

City Council Work Session Transcript –3/10/2015

Title: ATXN 24/7 Recording

Channel: 6 - ATXN

Recorded On: 3/10/2015 6:00:00 AM

Original Air Date: 3/10/2015

Transcript Generated by SnapStream

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>> Tovo: Good morning. I'm mayor pro tem tovo. Without if you recollect a deux I'd like to call this meeting to order. Our mayor is off on city business this morning at the city capital. I think he'll be joining us if we're still here in a little while, but we do have a quorum of the council. I believe we've got three items pulled for this morning's work session and since councilmember Gallo pulled the first one I think we'll move on to the second one, if that's all right, item four pulled by councilmember troxclair. >> Troxclair: So I just thought I would use this opportunity to learn more about how we do change orders and if this particular project is representative of how we typically handle them. So it looks like this is the third change order for this project, and although we've approved over -- well, it looks like close to \$300,000 in change orders were still underbudget overall because there's still \$300,000 in unencouple burden funds; is that correct. >> That's correct. >> Troxclair: So can you explain that to me? Because it seems like -- first of all, how are three change orders in a project pretty typical for this size of project? >> It's not an unusual amount for a project of this size. >> Troxclair: And is the amount -- because it looks like the change orders that we've approved total about one-third of the cost of the project. It started out 900,000 and we're up to 1.2 million. So, yeah, that's about a third of the cost -- the original cost

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of the project. Is that a typical overrun? >> Typically, our change orders run across the board less than 5% of the original contract amount. So this is unusual from a percentage standpoint, but it's also a relatively small contract. Some of the changes that have occurred due to some unforeseen conditions caused -- caused us to incur additional costs. So it's not unusual for a small contract to see a large percentage, but if you look at us across the board for all the projects that we manage, the change orders are -- including the user requested changes are well under 5%. >> Troxclair: So if it's typically under 5% for change orders and in this case we've done about 30% but we're still, like I said, energetic budget by about \$300,000, which means we originally allocated closer to 60% in overruns, why would we have done that? >> Well, the sponsor for any project allocates the funding based upon the preliminary

engineering that's done and that's set aside as we get closer to having a full set of drawings, that becomes more of a budget. Then when you go out and bid the project competitively and we take the lowest responsive bidder, it's unusual to have -- in fact more times than not you wind up with a contract that's lower than the allocated amount. I mean, that's just part of the uncertainty, as you move from a planning phase to a plugin engineering phase and then you move into construction, the window starts to narrow in terms of variability but it's always better to be in a position where the project is estimated and funded slightly higher than the actual bid than the other way, where you wind up with bids that come in hire than the amount of allocation that you've made.

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>> Troxclair: So you're saying that we originally allocated I guess that would be about 1.5 million, the bid came in closer -- the bid that was chosen was -- the contract that was chosen was 973,000 so that left us with an extra five or 600,000 to work with? >> If I'm reading the fiscal note correctly, rose I truelove, director, the original appropriation we had in this accounting bucket was about 2 million, probably intended to cover the engineering fees associated with the project, construction costs associated with the project and any other costs including staff charges that would have been associated with this project. So looking at that total budget amount and thinking that that is just for construction or just for this contract alone isn't quite accurate. So there's a lot more things that are going into that amount. So it could be that, yes, when we bid the project, originally maybe we assumed it was going to be 1.2 million and the bids came in at 973,000. So that means we got good bids. I don't have that information in front of me for what we originally estimated and what the bids came in at, but I can certainly get that and send that to you. But the other things that would have factored into this appropriation that the watershed department did would be the engineering costs associated as well as any staff charges. So it could be there's savings in other areas associated with the project that lead to this 300,000 -- 38,000 that you see as unencumbered on the fiscal note. >> Troxclair: Right. So let's take the \$1.2 million number and the 900,000. So let's say that the estimated cost of the project was \$1.2 million and we got a bid in \$973,000, which is great. Shouldn't we adjust the projected overruns? Shouldn't we say, okay, the contract that we got was under a

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million dollars so therefore we're going to adjust the budget to 1 million or 1.1 million? It seems like it's great if we get a contract underbudget but if we keep the same amount of authority, if we keep 30% above that authority in overruns and end up spending a lot of that money, it defeats of purpose of -- the benefit of accepting a lower contract amount. >> From a programming standpoint, I can tell you that, you know, in programs that we have the sponsor for, when we get certainty as to what the final price is going to be, all the costs rolled into it, we will look to reallocate the rest of the funds and kind of uncommit them at that point. So here, the sponsor for this is watershed. I'm sure as they look at this contract being completed they'll goad and LE program those dollars. So I just wouldn't characterize the difference as an overrun. What the difference is there's a commitment of monies that the balance becomes available to do other work, and it's always a challenge when you program out to get the right --

to get it right, if you will, to get it right on the nose. So there's always this constant reevaluation of the funds that are remaining after you complete a project and then what you're going to use those for in the future. >> Troxclair: So you said the average -- you said this is unusual and the average is about 5%, but there's no -- is there not a cap? >> There is a cap. There's a 25% change order cap according to state statute and this project is coming in right at that maximum allowable percentage change for a construction contract. >> Troxclair: So that's state statute but we don't have any city -- extra city protections to make sure we're staying on budget? >> No. We have state statute is kind of the hard line and then we have our internal policies that speak

