget of roughly \$23 million that goes to residential customers, that goes to commercial customers, and that also goes to people that install solar systems.

The austin hilton convention center undertook a renovation process to put in energy efficient lighting in all their common areas.

So rather than have standard incandescent lighting, they put in more expensive expensive, but longer lasting and cost effective led lighting.

The standard now has to be to the level that's cfl's.

This goes beyond that.

In addition what they did was to install occupancy sensors in all of their guest rooms so if a guest isn't in that room, the air conditioning unit in that room, and they are individual units in most of the hotels, does not operate at the same level.

The lights aren't on.

And as one who periodically travels, there's nothing i hate more than to go into a hotel room that is chilled to 60 degrees and all of the lights are on, because that uses more energy and it's energy in our case that we provide.

The savings on this measure, councilmember zimmerman, are roughly \$260, i think, per kw saved.

That's a very, very low cost compared to what it would take to supply the energy to serve that customer's needs absent that.

The hotel already undertook their share of the investment, which is well over \$600,000.

And so this rebate pays for about 10% of the cost of those improvements to the hotel.

And i'd be happy to answer any other questions.

I know you're pressed for time.

But whatever questions you might have, i'm happy to answer them.

>> troxclair: okay.

So you mentioned that there's a rebate budget of 23 million.

Is that per year?

>> yes.

That's what our rebate budget is for this current fiscal year.

For energy efficiency and demand response and solar rebates.

>> troxclair: so do you know roughly about how much of that 23 million is allocated to commercial and how much is allocated to residential?

>> roughly seven and a half million commercial.

Seven and a half million residential.

And then seven and a half million dollars for solar rebates.

And of the commercial rebate total, roughly three and a half million dollars is allocated towards these types of programs.

There are other programs, demand response programs and the like, but the lion's share of the savings come from this type of program because it is the most cost effective.

We're seeing tremendous success in this area and in the small business lighting area.

>> troxclair: so if these upgrades, you said making the upgrades means over the long-term they are using much less energy, they are saving a lot of money.

And you also said that they wouldn't have made these changes without this program.

But if they're experiencing long-term savings, how -- how is that decided whether or not they would have done it without this program?

>> a lot of industry studies have looked at this and, frankly, in the case of the hotels we have here, it takes some support from an outside entity to get them over that upfront hump to invest that money. So \$700,000 is a lot of money for a commercial customer.

Providing them that incentive to go beyond the standard, which would be cfl level lighting right now, to led lighting or to occupancy sensors, requires, shall i say, sort of a carrot to induce them to make that investment.

>> zimmerman: the carrot is also called a subsidy.

That -- a carrot could be called a subsidy.

It's here, we'll offer you this money if you do what we ask you to do.

Is there any auditing of this by the city auditor's department?

Have they had a chance to look at these numbers?

>> yes.

>> zimmerman: and where could i find that?

>> the city auditor has audited our programs in the past.

Every year we go through an audit process internally.

We publish the results of our programs every year.

And the only other thing that i would say is that all customers through our tariff structure pay into this incentive fund, and so they are able to get the incentives back from the fund that they pay in to.

>> i would say at at some point in time the council and, you get into the business philosophy of it and it goes pretty deep.

We could be here awhile talking about it.

But as generally speaking it's part of our power portfolio to our customers.

It may not seem right, but it is cheaper for us to buy the energy from the customer than it is to buy it from the market and serve the customer, if you follow that.

So that's the logic about it.

And it is applied to utilities across the country with the exception of deregulated markets.

Deregulated markets rely on the market itself to squeeze out the efficiencies of that.

But in our public power across the country these programs are very prominent and we operate very similar to other utilities across the country.

>> tovo: mr. Weiss or ms. Kimberly, as i understand the rationale for it, when we have escalating energy demands and we as a utility have to invest in building, say, a new powerpoint, it's much more expensive than it is to invest in programs like this one that reduces people's need for energy.

So we're delaying the utility's need to go forward and buy -- and invest -- do a purchase power agreement with some other thing or build our own plants.

>> that's correct.

>> tovo: that's the way it was to me when i was start outing is it's the cheapest form of power is to help people not use as much.

>> i will say that originally that's the way all the programs started nationally because utilities all operated the same across the country.

But we operate in an ERCOT market and i will say that you cannot compare how we operate in Texas to other parts of the country.

The ERCOT market is immediate.

No longer do we buy all of our power from the power plants. We do not buy it from the power plants.

Our power plants lower the costs, but it's not always applied.

The strategy is different, and we can go into that in more detail at some point in time.

But you're correct, however it has changed.

In this market since 2000.

>> Houston: sir, is ERCOT an acronym.

>> yes.

The Electric Utility Council of Texas.

>> we're all being trained.

>> like all industries, we're one of serious amount of acronyms.

We'll do our best to not.

>> Zimmerman: if i could, one more general question because a lot of the things i pulled off are similar to this.

Some of these things are very complex.

There are issues in the past with this, commitments were made.

But we don't have that information.

I was hopeful that we could get some of these policy deep dives and understand these rebate programs and look at the numbers before being asked to vote on it is all.

I guess i'd like a sense of the council as to how are we going to do this going forward and when can we get these policy discussions so that we have a better background on what we're voting on?

>> Mayor Adler: like we said this morning, my afternoon is that we'll be posting on the bulletin board a schedule, but you will see that the schedule will -- some people will find very taxing.

So we're going to have to reach an agreement between us collectively on how often we want to do these.

There's a list of topics, and right now i think it's set up potentially to have them in two-hour blocks of time.

So the question is how many two-hour blocks of time do we want to put aside and on what topic.

>> and what would be the sequence of postponing a decision on this for two weeks or a month?

What will be the consequence and what would be --

>> on the rebate the customer wouldn't get their check which they've probably been waiting for it for awhile.

It's their incentive payment.

And remember the only reason you're getting it is because it's over \$58,000.

Everything below that i'm authorized to approve.

So the down side is the customers' reaction to waiting.

And i can't tell you what that reaction would be at the moment.

>> Zimmerman: it probably wouldn't be good, but we have people waiting on zoning cases sometimes for years.

And there are millions of dollars at stake there.

So everyone feels the pain.

>> i would say in this case the customer has already invested the money and the measures, and i will tell you just as an anecdote, last year we had a customer who had a delay in getting their rebate on their thermostat.

They managed to get into our building.

They showed up on the floor where my people sit.

They were very angry because they had to wait eight weeks for a rebate.

Now, there was obviously a safety issue there.

The customers -- it's a customer service.

They feel that they've made the investment in good faith and i well appreciate the need to do the deep dive into this, but it's a customer satisfaction issue.

>> mr. Mayor, i would like to say that i hope that we can apply the same approach to promises and contracts made in other areas as we discussed earlier this morning with regard to the garza tract.

Where we are not relitigating or renegotiating agreements that the city has already entered into.

I view these purchasing items as simply following on the standard procedure and i think on a procedural level that i'm comfortable with staff proceeding.

I think on a policy level if we want to have those conversations, that's okay too, but i'm not interested in affecting the operational progress of the city on these matters.

>> mayor adler: okay.

Any other comments on item number two?

Any more discussion about this?

Thank you very much for your time.

Item number 4, pulled by ms. Gallo.

>> gallo: thank you for being here.

I just had a couple of questions.

One was who else was on the commission and who appoints them?

This is just background knowledge for a new group of people, but as i read this i was curious a little bit about the makeup of the commission that we're talking about here.

>> sure.