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to what kind of review is required when change orders come through. So if there's -- when you see a construction contract coming before you, we include a contingency for processing of change orders. As change orders are pretty Normal and pretty standard. Usually it's between five and 10%. You might see something closer to 10% when you're talking about a project that is maybe renovating something that's existing, where we anticipate that there might be unforeseen conditions that we just don't know what we're going to find underneath that street, what we're going to find when we start doing work on that existing facility so we might include a higher contingency to allow us to handle the change orders there. When you start to see things coming in front of you that are going above the contingency, like this particular project, that's part of the check and balances, taking to the governing body. Also processings in place to make sure the checks are occurring through the management change of the departments that are requesting those changes. >> Troxclair: So you said anything that exceeds that cap comes through the governing body, which you mean city council. >> Yes. >> Troxclair: Which is what we're doing right now. >> Which is what we're doing. >> Troxclair: But the work has already been done. So at this point we're not -- are we -- has it already been done? Are we approving a -- future work or are we approving payment for work that has already been done? >> This work has already been accomplished. So what the -- what the changes necessary to close out the contract. Whenever there's a large change, we always seek to identify it as soon as possible and bring it to the council so we're not asking you just to ratify something that's already happened. But invariably, as you get to the end of a contract and there's variations that occurred, there are always going to be small change orders that come to you after the work has been finished because from an efficiency standpoint you want to get the work done as it

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occurs, without incurring any additional delay claims or any other liability. So when we look -- you know, you always anticipate the change as far ahead as you can and bring them back to council as necessary so that you can have the discussion about it before the work has been done. Again, there are occurrences where we come back to close out a contract, we have to make some adjustments. >> And I would say that this is not the norm, to bring something as a closeout item. Typically when you see a change order coming to you on a council agenda it is coming to you before the work has been completed, before the work has been authorized. So this just happens to not be -- this is one of the minority cases rather than the majority of how things work. >> Troxclair: So is there anything we can do to prevent -- to make sure

that in the future we're always approving -- I mean, 25% is a pretty big -- >> It is. >> Troxclair: Pretty big gap and I know it's a relatively small amount of money but it's still a lot of money in real dollars. So, I mean, I'm just thinking if I had work done on my house, if I'm having a shrinkier city manager put in or something and the person I hired goes above 25%, I would always expect -- I wouldn't -- I didn't -- I would think that they wouldn't expect to be paid more than that without getting approval from me first. So I just don't understand how we -- how we're approving this after the work has already been done. >> In this particular case there was unforeseen conditions and some weather-related events that caused additional costs that the contractor incurred and at the end of -- when the work was completed they brought those back in the form of a claim, and that was discussed and negotiated between the city's representatives and the project team and the contractor. So if what you're looking at is a result of a negotiation. If you were not to approve it, then this would have to become

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probably a legal matter and proceed down that path. So in this particular case, we didn't change the scope of work, but there was some unforeseen, I understand weather related issues and unforeseen site conditions the contractor didn't present to us until the work was essentially finished. >> Troxclair: So I understand the predicament we're in in this particular case but again that's what the 25% cushion is for, whether -- unforeseen costs. So is there a way in the future to make sure that we're -- we cut -- that these issues come before council if they're going over that 25% cap? >> To re-emphasize what Rosie said, 25% is a statutory -- that's not in our mind contingency. We build a contingency within a contract typically between 5 and 10% but there are times if we exceed what you've already authorized we have to come back to you. So it's an extreme really rare event where we come even close do this 25% limit, but I don't want to create the impression at all that we which that to be a contingency or buffer. It's not. We try and manage unforeseen conditions within the allowance, the contingency allowance that's already in the contract. >> Troxclair: In the case it's not managed within the 25%, is there a way for us to approve those charges before further work over that 25% is done? >> I'm Kerry, waters, assistant director with public works. I wanted to add a little context about this project. It's what we call the peninsula, the lower shoal creek extension that goes out into the lake. That's a man maid peninsula and it has been kind of a challenge for the watershed department to maintain over the years because it's in the floodplain.

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Anything that's in the floodplain it makes it more challenging to do any work on it. And so the point of this project was to stabilize that. So we knew was a high-risk project going into it. And if you remember the Halloween floods, which I know has been on everyone's mind, that was -- this project was in construction during that time and essentially the contractor had just come in and placed topsoil and then when that weather event came it completely flushed away a lot of the contractor's work. So although we anticipate the construction is going to be challenging when you're working in a floodplain, the weather conditions that we encountered during this project were even more extreme than what we would normally expect. And so at times during construction you have to do things quickly in order to

prevent further damage. So when that topsoil was washed away and we knew there were potentially more storm systems coming we sometimes have to put measures in place to stabilize it so we don't have further damage. And so this project is unusual in that there were some circumstances that we had to deal with quickly so that, you know, the whole thing didn't basically just erode away. >> I'd like to add, too, that -- and make more of a generalization from it. Again, when you have projects that are in progress and you come up with something that's an unusual situation, the options really are to continue the work, to protect the value of what's been put in place, and then to, you know, come up with a estimate of what the difference is and then come back to council or the only other option is to stop everything entirely and run the risk of losing the value of work that's in place plus additional costs for a

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contractor to either keep the equipment and people on-site until we come back, which can take an extended period of time or demobilize. There are just some projects like this one that carry a certain amount of risk to them and with prudent people in the field overseeing and protecting the city's interests it's -- the best thing is to go ahead, protect the work, complete the work and come back. It's not the preferred way of doing business but sometimes it occurs. >> Tovo: I think I also heard you say this is pretty unusual that a contractor would present you with this at the end of the project. >> It is. It's always best to address things as they occur. But in this case we didn't get the invoice from the contractor until the very end, and in good faith we negotiated a resolution to his outstanding claims, and that's what you're being presented with right now. >> Tovo: Are there other questions? Councilmember Zimmerman. >> Zimmerman: I think the discussion is important and we talked a little bit about this before. I've been involved in a lot of these competitive bids, and the problem is that companies put different amounts towards contingencies for things that can go wrong and I've seen this over and over and over again in private industry, you invite in a number of bidders, people come in and they'll get very, very aggressive on contingencies and that lowers the cost of the project that they present and, guess what, they become the low bidder. What I object to about this -- I'm going to be voting no for this. What I object to on this is if somebody knows how to game the system, they know there's 1.2, 1.5 million allocated for the project -- and people have a way of figuring those things out. If they know they can come in at a lower price, win the project, knowing they can come back and ask for more money later in the project if things go wrong. As far as the flood event,

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things going wrong, we have hundreds of thousands of people in the city assuming risk every day. And when something goes I don't think a flood happens, some unforeseen problem happens, at the end of the year, the city of Austin demands a tax bill out of them. How many of those small businesses are able to come before the city council as this particular company, say, guess what, I had an unforeseen accident, my business suffered a loss, I need a break on my city tax bill. Not happening. So I'm going to be voting against this. I understand the arguments, but I've been involved in these, in a lot of these bidding them, awarding them. And I'm not comfortable. One other comment that I need to make is the

school boards. I think it was in May of 2013 and that last big election, the statesman, up in, ran a story on how a lot of these projects were bid 2 and 300% more than what a reasonable expectation should have been. And the problem with that is when you overbid projects, it attracts all kinds of attention and companies that see that and go, wow, there's some big money to be made here, I want in on that. The flip side of that is if you're very conservative and you're very careful, right, on your engineering, planning, and estimates, and you say, here's what we're going to pay for this and we're not going to pay anymore, now it becomes much harder to attract companies to come in, bid on your project because they know you're serious about holding to the bottom line. You're going to have to bid in those contingencies, we'll pay you your bid but you assumed the risk. You get paid a little more up front but you assume the risk. Then it becomes a little harder, right, for you to attract bidders. So, again, to kind of summarize this concept, if you overbid your projects and there's 2 to 300% of the costs in there like the school district typically, do you attract a horrid of people in for the profits. But if you're more aggressive on how you put out projects and

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say, you know, what? We want you to put in that contingency, there's 1% chance that you're going to experience a flood, but we're serious about this hard limit and we're not going beyond it, I think that's maybe what we're getting at here as a city council, we need to have some certainty about what we're going to be on the hook to pay. And I think even if this is a rare event, if it happens once, it can happen twice, and if it can happen twice, it can happen over and over again. We don't have a certainty here you're not going to come back with these projects in the future. I'm not hearing that so I'm probably going to be voting no on this based on the information I have now. >> Tovo: We have questions from councilmember pool and then councilmember Houston. >> Pool: I just wanted to ask if that was a question of staff or if that was a position statement that was more directed to the dais, Mr. Zimmerman. >> Zimmerman: I guess it's a little bit of both. I think we as a group should take a different position and not allow these kind of things to go forward because it could set precedent and end up coming back to us over and over again. >> Pool: I understand that and I'd like to suggest that we bring those conversations to the dais and not appear to be putting it on the staff to make decisions that we're the policy setters and they're carrying out the instructions that have been sent their way. >> Zimmerman: Did this body make an instruction that we would authorize a 25% overrun? Did this group of people authorize this? I don't think we did. I don't think we got a voice or a vote on that. >> Pool: The comment that I was going to make in relation to this particular situation is that Mr. Lazarus, I think you mentioned that state law was governing some of the -- was governing the circumstances and the city's response; is that correct? >> When Ms. Truelove stated and was -- I'll let her elaborate on it, there's state statute that restricts the governing body from approving a change order in excess of the 25 -- excess of 25% of the original bid, beyond that, there are other remedies

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that have to be taken in terms of the contract. >> Pool: And I will also say that frequently the city chooses the low bid because state law governs in that area too; is that correct? >> Yes. >> Pool: Okay. So

if you have a low bid situation, is it -- how frequent is it that you have cost overruns? >> I would say that most of our construction projects, if not all of them, are going to experience some kind of change order throughout the life of the contract. Because that's just the nature of construction. That's industry standard. I think for this kind of work, the typical change order is -- or the typical project change order is about 5%. We come in generally less than 5%. If you looked at across the board all of the projects we do. >> Pool: Is that why you have your 10 to 15% contingency included in -- >> Yes, ma'am, and it's usually 5 to 10%. >> Pool: And that is considered to be standard industry practice? >> Yes. >> 5% is a hard goal to achieve and I think particularly in government contracting it's considered to be a pretty good measure of success. You know, at any given time we have -- public works, we have between 350 and 400 projects that we're managing, each one has multiple contracts. So it's not a stretch to say we probably have somewhere between 6 and 800 contracts active at any given time. The volume of those that you see coming back to you as change orders is very, very small. And in this particular case, I'll reiterate what I said before, there are times where when you have progress on a

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project, you have to judge whether or not to continue the work with the intent of protecting the city's development and the taxpayer standing in that project, and sometimes that means we have to come back and ask for you to essentially ratify an actions that been taken. But the only alternative would be to stop work and incur a whole range of additional claims and costs if that were to occur. You know, under Ms. W.'s guidance we have exceptional staff in the staff, they do an exceptional job of delivering product and managing risk on behalf of the citizens. >> Pool: You do have an exceptional staff, Mr. Lazarus, thank you both for being there. So I just wanted to make the observation for my council colleagues that what we're dealing with here is a situation where state law is governing the type of monetary totals, and then nature governed in the need to have the change order because of the flood, and it really isn't anything that this council or the previous one could have anticipated with regard to the Halloween flood, and we saw that in a large extent with the onion creek homes being flood. So this is another ripple in that particular flood event; is that correct? Okay. Thank you. >> Thank you, councilmember pool. >> Since we've been sitting here I did get an answer to one of the questions you asked earlier, councilmember troxclair. The estimate was actually 873,000 so the bids came in over estimate for this particular contract. >> Tovo: Councilmember Houston. >> Houston: Thank you. I had a question. >> Use the mic. >> Houston: Thank you. I had a question because I'm not an engineer and I don't understand any of this but I thought I heard you say something about settle a claim?