Mark washington, director of human resources and civil service.

So it is a three-member commission.

The other two commissioners are currently gary cobb as well as herb martinez.

And the third member has recently resigned, and that's who we're seeking appointment.

And the terms are staggered so it won't be uncommon for the council to get a request from the city manager to affirm the appointment every year because they're staggered every three years.

>> gallo: and they are recommended by the city manager and approved by council, the appointments?

>> the way -- state statute governs the appointment of this commission and it is appointed by the city manager and confirmed by the council i believe is what the state statute says.

>> gallo: and then what were the recommendations of the different chiefs and organizations and unions taken into consideration in this process?

>> no, no.

So the statute does not require any kind of vetting through department management or the employee associations.

I think part of the -- the way the statute was structured was to assure some neutrality between department management and employees because these will be the very entities that will come before the commission, employees perhaps on promotional exams, one feeling that they should have been promoted, are given credit for an examination over another employee, and management and employees may also be disputing disciplinary action.

So the city has never sought the vetting of the appointment through the associations or department management.

>> gallo: okay.

Thank you.

Those are my questions.

>> mayor adler: any other questions on number 4?

Ms. Garza?

>> garza: does the statute give any specifications on qualifications and the number of applicants taken into account and that kind of information?

>> yeah.

The statute does specifically require five elements and it speaks to a person of good moral character, a citizen of the united states, a resident of the municipality who has resided in a municipality more than three years, be 25 years of age and have not held a public office within the preceding three years.

Those are the requirements of the statute.

And i'm sorry, your second question?

>> garza: is there like a minimum number of applicants considered?

>> there is no minimum number of applicants that should be considered before appointment.

>> garza: so basically the person that's have no subject matter expertise in the commission they're being appointed to?

>> not by state law it doesn't specify the competencies of a person, but that certainly is what the city manager considers in appointing.

The current appointees or appointees have had experience in either labor and management, labor law, understanding various aspects of public safety.

So those are some of the things that staff does take into consideration in vetting, but there is no requirement per statute.

>> garza: has the council ever -- is this something we could do?

Like we were just given a name here, so it's -- i don't know anything about this person.

If we're ratifying that, has the council ever, i guess, requested like the top three and then we could see what --

>> well, relative to the current person, there should be information in the backup about the bio of the person, the background, education, experience, their previous experience serving on boards and commissions, which this person is very qualified in having done that before.

But in terms of recommendations of the top three or so for the council to vet, there has never been a process of that nature.

In the my familiarity with civil service commissions across the state, this is pretty common in other cities, this process of other chapter 140 cities and how they also function.

>> garza: thank you.

>> mayor adler: anything else on item number 4?

>> quick question.

So this particular term would just continue to october 31st, 2015, right?

>> that's correct.

>> zimmerman: but the expectation would be that there would be another term after that.

>> and a recommendation would come forward to the council prior to the expiration.

>> zimmerman: but there would be an expectation that the person would continue in the office, right?

>> perhaps.

Right now -- there's a business necessity for us to appoint a person immediately because of the three-person commission, we have a member that is currently that has been out and it makes it difficult for the commission to decide on issues, particularly if there's a tie in terms of votes or absenteeism.

But we will evaluate the attendance, the performance of the person prior to the expiration of the term and that would be taken into consideration for the manager's consideration for appointment.

>> the terms are how long?

>> three years.

Staggered three-year terms.

>> zimmerman: could you tell me the people that are on there now, how long have they served?
What's the typical incumbency if there is such a thing?

Do they serve for six, nine years, 12 years?

I'm curious.

>> i do have the specific terms of the current incumbents, if you will give me a moment.

>> zimmerman: of course the reason i'm asking is because even though it's put down here as an unexpired term it might wind up being a decision that we live with for a decade.

Does that make sense.

>> right.

So first incumbent -- current chair, gary cobb, has been serving on the commission since april of 2010.
And the other incumbent committee member -- commission member has been serving since june 23rd, 2011.

>> zimmerman: okay, thanks.

That's all i've got.

>> mayor adler: any other questions on number 4?

Thank you very much for your time.

Item number 5 is real estate services, pulled by mr. Zimmerman.

>> zimmerman: thanks for being here.

Again, this is another background -- i appreciate if you just speak to this for a few minutes, what this is about.

>> yes, sir.

My name is lorraine riser.

I'm the officer of real estate services.

Mayor and council, this item is before you today as an item where txdot is converting 71 in front of the airport to a managed lane or a toll road and they needed to buy a piece of right-of-way from us in order to build that highway.

And we have somebody here from txdot who can speak to it.

>> good afternoon, i'm with txdot, the director for advanced project development section.

Pleasure to be here.

Txdot initiated the 71 express project, which adds one toll lane in each direction between presidential boulevard and state highway 130.

That additional lane would allow for travelers to move all the way from the west side of austin, loop 1, all the way to 130 nonstop.

There will be an overpass over 973 and over 130, which will allow travelers to -- that are heading towards bastrop to travel that piece of highway without stopping at any intersection.

It's a project that we started about two years ago.

The coordination, working together with the city, the airport, the stakeholders, had some public meetings, public hearing.

And it requires about .6 of an acre of a corner clip of the airport property in order to accommodate the improvements.

That's why i guess the item, the piece is being on the agenda.

>> zimmerman: great.

Thanks.

>> mayor adler: any other questions on item number 5?

Thank you very much for your time.

It's a good way for us to meet everyday.

[laughter].

Thank you.

Item number 9.

Also pulled by mr. Zimmerman.

>> zimmerman: it's \$924,000, right?

Yeah.

>> good afternoon.

I'm greg canally, deputy cfo, i'm joined by the acting purchasing officer.

Councilmember, actually we want to do a quick brief review.

There are 10 purchasing items on your agenda for this week, items nine through 18.

Just as a big picture, you should have all received at this point a memo, kind of giving you a brief procurement 101 about what you're going to see on agendas week in and week out, walking through the actual request for council action paper that you get, the posting language, the amount and source of funding where the funds come from.

And other procurement-related information regarding the solicitation.

And also -- we'll also walk you through the different types of solicitations that we do as a city and the different types of contracts.

Just a primer that we have out there to kind of inform you of what we're doing.

In general these -- the 10 items you have before you, they're all business needs that we have.

In fact, it really is a good cross-section for you to see kind of the daily operations of the city to run a three and a half billion dollar enterprise, what it takes, everything from ambulances to alternators for our fleet, to transformers for electric utility.

So really an interesting look at the different types of businesses that we have.

Eight of the 10 contracts that we have you see before you actually are expiring contracts that we need to have some place so we can continue these operations and two others are kind of ongoing business needs.

So that's kind of a general overview, councilmember.

We do have staff here from each of the departments.

When we do go through our procurement process, i do want to state that we have a very -- it starts off with the identification of a business need at the departmental level.

We go through analysis within the department.

The finance department, the purchasing office as well as the contract management department that deals with construction.

We do analysis on that work and ultimately we go through the procurement process that lands here at your desk again if it is over \$58,000.

So we do have staff here that can walk you through each of these items if that is a preference.

>> zimmerman: let me ask a general question first.

I'm familiar with these things in engineering and technical private industry of how rfp's work and commitments, contracts and installment payments, but i don't know how it works in the city.

So if i'm looking at item 9 and it says we're talking 308,000, 154,000 per extension for a total contract amount not to exceed 924,000.

And correct me if i'm wrong, but my understanding on this would be if something like this is approved, the expectation is that there's going to be \$924,000 committed to, and that -- in other words, right now there's kind of a burden of proof to say well, we really need to do this.