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>> At the end of this particular contract, the contractor had a dispute based on some unforeseen conditions, some quantities, and some other variations. And when they presented that dispute, we settled it with them before it became a formal claim in the legal sense. But maybe the better word would have been dispute. >> Houston: So this is to settle the dispute? >> Yes. >> Houston: Thank you. >> Tovo: Okay. Questions from others who haven't had an opportunity to ask any about this item? >> Tovo: I have more questions. >> Mayor Adler: Councilmember troxclair. >> Tovo: Councilmember troxclair. >>

Troxclair: 5. >> Troxclair: I'm confused. I thought we were being told that we're exceeding the 25% cap because of the onion creek floods but now you said this change order is necessary because of a settlement dispute. >> So when the work was completed, the contractor had experienced additional effort to respond to the rain events which were the same ones that led to the Halloween flooding and then there was some restore are aative work that had to be done and other variations that occurred. So they presented that as additional work beyond what was included in the original contract. And that's what the discussion and dispute was to resolve. >> This change is within the 25% cap. >> Troxclair: So I understand the 25% cap is set by the state. Can the city, in light of the fact that we normally are -- our projects are within a 5 to 10% overrun and we build into the contract I think up to 15%, can the city council put in place a policy that lowers the cap for our own purposes? That if something exceeds a 15% overrun that it's approved by city council? If possible

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first. >> I'm sorry, councilmember. The contracts typically include a 5% contingency within the amount that council authorizes us to spend. So if you have a million dollar and the there's a 10% contingency, we'll come and ask you for the \$1.1 million. That is how how disputes are settled using that contingency. Anything beyond what the council authorized to come back to you anyway so you already have that control in place because we cannot expend more than you've already authorized. So you already have that strong control. >> Tovo: But the work has -- it's coming back to us, but the work has already been done. >> Right. >> Tovo: 5. >> Troxclair: So we are in a difficult position because we have to approve it. So I'm asking in the future if we can have the ability to approve -- I understand that sometimes there are, you know, natural disasters, but we also -- I mean, we're having council meetings almost every week now, and we do have processes in place for emergency items, and so in the future, is it possible for the council to set a policy that we would like to review any overruns over 25% or over a lower amount like 15%? >> Can I? So what I'm hearing is, you know, a desire to see these things as soon as possible, and we've talked about that a lot in the past, and we've looked at different processes. And I think what we might want to look at, again, is just an expedited process of getting these items before council. It's a relatively long process, six to eight weeks is our Normal process. It might be longer than that. At least six to eight weeks to get an item on the agenda. Now, if a project is in construction, we work with contract management and the agenda office to expedite it. And they've been a great partner to us in that. And they're very aware of that issue and support us in doing that. But we could look at an even

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more expedited process. We could look at compressing that time frame even further so that we can get things to you much quicker and give you more of that discretion. I also wanted to point out that this is a relatively small contractor that has -- they're not a big sophisticated operation, and so with a larger contractor, we might expect them to present us with this claim sooner. With a smaller contractor that make doesn't have the resources or expertise in this kind of work, they may not have a lawyer on staff, sometimes it does take them longer to sort of get their paperwork in order and get us a valid claim, and

that was also what was impacting this time line. >> Troxclair: So it sounds like this is an unusual circumstance so the amount of times you would have to further expedite your process would be not that often. >> Correct. >> Troxclair: It sounds like. And so is that -- and I guess I'm still not hearing an answer to my question about if we can further lower the 25%. >> So that's certainly a policy that can be established by the city council. Every construction project will come and you will know when you're -- when we're awarding the construction contracts, how much contingency you're authorizing and you can expect to see it back if it goes above that amount. And we will certainly work with the public works department and our other sponsor departments to -- and the agenda office and the city council to expedite the consideration of change orders. We never like to keep them, you know, on hold or in abeyance, we like to get them to the council agenda as quickly as possible because we recognize the importance to the project of getting them done. We can certainly commit to get these to the council as quickly as possible. In this particular incident we just had kind of a perfect storm of not getting the information

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from the contractor and having a rather large weather event that made a rather significant impact to the project and so -- and we didn't find out how significant it was until the work was already done. That isn't how things usually work. It just happens this is your first change order we're bringing to the new council so it's going to stick out as being weird and out of the norm. >> Troxclair: I understand that y'all handle a lot of -- you handle a lot of contracts and a lot of change orders, and I do appreciate the -- all of the work that you do. I'm not necessarily questioning the process on your entire scope of work. I'm just asking specifically about the projects that are unusual and significantly overbudget. So I'll leave it at that, but I would like to have more information going forward. >> Sure. >> Troxclair: If it's something the council can change, if you need -- if you need a specific policy direction from council for it's something that can be done at the staff level or just -- or if we can lower that 25% cap. >> Yeah. I think one thing I could offer is when we have things of this nature that are going to be coming forward, we could potentially then send a memo to communicate with council ahead of time to explain, you know, the nature of what's going on and how this will be coming forward to you and the timing and all of that so you can have advance notice. >> Tovo: Councilmember we have some other questions so let's here from councilmember kitchen and thank you for those responses about changes. It does take as you said six to eight weeks for the staff to bring something forward. It's a much longer time frame than it is for us so I appreciate your discussions about how you might expedite that. >> Kitchen: I just wanted to suggest and I appreciate the -- you know, I appreciate the questions from councilmember troxclair and councilmember Zimmerman. I think you're asking a lot bigger question when you talk about the practices of staff, you know, and I appreciate that y'all are operating within the policies that the council has always operated under.

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So I'd suggest that this be an item to discuss in the audit and finance committee. Really what we're talking about is how the council handles contracts and when the council wants to weigh in. So I would

invite the audit and finance committee to dig into this this detail. I don't think it's appropriate to just bring it to council as a proposed change. I think it's something that deserves a more detailed discussion so . . . >> If I could, the vast majority of contracts that we have are resolved within the existing authorization that council provides. There are occasions where at the completion of work, contractors feel that they're entitled to an adjustment and there's a process that both specified in the contract for alternate disputes resolution that we go through before we bring these items back. We have a very good history of settling claims for a very small amount of what's claimed, but it is the nature of the business that there are going to be discussions at the end over things that weren't anticipated within the specification. So, certainly, the controls that council may want to see us tighten up, I think it's a great discussion to have. But if the expectation is that we're never going to come back and ask you to approve a claims settlement, that would be an unrealistic expectation. >> Tovo: Thank you, Mr. Lazarus. Okay, let's go back to number three, councilmember Gallo, you pulled this item from contract management. >> Gallo: I think we dealt with this before with the situations where you need the authority in case a situation comes up to be able to provide the consulting -- or to get the consulting services necessary. And I think just one of the questions we had was that at

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what point do you determine as a department whether it is a larger advantage to actually have a staff person to do this invest going outside for consulting services, I guess more understanding kind of how the department works in analyzing those types of situations. >> Sure. I'll give a little overview what have this contract is so you have the context of the kind of consultant services we're talking about. This in particular a roofing and approving water list. So we're looking for engineers to provide a very specific area of service, to have to my knowledge of roofing systems, to be certified, to have -- be active and members in good standing of the associations associated with this particular engineering specialty. This is a rotation list we've had in place in various iterations for as long as I've been with the city and working with this, so going on at least 15 years. The contract that we're replacing was initially put into place back in 2008. We anticipated that we would spend that relevant authorization in about three years, but we were able to continue to spend it down and to the point where we're in need of additional or a replacement contract now. So it took us longer to spend what we thought we were going to spend because the demand isn't tremendously high. The assignments are pretty small off this particular rotation list so when you look at the 7 million -- I'm sorry, the one before the work \$4 million, you're looking at seven firms, about \$200,000 each. Our average assignment value on the last rotation list, similarly sides was about 43,000 per assignment so it's relatively small dollar amounts, about 20 assignments on the last rotation list, covering a wide range of city facilities, pretty much, you know, I won't say every department but a large number of departments have used this particular contract to get

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these specialty engineering services in house. So when you look at whether or not, you know, we would consider having this kind of expertise in place, I think we would be asking ourselves questions like, you know, would we be able to keep this particular team busy all of the time with this kind of specialty work,

you know, with the specialized nature of this work, would we be able to retain the talent we would need to be able to have this ongoing. One of the benefits of having a rotation list is so -- especially for roofing and water proofing, if we have an issue on a facility, we want to be able to address that right away so that it doesn't create further issues at the particular facility. If we only had -- and with this -- under this contract we'll have seven consultants we can use. If we only had one team able to perform that work we might find ourselves in a situation we can't address all the needs coming up, if we have a significant rain event and all of a sudden now we have water intrusion at three or four different faculties at the same time and only one team in place that can do that work, then we would have to figure out how we would address that and we might still find ourselves in a position where we would need to have outside consultants do the work. So I think employing those engineers would actually not be in the contract management department. We focus on the procurement and contracting for this kind of work and so that might be, you know -- that might more readily be housed under public works, where they have teams of engineers already so I might let them to speak to how they might conduct that analysis to see if it would be necessary in house. >> Councilmember, the majority of the engineering staff we have to do work internally relates to our core mission and core function of building and maintaining roadways, utilities and other infrastructure within the city's right-of-way. And we have a very strong team that does that and their expertise is in that area, particularly as it relates to coordinating the design of the competing interests. We have architects on staff

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whose primary role are as project managers for delivery of architectural projects but we don't do a lot of architectural design in house because it's generally pretty specialized and, you know, standards and practices in the architectural world change pretty quickly and most times we're looking for a lot of creativity to deliver significant facilities. So in this particular case, what we're looking for is some outside expertise to address the myriad of roofing systems and water proofing systems that exist in city buildings and generally, as Ms. Truelove said, that's something we can better get the talent that we need by looking outside than keeping someone internally because we don't do that as part of our core business. >> Okay. Thank you. Once again I was curious what the process was, where you begin to evaluate or to do something in-house with current staff. And I love the term "Water intrusion." I have to remember that one. Thank you. >> Thank you. >> Tovo: Thank you. Councilmembers, are there other questions about this item? Okay. Then we are moving on to our last item. We're making very good time today. >> Houston: Excuse me, mayor pro tem. Usually we're asked if there's something else we needed to be pulled and I had one. >> Tovo: Sure. >> Houston: I had one and we missed that point. >> Tovo: I'll certainly ask that point. >> Houston: Thank you. >> Tovo: When we're at that, thanks, councilmember Houston. Good point, councilmember Houston, what item was that? >> Houston: Six. >> Tovo: Item six. Thank you to Ms. Morgan for reminding me that helps us get our staff assembled. Other items at this point we know we'd like to talk about? >> Pool: I'll just have an announcement before we adjourn. >> Tovo: Sure we'll make sure to have time for that as well.