Once we vote for it, there would have to be the -- the proof would shift to say we have to show cause to not extend the options.

Is that kind of a general idea of what goes on?

There has to be a case made that the money has to be spent, we're going to do it in installments, but once we approve it, in order to not pay the future installments there's got to be a rationale for why the future installments aren't being made.

Is that correct?

>> [indiscernible], acting purchasing officer.

Good afternoon.

The contract before you has a 24 month basic term.

We fund it annually.

So for the first 24 months we actually are committed.

After that there are four 12-month options.

The city has the discretion to exercise those options or not and it is based upon available funding.

Prior to exercising the options we look at contract performance, we look at our business needs, we look at funding.

So we consider a number of factors before we decide whether or not to exercise an option.

So it's not really a hard commitment, it is optional for the four 12-month periods after the basic term.

>> zimmerman: okay.

Typically the contract is written, it will say that it can be terminated without cause or it will say with cause, that you have to show cause.

Can you enlighten me on kind of how that works?

>> right.

If we were to terminate within the basic term, which is the first 24 months, it would either be a termination for breach or default or a termination for convenience.

After that we're not obligated to exercise the option.

It's a mutually agreed upon decision between us and the contractor.

>> zimmerman: okay.

>> okay.

Then a final question on this one, looking at agenda item back up here, says purchasing language, sole bid received.

So i've been involved with those, too.

There are some circumstances where you ask for sole provider.

Right?

You don't put something out for bid necessarily.

Sometimes there are technical reasons that you go with the sole source.

>> sometimes --

>> yes, sir, i'm sorry --

>> but not necessarily, right?

Most things are competitively bid.

Some things are not.

Can you talk about that?

>> right, this particular solicitation we did competitively bid it.

Sent out 507 notices, 13 mbes, 10 to wbe's.

We received one response for this one.

This is a very specialized service contract that's to -- the rebuilding of alternators and starters, so there aren't a lot of people out there who can handle the city's business size.

So but we do competitively bid it and we -- we tend to -- we prefer competition because that's in the best interests of the city.

But we don't always get it.

Now, there are times when the state, you asked about -- there are occasions when we do issue solicitations or we do award contracts that are not competitively based.

The local government code provides certain categories of things that we can do that on.

Sole source is where there's only one company that can provide the service.

Another example would be for consulting services or professional services or public health and safety.

So there are a number of exemptions that the state law allows where we don't have to competitively bid something.

But for the most part we do.

>> i'll just add, when we do have that councilmember, we include that in the rca so it indicates what type of solicitation it was, if it's a sole source.

We want to make sure that's available for your review.

>> mayor, i have a question.

>> yes, ma'am.

It's really more of a comments.

What i would love to get some background information on, not today, if we could add it to our policy on the economic opportunity discussion is what can we do better so that when we send out 507 opportunities to bid, we only get one bid back.

Because i do think that's

Particularly a small business opportunity that we may be missing there if we can hear about what things perhaps the city can do in a different direction

To increase the participation, i think that would be a really good part of that policy discussion.

If someone could add that to that agenda, please.

>> uh-huh.

>> okay.

>> houston: mayor, of the 10 items, first of all, you said rca, i'm not sure what that means.

>> request for council action.

We bring forward items 1 requests in terms of procurement if they are above \$58,000, for the city charter, we bring them forward for your approval.

>> houston: thank you so much.

Of the 10 items that are before us today some of them are very specific, require specific skill sets.

I notice that very few had to do with minority women-owned businesses.

There was -- there was no opportunities were identified.

However on item no. 14, landscaping service, i'm wondering how the scope of work was drafted so that we have many landscaping services that are female and minority-owned, so i was just curious that there was no opportunity there for a minority or woman or veteran to participate.

>> certainly, councilmember.

We have our building services offices who worked on that scope, they are responsible for the -- for the maintenance here at city hall.

And i believe also veronica is here from small business -- small minority business that could walk you through that process to help you see how when we walk through a request for council action, how it gets to your desk and the processes that we go through there.

>> thank you.

Eric stockton, building services officer.

This contract is for city hall landscape.

The city hall landscape is rather challenging.

It is both a green roof and the landscape.

So we have requirements that it requires a lot more labor.

It also to comply with sustainability standards acquires non-use of -- requires non-use of gas-powered equipment.

And these are all things which are not necessarily, you know, that difficult to -- to achieve.

So those are the -- some examples of the type of specifications that we have provided.

The -- a few highlights of the nature of the landscape.

All of the plantings at city hall are native.

Many of them are drought resistant, for example.

However, the conditions that they live in are not.

So they require a -- a -- some specialized expertise in terms of green gardening.

And certifications in that regard.

For example, the planters all have engineered soil, they are not native soils.

It's because it's a green roof to control weight.

They don't hold water.

So there's a lot of special considerations in terms of the care and maintenance of the -- of the landscape.

So those are some of the factors that drive this scope behind this solicitation and how that impacts participation for mbe, i would have to defer to purchasing and to -- for veronica.

>> thank you.

Committee members, veronica [laughter] director of the small minority resources department.

On this particular contract, we have quite a few discussions with purchasing about the scope of this project -- of the contract and making sure that we were identifying the correct commodity code for this you can't.

I agree with you, councilmember, there are quite a few certified farms in this commodity code, that's why i wanted to make sure that we were looking at that code where we had availability to increase opportunity.

In regards, in terms of the response rate.

I believe in this particular contract, although we solicited 25 mbe's, 14 wbe's we didn't have responses for any.

I can't speak to why we didn't get a response, but i certainly think that's something that we can look at in terms of talking to our community and seeing why that response rate wasn't as high as we would like to have seen.

>> thank you.

I can always say from my experience out in the district -- i can only say from my experience out in the district, there seems to be a perception of friends and family that get called in a professional rotation list that they get called over and over again so there's really no opportunity.

It's also about capacity building.

So that if somebody has that skill set but needs a specific kind of -- kind of --

>> certification?

>> certification.

>> that we work with our minority and women-owned businesses to help them to get that, because that's how we grow those participants and so i just wanted to understand that was one thing that's clearly out of bounds for me because i thought wow, really.

Thank you so much.

>> and i agree with you, it's one of the things that our department is focused on is new and emerging areas of procurement.

We want to make sure that our certified firms are capable and competitive, looking at things like green gardening and so forth, so i agree completely.

Thank you.

>> mr. Mayor?

>> yes.

>> i also notice on this item and it's on a couple of the other one, you will see the language or one of the other qualified bidders.

And then if you look at the backup, which i think is associated with our thursday agenda, there's a matrix there where all of the other qualified bidders who came and responded to this -- to this -- i'm going to say rfp, is that proper?

Okay.

Were then rated based on their -- based on the criteria that the city has set forth in the procurement office and then you can see where they're from specifically.

I think this one had only austin local firms; is that right?

That had bid on this one.

I'm trying to remember.

I looked at this yesterday.

And then based on the matrix, the top scoring business is the one that's chosen.

And i think that we are able to request that maybe the top two would be considered and then maybe we could review them ourselves.

But there is a matrix that has been set forth that captures location, and a variety of other -- other specific criteria related to the business.

>> and councilmember, i agree with that, but it's also how the scope of work is written.

>> oh, absolutely.

>> sometimes you can write a scope of work for a specific --

>> i completely understand that.

>> thank you.

>> [indiscernible].