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Okay. Councilmember Gallo, you pulled item nine. >> Gallo: Good morning. >> Tovo: Actually, councilmember Gallo, I wonder if it would make sense to -- yeah. We'll do that. If we need to go into executive session, we'll just come back for councilmember Houston's item. >> Gallo: I pulled this once again just for more of an educational process than anything else. It seems like this is the first time we've looked at approving something that's a settlement, just was curious, and it may need to be an executive session discussion. But kind of the process that we go through and if the council needs additional information on something like this before we're asked to vote to approve it shall kind of what the process has been in the past. >> Sure. Happy to answer that. The process typically is if we have something that's in litigation and we need to come to the council and seek an approval, we will do an executive session sometimes, talk about it. Sometimes we do it through a memo, which is what happened in this particular case, and give information to the council so that you can make a decision. And Greg againy is prepared to talk about what this would mean going forward that's something we can talk about here. If you want to talk about the legal risk involved, how we got to the decision, then we would talk to you about that in private. >> Tovo: Councilmember Gallo, do you have some questions for staff? Or Mr. Guernsey? >> Gallo: It looks like from the description of it that the issue was the grandfathering and some of the development rules that having put into place. Could you just give kind of a quick summary of what this was? >> Yes. This >> Yes. This is a tract of land up on research boulevard, 183 near spicewood springs road. It's about a mile north. There's an H.E.B. On the corner and this is a tract that's next door to that. And when the H.E.B. Was

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originally developed, it's on a parcel of land that's in question about 5.88 acres, there was a series of ponds that were constructed that supported that H.E.B. And took care of some water that came across the tract. The settlement addresses a dispute between the city and the property owner that dealt with a vesting issue and specifically this ordinance would provide additional impervious cover than what you might not find in the current ordinance. It also addresses protecting heritage and protected trees. It states that there would be an effort to protect other trees, explains that there are certain water quality buffers that don't exist on the property. Also that there would be some revisions that might be administrative to the preliminary plan that exists on the property. It would allow about four to five feet of fill for those old detention ponds to raise the site up. They were excavated when they originally did the creation of those ponds and then some changes to the drainage channel that would handle flow that would come across the land, would be intercepted and taken around the property so it could be developed. >> I have one just as we discuss zoning and site plan approvals. So if a property comes in and fills, then does that affect -- this is a good question to ask for this one. How does that affect the height limitation? Is it based on the original level before the fill or is it based after the fill? >> Well, on this particular property it's zoned gr, so theoretically they could have a height after building of 60 feet and it would be have the finished grade, it may be measured differently if you're talking about other sections of our code

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that deal with residential units. But in this particular case they would raise it up four to five feet. I think their intention is only probably not to build a building at 60 feet tall. >> All right. U.t. >> Tovo: Other questions about this item? Councilmember pool? Councilmember Zimmerman, did you have a question? >> Zimmerman: You can go first. >> Tovo: I don't have one. >> Zimmerman: Just quickly, I guess it's on the first page here, so this is a lawsuit settlement. So the property owner I guess had filed suit. >> Yes. >> Zimmerman: Is the property in Williamson county? Because I note here that it's a district court of Williamson county. >> Yes. >> Zimmerman: Is the property in Williamson or Travis county? >> Williamson. >> Zimmerman: It must be on the bleeding line. I drive on that area everyday. >> I don't know if I would describe it is a a bleeding line. >> Zimmerman: Yes, I'm familiar with this area. I've driven by it for 15 years. Could you tell me how long this legal case -- when was this case filed, do you remember? >> I don't recall the exact date of that. I can certainly follow up and get that information to you. >> Zimmerman: I would be curious to hear that. I don't have any objections. I've been getting a lot of inquiries about this chapter 245 and I think to summarize in simplest terms it has to do with grandfathered property rights is how I would describe that. And there are many other actions on chapter 245 that I see coming down the pike. So this is -- there are going to be more of these kinds of actions it looks like to me. So I'd like to know the history and when this thing first started. Thanks. >> We can get that. >> Tovo: Councilmember, am I reading our attorney-client memo correctly, March 7, 2014. Does that sound about right, Mr. Guernsey? It refers to it as the March 7, 2014 lawsuit.

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In our memo. In any case, we'll look forward to you getting that information through the Q and a. >> Zimmerman: There would be some action prior to that. I guess you have negotiations back and forth, finally property owner gives up and they go to court. So I was looking more like the genesis of it starts before the lawsuit is filed. >> We'll get that information. >> Zimmerman: Thank you. >> Tovo: Thank you. Other questions? All right. Well, without further adieu we will go on to the item councilmember Houston wanted to discuss, which was number 6. >> Thank you, mayor pro tem. And this is one of those just for information only. I understand that we've already negotiated to provide these funds to the independent school district through this interlocal agreement, but my question is what is required to execute the renewal options? What are the things that have to be done? Is it just an automatic or is it something that is driven by data to authorize a renewal? And you probably know this. >> Well, Mr. -- I'm going to allow Mr. -- Assistant city manager Mr. Lumbreras who is really familiar with this software system to address your question. >> Good morning, city councilmembers. Burt Lumbreras, assistant city manager. It does have specific -- councilmember Houston, it does have specific outcomes. Because this is an integrated case management software system and it's a pilot. As a matter of fact, the way we have presented this both to the joint subcommittee and the city council was that it is going to be a pilot. In other words T has to have specific results and data that we would get out of it to be successful. So it has a specific outcomes that we're going to expect and the other aspect of it, which is required as the availability of the funds. So it's not an automatic renewal. We want to make sure that

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it's performing the way it's supposed to perform. This is really in my mind a very exciting project for the city, county and school because as you know, truancy and an 17 teism is a huge problem for aid. If you look at some of the mobility rates, students that are moving around, aid in some geographic areas have probably twice the national average, which is unacceptable. So this data or this as it were, would be able to give us the high risk indicators of students before they get to the point where there is chronic absenteeism and of course that affects the funding for the schools, it affects the student's performance as far as academic issues are concerned, and it's a concern to us as a community. So I think this is an exciting project, but we do expect some very good outcomes and returns before we automatically renew. So that's the answer. >> Tovo: Yes, councilmember kitchen. >> Kitchen: Can you -- I'd like to have background information about this, not right now, but can you also just briefly give us a little more description of how it's going to be used? In other words oh, is going to enter data? What kind of data are they going to enter and what are they going to do with the data? A short brief version of how exactly it will help us from the standpoint of the people that will be using it. >> Sure. The good thing about it is that we're building upon a system that's in place through aids so this is data that as you know they already have master data about the student. So in effect they're going to use the actual software program and they have their proper protocols in terms of who is -- who can input the data because that's already in place. We're not recreating anything that's differently. The other piece of it that's also an expectation by all the three entities is that

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the data that can be shared with the community will be shared. So it's not going to be just put in a database and locked away and not transparent. It's useful because we all want to know how the system is working. So to answer our question it will be resident been aids. They already have the proper protocols and proper controls for that. The data that is relevant and available to the public will be available to the public because we all as a community want to be able to share in the success of the students. >> But what I'm asking is this going to be used to help individual students? In other words, who does that? Is it a case manager or is it a nurse? And do they go into the system and see information or does the system flag students who may be at risk? That's what I mean is what exactly happens. >> I understand now your question. So the data will be resident at aid. It will be shared with the family resource centers, which as you know the family resource centers are really a model and very successful. And then it would be shared with the community. And an array of resources will be brought to bear once an indicator pops up. Let's say, for instance, student a, there's a high risk factor for student a and so the family resources center then look at that particular situation and identify the best solution. It could be maybe a mentor. It could be maybe a medical issue. One of the things that I get the privilege of doing is mentoring and tutoring with the sealy foundation and it's amazing that a lot of times it can be just the student needing eyeglasses because they're just not comprehending and not being able to see. Another thing may be some issues that happen in their family so the family resources are going to be the point and being able to look at the community and bring the resources to bear to try to get at that student before they get further down into the problem. >> Kitchen: So if I'm understanding correctly, it's information that's made available about specific students to the family resource center so they can

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help -- so they can maybe step in and offer help earlier in the process instead of a student having a problem and nobody knows about it. >> That's correct. >> Kitchen: Okay. >> Tovo: Mr. Lumbreras, I think it's accurate to say that this is sort of a multi-year effort that really began back in I think 2010 with the adoption of the joint subcommittee, with the adoption of truancy and mobility as a goal that they wanted to work on between the city, the county and school district. So this pilot in effect has been in place for several years. This is just a subsequent year of funding. And it was an agreement or a vote of the joint subcommittee to take this to the respective bodies to fund this next year of software development. >> Mayor pro tem, you're exactly correct. I think it's safe to say that all three entities wants to get to actionable items, something that they could all reflect back and say look, this is really having an impact in the community. And this was one of the perfect examples of something that we all identified as a critical need because of all the factors that we talked about. And yes, we have been working on it for some time, but I think this is a great example of something that is going to provide a lot of benefit to the community. Tovo councilmember Garza and then councilmember Houston. >> Garza: So if this started in 2010 and we helped fund them, so now we're deciding to continue funding it, do we have any like measures to show that it's working and it's showing results since we started it? >> I think what we have in here is we have some of the timeline and some of the work that would go into this. We can get you some additional information in terms of where we are at with the pilot and where we are seeing as a result of that. And we'll be happy to provide that information. We don't have it here in the background. >> Mr. Lumbreras, there was a presentation on December 19th, 2014, that might be of interest on residential and school --

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from the residential and school mobility group. Councilmember Houston, you had -- >> Houston: Yes, thank you, much. And I'm sure that the joint committee will be hearing more about this, but is thereinter face between communities in schools and what we're funding? >> Yes, because communities in schools are an integral partner to the resource centers. So yes, they are, just like the other different programs like mentoring, tutoring and other organizations that are very -- like save our schools, the Ellen weeks project. >> Houston: But I think we fund communities in schools also, don't we, provide some funding for them as well? >> Yes. >> Houston: I think I'm trying to get a handle on at some point how much money the city is contributing to the district to do these different things and how much coordination there is. >> Sure. We're actually going to be providing that to the council. One of the things that did come out of the discussion in the education forum was not only the partnership that the city has, but then also where we have memorandas of understanding and agreement in relation to properties or buildings. So we are preparing to get you all of that information and I think you will have a better idea as to where we do have contracts. >> Tovo: Councilmember Zimmerman and then back to councilmember Garza, unless we have comment from others. >> Zimmerman: Thank you for bringing this forward. I think you mentioned you thought this was a really good idea. Sounds like you're promoting it and asking us to vote for it, sounds like. >> Staff highly recommends it. >> Zimmerman: Yeah. I can think of a bunch of reasons to vote against this, but we don't have time for all of those. Let

me mention quickly, again, how many school districts are in the city of Austin? >> Probably seven. >> Zimmerman: Six or seven. I believe it's six or seven. And so if we commit to another -- there's already money being spent in aisd,