>> sorry about that, who is the existing contractor on the previous bid?

Was it one of the companies that bid?

>> [indiscernible] yes.

The existing contractor is biogardner, llc, they did submit a proposal.

>> okay.

>> thank you.

>> i do have one other question that was -- the reason that i pulled 10 so we don't have to go back to 10.

But we talked a little bit about the renewing portion of the bid.

The extensions.

Help me a little bit with that process.

So at the point in time the office is evaluating whether or not to extend the contract for that renewable period, is that done internally, come back to the council for approval again, or once we've done the initial and are out of the picture.

>> councilmember, let me first say once a request for council action is approved, staff then takes that approval and works through the finalization of the contract.

Gets the contract in place.

We also have a very rigorous contract monitoring procedures in place to make sure that what we are contracting for we are getting.

That we're reporting on that.

And that -- that goes into the point when we get to the decision of renewing a contract, it is on a -- it is on a list, it's flagged by the department by our purchasing office that ahead of that time, of -- of extending the contracts option, there is work and analysis that goes into doing that.

However, if it is approved with a contract extension that is -- we have the authority to move forward on that extension as is.

>> okay.

Thank you.

>> anything else on this item?

Thank you very much.

>> mayor adler: does anybody have any other questions about items 10 through 18?

All right, thank you very much.

>> just a quick question.

On item 10, this is 8.1 million, 2.7 million per option, a total of 16.2 million.

I have a page here that goes with that.

And it lists -- i think i see on the back it says that there were six mbe's and six wbe's minority-owned women owned businesses.

Four bids were received with no response from the mbe/wbe, how would i find out who those mbe/wbe's were?

When were those organizations that -- that received i guess ...

>> councilmember, director of the small minority business resources department.

We can certainly provide a list of the firms that are identified.

The way they're identified, when a solicitation is set out, we identify the commodity code for that particular solicitation and our department, smbr, pulls the related firms that are certified for that commodity code so we ensure [indiscernible]

>> makes perfect sense, i just wanted to know who they were.

I didn't want to get a list of maybe hundreds of people and wondering who were the six that got an invitation to bid.

You know?

Does that make sense.

I just want to know what six they were.

Six minority, six women-owned.

>> we can approximate you will that list and provide -- we can pull that list and provide it as part of a question and answer meeting on thursday.

>> terrific.

>> hang on just one second.

>> i was going to ask a quick question about agenda number 16 that had to do with airport baggage, i guess.

So we had new equipment installed in 2001 and it seems like this contract is for -- by a specific company. And then this contract is for the i guess continuing operations of that -- of that baggage handling this. In the case where the company that installed or got the original contract to -- yes, installed that equipment, i mean, it makes sense that they would continue.

Is it proprietary?

How are then future contracts awarded, i mean --

>> shane, with the aviation department, assistant director.

Siemens, this system was installed in 2006, it was a procurement through a bidding process.

It's a \$26 million system.

And this system interacts with many different other systems, meaning the tsa systems, our own [indiscernible] controllers that [indiscernible] to the airlines, it's very highly technical sophisticated system.

For us to replace it, it would literally be another more than \$24 million project.

This is ongoing support with siemens, it's available 24/1.

We can call them at 3:00 a.m. and get technical support from their on duty staff to our staff.

>> i guess my question, i mean that makes sense that the company that installed the equipment would continue to service it.

So it's not really questioning that decision.

It's a question it a process question of then do you still take bids for this service contract where clearly it makes sense for the company that installed the equipment to continue servicing it?

>> it's a sole source with the integrator that installed this equipment, in this case siemens.

>> but that's not negotiated when it's installed.

>> this one would be like for five years.

So this one expired really like 2011, let's say.

So it's expiring again and now we're negotiating with additional services for five more years with siemens.

>> thank you.

>> i think, councilmember, in that perspective, there is -- the ability to negotiate extensions is a value to the city.

Search there's an opportunity to lock in process prices early from a long-term perspective.

But there's a threshold where vendors are not going to lock in surprises within a certain time.

You will see certain sole source items, which again in essence no other provider with what the airport needs.

There's a point where you have to go back and actually renegotiate the terms and price of it.

That's what you will see frequently.

>> thank you for helping me understand that.

Also thank you so much to all of the staff who -- who has stood by all day to help us answer these questions, we really appreciate it.

>> i have a question, too.

I notice that even though a company installs an equipment that's valued at 2 or \$3 million and it's -- but do you ever get where at the end of the contract, like five years, do you ever submit bids for other companies, maybe out there that could, you know, also service that equipment?

Or --

>> [indiscernible], we do test the market to see if the sole source condition continues.

In the case of the equipment at the airport, there's proprietary software and there's no one at this time that can upgrade, modify, maintain that software.

We do occasionally check to make sure that the sole source situation is still in effect.

>> thank you.

This is my last one, again, thank you all for sharing this information.

We're all trying to learn it at a quick rate.

If you paid any attention, i'm sure you don't to the conversations we had earlier today and on thursday.

There's some concern from women-owned and minority-owned businesses about the lack of being able to contract with the city.

So i would just say that -- say that as a council, we will be looking at that.

In the years to come.

That should be increasing because we should be offering some supportive services to help them understand what the process is, how to get this correct certifications.

We just don't say no, you don't meet the criteria.

We will do some kind of follow-up to try to again it's a capacity building thing.

So that's a big issue.

Expressed.

I just wanted to make sure that we were all on the same page.

>> councilmember, since we're talking about an airport item, particularly minority and women owned businesses who do business with the airport, we're having an outreach session to talk about that, how do you do business with the airport, types of certifications and insurance needs that are needed to do so.

We are working with departments to try to identify these areas and provide that outreach.

>> thank you so much.

>> i have a question back on 15, if we could step back.

This goes back to my request to put the issue of how we can promote better responses to our bids.

This was a bid for boat and boat engine repairs in a city that's surrounded by lakes and boats and marinas, it is amazing to me that we only had one potential bidder on this and i saw that you extended it for two weeks to try to get more.

So it's just indicative to me that something is out there that is not making a lot of sense from a standpoint of the relatively small contract in an area that i feel like we've got lots of people somewhere that are servicing that type of equipment.

So once again, not really needing an answer, but just saying i think that's something that we need to talk about.

>> anybody have any other questions on 10 through 18?

>> final [indiscernible] talk about number 17 is \$10 million not to exceed 25 million?

Number 17?

>> those are the three 12-month extensions, five year.

>> 10 million, three 12 months extensions up to 25 million.

Sorry about that.

So if there's somebody to speak to that, terrific.

>> thank you for coming.

>> poll the question.

>> if you just give us the background, kind of what we've been doing before.

>> yeah, i'm [indiscernible] chief operating officer at austin energy.

And this is similar to some of the contracts that ursha and greg have described already.

We have an initial term for this item.

And then we would have the opportunity to issue three additional terms, so the initial term is two years for the 10 million-dollar spending authority and then each extension would be an additional five million for a total of \$25 million.

>> zimmerman: i keep saying a pattern here that i think councilmember houston referred to. I haven't yet found a place where there's been any mbe or wbe bid. It's just 0, 0, 0.

Am i missing something?

It's a lot of money.

You would think people would be very motivated to bid on something like this.

With this dollar amount.

>> councilmembers, [indiscernible].

I do think that we're looking at these particular contracts, we're looking at soliciting to mbe's and wbe's to bid as a prime respond department.

As you've heard the departments and purchasing discuss, a lot of these contracts are very large in nature and the demands are particularly demanding.

When -- demanding.

When you look at the mbe/wbe program, this is just one components of it.

One of the main things that we do as a department, you don't have an example of this on your current agenda, is look at contracts for subcontracting opportunities and you will see that as construction projects in particular come forward to you, they just lend themselves to those opportunities.

Those are the contracts that are going to have goals, you're going to see a compliance plan attached and you're going to see that participation a little bit clearer, i think.

I do think that the questions that i have heard today are excellent questions.

What i would suggest we as a department can go back and reach out to those firms that were solicited as primes on these particular sets of contracts that you are considering and ask the questions of why they didn't participate, why they didn't respond so we can get a little bit more of a contextual answer to provide to you.

>> that would be helpful, thank you.

>> one last question.

You used the term ursh.

Is that an acronym for something?

[laughter]

>> it's her name.

[laughter].

>> oh, sorry!

[microphone feedback].

>> oh, my god, i am so sorry!

>> we can come up with one.

>> no apology needed.

That's my name, no apology needed.

[laughter].

>>

>> mayor adler: any other questions on 1 through 18.

Thank you very much for your time.

Item no. 19.

Pulled by ms. Gallo.

>> gallo: thank you for being here answering all of our questions.

I just needed to get more information on this topic.

I don't know whether this is the place to do it or we do it as part of our policy, but i just feel like my -- my education level here needs to be expanded.

>> i'll be happy to give y'all some background, first my name is rondella hawkins, i'm the communications and regulatory affairs officer.

Hello mayor and council, my pleasure to be before you.

Background.

For centerpoint energy, they're a private utility, for private utilities that want to -- operate and install their infrastructure, their systems in the public rights of way, requires authorization from the city that is by the center charter and code, that is on the franchise ordinance that is before you for a second reading.

The city charter requires three separate readings and it's a non-exclusive franchise, the proposed agreements follows the terms and conditions of other gas franchises, we have texas gas service and atmus energy.

Centerpoint service area currently is in the goodnight ranch area, a subdivision southeast near slaughter and i-35.

And they have relatively small number of customers.

They have about 440 residential and 14 commercial and that is expected to grow.

So this is -- this item is for second reading and we will then bring a third reading, third and final reading to council on february the 12th.

>> is there anything we need to know that would have been presented before the previous council since we've inherited this?

>> i think that -- i mean, it's a standard franchise agreement.

We're following existing terms and conditions.

We have to -- you know, we are mindful of treating all of our providers similarly, non-discriminately.

We are collecting 5% or excuse me -- yeah it's -- the franchise 5% of gross revenue, that is a right-of-way fee for both rental and use of the rights of way.

I can't think of any additional information at this time.

>> gallo: okay, thank you.

>> mayor adler: any other questions about this number?

Thank you very much.

>> thank you.

Item no. 21.

Pulled by ms. Pool, ms. Kitchen, what one of you want to start.

>> i had this one so we can have some basis to understand the context in which it arose.

I know it's fairly complicated, there may be some additional documents that the city auditor can send to us to inform us more fully.

But ms. Stokes if you could give us some background and explanation, please.

>> certainly.

This came up as a council resolution in october.

There was a discussion at a november and december council meeting.

Basically it had to do with who the final authority is for violations of the city's code ethics.

Based on an interpretation of the code, basically the final determination should be made by the city's ethics review commission.

If you back way up, last april, we issued a report related to a commissioner where we did make a statement about whether or not a violation of the code of ethics had occurred.

So we were informed at that time or actually a little later than that, that that was really in the ethics review commission purview to make that determination.

We've been working the last several months, with the ethics review commission, also with city management, with the law department staff and other interested parties, actually a large group of interested parties here.

In order to work through changes to the code that will make it clear that that should be the process going forward, that those should go to the ethics review commission and then i think the ethics review commissioner realized they had a little bit of a workload problem.

At the point at which they never really had a violation of the code of ethics outside of campaign complaints come to them.

Nobody had really filed a sworn complaint related to a violation of the code of ethics for them to hear.

With the direction to us, that meant they were going to be getting anything that we got through our hotline that was a code of ethics violation would be coming to them for a hearing, which had not been -- it wasn't previously on the radar for anyone, really.

And so with that, we all sat down and said, okay, how do we change this process?

We're still working through that.

So we've said and basically at our last meeting we don't think this is done, we don't want to rush this.

And so we've said we need, you know, 60 to 90 days from now, we'll keep working through this and bring back those changes to the full council.

However, the -- there was an item that required immediate action and the item that requires immediate action had to do with employees covered by a municipal civil service or under state civil service system. For those employees, the proposed change and you have in the backup, there's a draft of a code change that's basically just one paragraph.

It's to add a paragraph to say that anyone currently covered by the municipal civil service process or state civil service, if there's a violation of the code of ethics for that group, those will go through the regular process, if discipline is taken, due to a violation of the code of ethics, those would be subject to appeal through the municipal service commission or the state civil service system and not through the ethics review commission.

This is really a carveout to address a sort-term issue where our office has cases that are coming up and being finalized that according to the current interpretation and process without any changes to the code would then be going through a different process than we expect them to go through after all of these changes are resolved.

>> can you list the groups or classes of employees that would be in the carveout?

>> it is a long list.

I will try to list them.

Basic detail councilmembers, council staff, in the -- sorry in the carveout -- [multiple voices]

>> on our plate for thursday.

>> okay.

All employees covered by the municipal -- member of the civil service or state civil service system.

Basically there's an exception list.

Basically all staff below the executive level in departments that do not report directly to the council.

Fortunately the hr director is here and probably has a better answer for that question.

>> councilmembers?

Is this on?

Mark washington, director of human resources, for the non-sworn employees that would not go before the ethics commission, everyone who is not an department director, assistant director, none of the attorneys, everyone who is not an attorney or a person who works for council office.

All of those are exempted from the municipal civil service system.

>> how about any of our uniforms, our first responders?

For sworn employees, all of the sworn employees would follow the state civil service process for disciplinary action and that -- the procedures for the contract that would govern the investigations.

>> pool: so this specific resolution for thursday is as you say a carveout and is related to complying with our civil service mandates and state civil service law.

I would say that i am comfortable with this information that you all provided and i would not be seeking to postpone action on that specific item on thursday.

Thank you.

But i would like to continue to have information which sounds like you are developing over the next three to 60, 90 days, i think you said.

>> just one clarification, it's my understanding that the stakeholders involved in this all agree with this approach?

>> that's correct, councilmember.

We did meet with key stakeholders and they felt that this action was acceptable to them, particularly to allow them the next 60 to 90 days to engage and provide perspective.

>> well, thank you very much, i appreciate the information and i, too, am comfortable with moving forward with this.

>> thank you very much.

>> all right.

Item no. 25.

>> mayor adler: this was something that came from the council, came from sponsored mexico from ora and myself to allow folks to -- to readjust within their -- us as councilmembers to readjust within our budgets.

Ms. Garza?

>> garza: i just wants to echo the concerns i made on thursday.

Are councilmembers that come from middle class working class districts feeling some kind of maybe political pressure, i think, with sometimes the inevitable when they are not people in positions who can divert their salaries because they don't have supplemental income.

I guess that i had a question of -- maybe this is for local.

Am i -- my understanding was this was to allow those who could do that the ability to reallocate funds.

Does it have to be specific saying individual salaries or can we strike that part?

So the suggestion that i had was the resolution, it's the fourth paragraph?

And it says whereas the current process does not give the mayor or councilmembers the option without a budget amendment instead of to decrease their individual -- excuse me, compensation to -- after to, to sift funds to other areas of their office budgets and then so then in the be it resolved -- wait, let me see here ...

>> mayor adler: you are suggesting the language say they have the right to be able to shift funds within their budgets and not provide any specifics to that.

>> exactly.

>> mayor adler: the question is is that sufficient specificity for the resolution?

>> so the salaries of the councilmembers are set by ordinance right now.

And so that's the reason that you are changing it this way.

[indiscernible] might have some other answer, but that's why you need to do it that way.

>> wait [multiple voices].

>> mayor adler: can we drop everything but the third whereas clause?

>> i'm sorry.

>> mayor adler: do you have a copy of the resolution?

>> i do.

>> mayor adler: what we are trying to know if we can just say more generally that councilmembers and mayors have the opportunity to move money within their budget without exceeding their budget and can we just say that?

Do we have to say specifically to move money from their salary?

Do we have to give any specifics?

Can we just --

>> i want to second that and just say why isn't there just flexibility in the budget?

>> well, my name is leila fireside an assistant city attorney in the law department, i handle a number of financial matters.

By statute, under 102 of the local government code, the -- the council sets the city budget annually and then you are supposed to spend in accordance with that budget.

Except for municipal purposes and emergencies.

And so in general, because we set the budget by ordinance, we amend the budget by ordinance.

And in this particular case, the council budgets for their offices, you all said that or i would say the prior council set what they hoped would work for your budgets with obviously input from the budget office and the city manager regarding what funds are available.

And then in particular, there's also a provision in the local government code that gives the city the authority to set a salary for councilmembers and that you have also done by an ordinance.

My understanding is that you want to make that particular thing more flexible.

And so that's why this references the salaries, because those things have been set by ordinance and generally that type of action has to be amended by an action of what they call equal dignity, which would be another ordinance.

>> mayor adler: so the question is can we amend this budget amendment, can we amend this budget amendment to say nothing more than each councilmember has the ability to spend their budget without regard to how it's been itemized, so long as they don't increase their individual salaries above the numbers that were set previously?

>> well, i think that's an interesting question.

Because from a legal perspective, your budget is the budget that's set with the office with a certain number of full-time equivalent staff people.

And their salaries and the resources that go with that, as well as the office supplies and other things that we expect that you will need.

To repurpose, perhaps office supplies or other things into a staff position, might have some unintended financial consequences.

So i think that's more of a management conversation than it is a legal conversation, but it is something in general i think when the number of employees is changed within any grouping, in general that has come back to council in the form of a budget amendment.

That's how we've done that.

So that you can see what the costs are.

It looked to me from the resolution that you had provided that you wanted to do something administrative.

So are you asking to repurpose the non-salary part of your budget into salaries?

>> mayor adler: no.

The question is more general than that.

Can we say can we repurpose the individual budgets?

Can we amend a -- do a budget resolution that says this is the amount that is budgeted for each council office, and the councilmember can direct how that budget is spent, so long as they don't pay themselves in excess of what the identified salary was.

[multiple voices]

No motions here.

We're just asking the question.

>> i just wanted to say something relating to that.

It does seem to me that we as a council are making high dollar decisions and moving money around in a \$3 billion enterprise here, which is the city of austin.

Those decisions rest on our shoulders in large part.

And it seems ironic that we would not have a similar flexibility within the confines of the budget assigned to each of our offices to spend it as we see fit.

With the caveat that the mayor has mentioned, which i was going to offer up if it wasn't mentioned that we not increase our own personal salaries any higher than what they already are.

Although we could lower them, as some people have indicated an interest in doing.

I think further what the mayor has asked on this resolution, there are four whereases before the be it resolved.

I think he has asked why do we need the fourth one?

Why don't we stop this resolution at the third?

>> could i make a comment?

>> yes.

>> i think the -- i think the question is simply what wording do we need to use to -- to address the legal question that you have raised?

That's all we're talking about.

We understand the business aspect of it.

So we're just talking about a legal question, which as you have pointed out it's in law.

You know, what our salaries are.

So we need an ordinance to make it clear that we're not -- that we're doing something other than what's in that other law.

So all we're talking about is using the language in this ordinance that's maybe not as specific.

It should still cover the -- the ordinance that you are concerned about.

That's all that we're talking about.

The proposal that councilmember garza made was just changing the language to some extent and it would appear to me that it would estimate have the same effect from a legal standpoint.

>> and i think that that's possible.

It sounds, in general, the whereases are the statement of why you are coming toward with an action.

And so if you want to change those, you are welcome to do that.

>> but i think councilmember garza's suggest was as to the language, not just the whereases; is that correct?

>> yes.

>> both.

>> both.

So --

>> as far as the whereases, yes, you absolutely can change them and the be it resolved, if you want to change -- so to reduce their annual salaries in order to shift funds, reduce annual salaries and remove funds within your office.

>> we want to take out the language to reduce annual salaries so we are just saying to move funds around.

Right; is that what you said councilmember garza, maybe you could say that again.

>> yes, allowing the mayor or any councilmember to shift those funds to other areas or shift funds to other areas.

>> in other words it would be a finite sum it wouldn't be line item limited.

It would simply be [multiple voices]

>> can we change the number of ftes in our office.

In other words, if you have two salaries, two people you wanted -- two salaries, you wanted to combine those two salaries but hire three people for the same amount, which would be one way that you could

move money around, that just increased the number of ftes, job slots, i don't even know what ftes stands for in the job slots [laughter].

Does that run into -- [inaudible].

[multiple voices]

>> does that -- does the fact that we've increased an fte create a problem?

>> we're actually doing two things here.

Talking about two different things if i'm understanding correctly.

One thing is to address the concern that we have about the language here.

About what language will satisfy the ordinance to allow us to move councilmember salaries to something else.

The other question is a broader question, we would legally like to be able to move our -- handle our whole budget, so we are moving items around within the budget.

>> councilmember -- excuse me, just one second.

Let me talk about the first of those questions and then let ed go to the second.

You have an ordinance that sets your salary, so you need to do something legally to change that which you will ask for in the resolution that we got from the mayor and ms. Houston was to do the mechanism, by law you are entitled to the salary.

We have to say something that you are waving that.

That's why we're trying to get a mechanism for you to do that.

That's the legal requirement.

Go ahead.

>>

>> kitchen: could i follow up on that or should i wait?

>> mayor adler: let's just get an answer.

>> we were going to say the same thing.

Budget staff always works with the council offices to establish their budget, kind of the way they want it. So we do treat it as a total dollar amount for each council office.

All of the council offices will have the same dollar amount, but none of your budgets will be exactly the same.

Some council offices will have a need for more travel and training depending upon the salaries at which you hire your different staff.

You may need more budget to go to pay for the staff salaries.

That flexibility to move line items around within your budget has always existed and exists today and will continue to exist.

The specific new issue that's been brought up, though, is the issue of councilmembers choosing to not take their salary, which is established by an ordinance and wanting to use that money for something else.

The legal interpreters is given there's an ordinance out there that says councilmember salaries, mayor salaries will be established at this dollar amount, that that requires an ordinance to give you the ability to do that because your salaries have already been established by ordinance and the money to comply with that ordinance has been approved by another budget ordinance where that money has been put into the budget for that specific purpose and that we would need an ordinance to -- to give you flexibility pertaining to that piece of -- of your budget and that issue has not come up yet.

But in regards to all of the rest of the budget, you've always had that flexibility and still do without any additional action.

>> i'm sorry?

>> may i also add in terms did of your other question about reappropriating the salaries, either among other line items or specifically in terms of adding additional authorized positions and ed can confirm this, but the budget impact is minimal whenever it's just increasing the salaries of a an existing fte. But if it was a full-time equivalent position.

But if you were to create a new one, there may be more added personnel costs with health insurance that's not already appropriated in your budget with the existing fte.

So that might be only added fiscal impact of adding more fte's and using the same salary amount, but may create more benefit costs.

>> i wonder how this was handled in the past?

I know it hasn't come up very often, but i know councilmember spelman didn't receive a salary because he was prohibited under the circumstances of working for the university.

Was it necessary for the past council to approve an ordinance to allow him to forego his salary, i don't recall having seen that.

>> because it was prohibited by law there was no reason to do that.

He could not take the salary.

>> tovo: i have heard of situations, i don't know of any of these directly, but of situations in the past where an individual councilmember decided not to accept an increase.

I don't know whether that's urban legend or not.

In those instances was it required to pass an ordinance to allow them to forego their increase for that year.

>> i'm not sure what you are referencing, if it was before the 2006 ordinance and ties it so salary increases for employees i'm not sure.

>> tovo: okay.

Thanks.

I would like to make one comment about tying the benefits factor to the salary.

If that is not part of our budget, it should be because that is the fte payment entirely.

I think mr. Washington you said it probably wasn't in there.

It should be if it isn't.

>> i think, for instance, for the council offices you have three positions and i think the positions are loaded with costs for benefits for three full-time equivalent positions.

My example was if you created a fourth position, the funding for benefits for the three would not suffice to fund the additional costs of that --

>> i understand that.

What i am saying is that i would consider that to be expected to come from my office budget as well.

I think it factors about 30%, used to be lower, but it's higher.

In my mind at least, i'm glad that you brought that up so that people would understand.

It isn't just the dollar figure.

It's plus the benefits factor.

>> ms. Garza?

>> garza: i have a suggestion for the wording to get -- i know this is splitting hairs.

So get the words decrease and reduce out, could it be changed to shift their salary, all or portions of it to other areas of their office budget.

[multiple voices]

>> under the be it resolved, i haven't played with the whereases.

To provide an administrative process allowing the mayor and any councilmember to shift their salary, i put a in parentheses, all or portions, close parentheses, to supplement other areas of their office budgets.

>> kitchen: i would just second that.

I think that should get the intent of what we're trying to do and seems like that wording would work.
>> i'm happy to work with your office on providing a revised resolution that could go into backup so that people can see the changes that you've proposed.

In the agenda system.

If you want to give me a call after the meeting.

>> i just want to make sure that fulfills the purpose of the original intent.

>> so i would suggest that you work with ms. Garza's office, send copy to me and ms. Houston on that so that we can just [indiscernible] [off mic]

>> mayor adler: does that work?

Go on to the next one?

All right.

That moves us now to item 38, 39.

And -- item 53.

This i think is the last thing that we have on our agenda.

>> thank you so much.

Mr. Guernsey, thank you for being here and coming back and forth to get to item 53.

By way of the context of this is -- there's been a long discussion -- well, why don't you give the context since you've been here through the whole thing.

>> guernsey: mayor and council, greg guernsey, planning -- greg guernsey, planning development and review department.

Item 53 is an appeal of a conditional use permit.

The conditional use permit is a site plan that's reviewed by your land use commissions, in -- in this particular case it was the planning commission.

And when the original zoning was approved on this property, years ago, it was approved where it says that if someone came forward with a multi-family project, it required a conditional use permit.

It's not a guarantee that the use will be approved on this property, it's discretionary of the commission.

The council actually sits in the shoes or stands in the shoes of the commission, as you hear this appeal.

A conditional use permit is reviewed against certain criteria, which is in your backup material.

The staff report.

That it has to meet certain conditions: if it does and then in addition it may not adversely affect certain other things.

One of which includes traffic, which i know is a concern that -- that i've had discussions with council earlier, councilmember houston, on the issue.

But -- but this item comes before you for your consideration.

The council can certainly hear the appeal, and you may choose to approve it.

Basically uphold the appeal.

You could deny the appeal.

You could even i guess deny the appeal and uphold the approval of the conditional use permit and add conditions.

And those are even outlined in your backup material that you could speak to conditions that may address yards, openings, buffers or landscape, [indiscernible] patrols, street improvements, talking about circulation, signs, characteristics of the operation by limiting hours.

Other measures that the land use commission, or in this case the council would deem to be required with the compatibility with surrounding land uses and preserving the public health, safety and welfare.

This particular project, located at 5605 Springdale Road is for a smart housing project.

It's to build four buildings, 290 units, two are proposed to be three stories in size.

Two are four to five stories in size.

And about 12-acres of land.

The total tract is about 21 acres of land.

So this is a little bit more than half the size of the property would be developed.

The proposed project is a smart housing project, which stands for safe, mixed income, accessible, reasonably priced, transit oriented housing, that is our neighborhood housing community development office program to incentivize smart housing.

100% of the units would qualify under smart housing and at a rate of 60% of the median family income.

Many times smart housing will qualify at 10%.

This is 100% at 60.

10% at 80.

The po that's being brought forward to you on this project, it was authored by duane lofton.

But he's actually representing the pecan springs, springdale heights neighborhood association.

The points of the po that he articulates is also in your backup.

This item came to the land commission at 2:00 a.m. in the morning.

As you can imagine, he points out that the attention span was not the greatest at that hour in the morning for your planning commission.

That they gave 10 minutes to the hearing on the case from the public and acted.

That -- that he had concerns about whether or not it meets the neighborhood plan.

Goals, particularly that they were really looking for -- for owner occupied housing rather than rental housing.

When they had lobbied and zoning was originally approved, made this use a conditional use because i thought they would have more dialogue with the owner and they were trying to ask the owner to build some retail uses, mixed uses that would be associated with this.

This property is zoned that would allow for mixed use.

There were concerns about traffic, also, related to this project and a transportation impact analysis or tia, which you've heard me spoke once or twice about either today or last week, was not triggered for this property.

Because they were only proposing 290 units, about 20 units less than that trigger point of trigger go that traffic impact analysis.

So with that, i think that -- that covers the broader issues.

That i would like to point out.

I know that based on our conversations this morning, you probably want some additional information when this case comes forward about transportation improvements that might be nearby.

And have already been approved and maybe not constructed or are underway.

So --

>> houston: thank you so much, mr. Guernsey.

Some context from the community is that the neighborhood association does not mind the density, but they want some community benefits.

And it's as of this moment, they've not been able to negotiate that with the developer.

This is a part of springdale road, where it used to be two lanes, four lanes, one north and one south.

Because of bicycle lanes, it's been cut down to two lanes.

Which causes a lot of congestion around 51st street.

This property is adjacent to region 13 service center.

Roggy lane is where we have pecan springs elementary school.

There are two -- two large apartment complexes, a little north of this location.

Established neighborhood to the west and on 51st street already development being planned.

And so although when we look at this particular property, we do a traffic impact, we determine the trips per day based on that particular project, we don't take into consideration the cumulative effect of having traffic in the area, and that's always been a problem.

And so because of the traffic impact, because of the lack of being able to get any retail space and because of not having the ability to have any community benefit for the complex, this appeal has been sought.

And so i've talked with both the developer and the neighborhood association, and at this moment what i would like to do on thursday would be to have a public hearing to give the neighborhood an opportunity to be heard by the full council, and then i would like to offer at the appropriate time a motion to postpone to give them a chance to work through this so that we hope that we can come to some amicable resolution.

Is that possible, what i just said?

>> yes.

>> we could open and close the public hearing and then postpone the matter before taking action.

>> houston: yes, and i think that would give everybody an opportunity to, in good faith, to try to negotiate something on the development.

>> mayor adler: okay.

Anybody have any further discussion on this -- on this item, 53?

>> a little bit.

Council member houston, i think the idea of the neighborhoods wanting some retail is maybe to say the traffic is going to get a lot worse, so if you at least have some more retail stories, maybe we don't have to drive as far.

Is that kind of the rationale for asking --

>> houston: exactly, there is no retail on springdale road from 51st street -- well, from martin luther king, jr. Boulevard north to manor road there is no retail on that and there's a large development there, of people already there.

>> i've just got a comment.

In the zoning packages, if we could get a more expanded map that shows a little bit -- i mean, i'm familiar with the area, but it would be helpful, i think, we've got some great maps here but nothing that really shows more of an expanded version and perhaps the zoning use of the areas around this but a little bit further out rather than so focused on the area.

I think it just helps people kind of get a sense of where it is --

>> we'll provide that for you.

>> houston: and i think this is one of those policy issues that we have to talk about, because as austin becomes more dense, we cannot just take a single piece of property and develop trips per day based upon that with not talking about the surrounding community and the impact it has on them.

>> mayor?

If i may ask, is it primarily -- as far as community benefits go, is it primarily the retail issue that's at hand or are there other community benefits that are part of the conversation?

>> houston: part of the -- retail was one part, and then home ownership was the other.

Those of you who have looked at the concentration of poverty maps in the crescent around austin, this will not be a concentration of poverty but it will certainly be an affordable housing complex.

And so it's one of those things that there's been a concerted effort to ensure that people with moderate means are disbursed and have the -- dispersed and have the opportunity to live throughout all parts of austin, and so that's one of those other issues.

So they were saying, come into this place but give some home ownership so middle income people can have a piece of the american dream through home ownership, and give us some retail space.

So those are the two things that i think they saw as community benefit.

>> and how far is university hill from that area?

>> houston: as the crow flies, about two and a half miles.

Manor road dead-ends and then there's loyola and university hills is a little north of there.

>> mayor adler: any other comments on this?

Before we break or adjourn the work session, does anybody have anything else that they wanted to address or raise?

>> this is just a quick request to staff to be addressed at another time.

I was pleased to have the opportunity to go to the citizen corps press conference on -- whenever that was --

>> (indiscernible).

>> kitchen: anyway, it's a wonderful new concept, and i applaud the staff's work on putting that together.

I'd like to ask the folks to come before us, we could figure out when the appropriate time is, and just help us understand how the citizen corps meetings will be coordinated with council districts and with council members.

You know, each of us as a council member are reaching out into our own districts and are creating mechanisms to get feedback from folks in our districts.

You know, some of us are doing town halls, some of us are having other types of meetings.

And so to also have meetings in our districts by the citizen corps is an opportunity for us as well, but we would want to make sure those are coordinated so there's not confusion amongst our constituents about what we're doing, what citizens corps is doing, if i'm saying it right.

Is it citizen corps?

>> conversation --

>> kitchen: i'm sorry, conversation corps.

But in any case i think it's important that we have some coordination so there's not confusion amongst our constituents and also so that we understand how we can work together, and that doesn't have to be responded to now.

I think it's a longer conversation, so i would just say at another meeting if you could present to us the thinking behind how this will work and also include with that the thinking about how that -- we can coordinate that our -- with what we're doing in our districts, we can have that conversation at that time.

>> mayor adler: sounds good.

Anybody have anything --

>> one more future agenda item and i hope it will be on our next agenda and i'll add it there if need be.

I'll try to put more information about this on the message board in the next few days, but the previous council passed a resolution to create an integrated water resource management plan, that came out of a lot of -- a lot of work being done.

There was a strong interest amongst the community to have a community task force working with staff on that process, and so the staff part of that has begun.

I believe they may have issued the rfp, but the community task force hasn't -- was waiting for our group to appoint members, and so it's my understanding that that would -- that doesn't need to happen at the same time.

In fact, i would urge that it not happen in june and july when the other appointments happen but that it happen as soon as possible.

And so i will add some information to the message bulletin board about it but maybe we can put it on our february work session agenda to talk about, because it is really important, especially since the staff work of moving forward with that process is already taking place.

I think we really want our community group to be there alongside the staff to help shape that -- that process moving forward.

>> mayor adler: sounds good.

Any other comments?

>> i have a comment.

I see tomorrow at 5:30 we have music and proclamations, and one of the comments that i think all of us --

>> mayor adler: thursday.

>> not tomorrow, thursday.

>> you're drowning.

>> i'm drowning, i'm already under there.

But proclamations are made to honor people, and i would hope until we get a really good handle on our timing for our meetings, that maybe we could agree to do the proclamations at 5:30 even if that means stopping the process of whatever we're doing to do that so that the people we're honoring are not forced to sit down there and listen for hours and hours.

That's how it's been in the past.

I know we're planning on changing that, but if we could start our first meeting maybe with a little bit of that effort, just a thought.

I don't know how other people feel about that.

But --

>> make a motion to recess to do that.

>> mayor adler: and we could do that over the course of the meeting.

So if anything like that is happening over the course of the meeting, we think we need to adjust, that's a privilege (indiscernible) so you can do that.

>> (indiscernible).

>> there is a hard stop.

>> mayor?

>> mayor adler: yes.

>> if i may mention that as -- if our intent passes with the new committee structure in our regular weekly meetings, and assuming -- and hoping that it does, my hope would be next -- not this thursday but the next thursday where we're scheduled for a policy deep dive, that we might consider calling a meeting of the city council to deal with some items, in particular i'm anticipating hopefully trying to come up with a resolution handling some of the issues we heard from the fire department and the fire union at our last policy deep dive.

So i'm not sure at which point we would discuss calling a meeting that thursday, if we're all already together what it would take to put other items on the agenda besides a policy deep dive.

>> mayor adler: i'll go ahead and call the meeting if the city manager doesn't, unless somebody has an objection to that so that we (indiscernible) at that time.

>> mr. Mayor, i have one question.

When should we -- when should we prepare to do the appointments of the council committees?

What is the timing?

>> mayor adler: assuming that it gets approved on thursday, then i'll finally have those -- maybe we'll set some kind of meeting so that i can talk to people, the following weekend, i my hope would be able to appoint it at the end of the week or monday the following week.

>> kitchen: so in terms of what's in the ordinance right now, the -- there's a ratification process of the committees and the appointments, which i would think would happen on the 12th, assuming that all this proceeds.

Because that's our next meeting, right, is the 12th?

>> mayor adler: but if we set -- doing a deep dive --

>> kitchen: we could do it faster.

>> mayor adler: what he was asking for was to cover one of those deep dives by calling a city council meeting in case there was a resolution and certainly we could do the same thing --

>> kitchen: okay.

Okay.

>> renteria: mayor, that print-out, the handwritten time of the committee structure, that was just a draft; isn't that correct?

>> kitchen: yes, that was not even a draft.

>> renteria: not even --

>> kitchen: it's a thought exercise.

No, no.

>> renteria: thank you.

>> mayor adler: anything else?

Then the work session stands adjourned.

Thank you.