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but if commit to another 90,000 here, why wouldn't the other school districts start coming up and saying, hey, where's our \$90,000? We're a part of Austin as well? How would you answer that. >> I would give you two answers to that. One is proportionately in terms of the number of students that aisd has, they are by far the largest school district of Austin students. You probably heard from Dr. Crook from del valle where they do have a certain number of students in del valle, but proportionally Austin is the largest school district. Secondly, the city council has agreed to be a part of the joint subcommittee with the city and aisd in this three-way partnership. If the city council as a policy, as a group, wants to establish a relationship with the other school districts, that's certainly your prerogative. We're simply going by those two thoughts. >> Zimmerman: Fair enough. My impetus -- it's going to be a hard row for me, but I would like to see it all taken out because it's not fair to the other districts. They could say let's claim percentage of the students in the city. That would make sense and you could do that math Matt kicky, you could come one a percentage of Austin city students in the school districts and you could divide the money out to that way. But to me what is so offensive about this is the school district is already the biggest tax burden. When people complain to the city of Austin about the high taxes in Austin, do you know what they always do? They say it's the school district's fault. They're the ones that are taking the most money. So now what we're doing is we're starting to co-mingle funds and raising taxes together with the city and the school district. I'm very, very upset with this kind of co-mingling of money that the city taxes are now going to the schools. People are complaining about the school taxes being too high. Let me make a community about the truancy. Aisd has been losing students, right? The enrollment has been dropping. And back in 2013 we were

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involved in a bond campaign and we had demographers paid for by aid by our taxes telling thaws the aid enrollment was going to increase. We said it was going to decrease. And it is decreasing. Meanwhile don't we have, what, close to 2,000 students on a waiting list to get into charter schools? Competing schools? In other words, the truancy has nothing to do with the fact that you need software. Truancy is kids don't want to go to some of these schools. And there's a waiting list for them to go to alternative schools. So to me it makes no sense to be spending money on software for truancy when we know we have an issue with aid enrollment declining and the waiting lists for other school options is growing. That tells me that this software is not going to do anything to fix the problem. And what's going to happen is we'll have other school districts demanding an equal share of money and here comes the spending, more and more and more spending. So that's why I'm inclined to vote against this. >> Tovo: Thank you, thank you, councilmember Zimmerman. Councilmember Garza, did you have a question for staff? >> Garza: Hi a question. Is that in the backup presentation? >> Tovo: I will make it available through staff and they can put it through the system or I make a copy for you. Councilmember Renteria.

[Laughter]. >> Renteria: You know, I think this -- councilmember Zimmerman was a little unfair. You know, we -- to attack Austin ISD while we're having to give hundreds of millions back to the state, it's just totally not fair. You know, we're trying to find a solution to the problem that we're having with the state, robin hood program that they are making us live by. You know, the reason why the city is in the position it's in is because we don't have to give a part of our funding back to the state.

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You know, if we don't support our schools, then -- because the state definitely is not. We have a very, very separate -- the economic segregation that we have, if we were to divide the school district in half and put Austin ISD and the east side in their own school district we would be receiving money from the state because we would be considered a poor school district. So that's why we're -- the city is involved. It's not because we want to raise taxes. Nobody wants to raise taxes. But we have to do something to support our kids. And if y'all don't want to support the city, don't, and the state doesn't want to support us, then why don't we just divide the school district in half and that way we will be getting extra money for our students. >> Tovo: Thank you, councilmember Renteria. I appreciate your comments. Councilmember kitchen. >> Kitchen: I'd also like to point out, I think it would be helpful, councilmember Zimmerman, when you see the results from this type of program. I think that will help you understand that people are not -- that kids are not truant because they want to go to charter schools. I think that -- I think that these types of programs help us really understand what's going on in communities and help us bring the resources to bear. And the other thing about it is, you know, we'd be spending this money through the city anyway. What we're trying to do, the city has certain responsibilities for helping out folks in our community, and one of the most cost effective, efficient ways to do that is prevention, and this is an example of a partnership with another entity in our community to use our resources, our tax dollar resources in the best way possible. So I think we need to look at the whole picture. >> Mayor pro tem. >> Tovo: Councilmember Houston and then councilmember pool. >> Houston: And I want to thank everybody for their comments because I am a firm believer that as taxpayers even though I have no children in schools, I am

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responsible for ensuring that all children get an education, especially those who have been at risk or disadvantaged and need some extra support. And I want to apologize to my colleagues for even pulling this. I just wanted to know what the renewal process was. And I'm so sorry that we've gotten off of that into a whole social context issue that is far more complicated and far more critical to the kids that we're caring about than folks wanting to go to charter schools. That is not the issue for the kids we're talking about and for the use of these funds. >> Tovo: Thank you, councilmember Houston. Cool. >> Pool: Yes, I wanted to point that out as well and the reason the city is assisting in this manner is because we believe in lifting up all of our citizens and it's through education that this happens. And any way that the city can support the Austin independent school district and the other school districts that are in the city, I highly support and I agree that it is in fact statewide policy that is putting the pressure on our school districts and those kinds of changes -- those arguments should be taken up to our governor and our like governor

to look for the solutions that are sorely needed for the school districts. >> Tovo: I'll just make a quick comment, since I'm chairing the meeting, I don't want to talk too long about it myself, but this is just an issue I'm really passionate about and committed to. And if you look at the family resource centers and the work they've done, they have great -- they have a great track record and a very -- some very good data about their success at keeping children and families within their attendance zone and have really improved the mobility rates. I think it is absolutely a municipal issue because when

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families and children in our community don't succeed, it has real not just social, educational costs to the community, but also academic development costs when those children aren't well prepared for jobs that we want them to take in the future. So I'm happy to talk about this at length. Councilmember Gallo. >> Gallo: And I'm so glad you pulled this, I really am. I think it's a good discussion. And I look forward to the results of the report because I think that as we know a lot of the issues of truancy and absenteeism can relate to items in policies that we can impact, one being housing. As housing affordability comes into play and families have to move or they become homeless, that is an issue and I really am curious about the results of this because I think it will help guide us in some direction of needs that we can address policy issues on. So thank you for pulling this item. >> Tovo: Are there other questions for staff about this item from -- who haven't had an opportunity? >> Zimmerman: One more question. Could we get a total by Thursday's meeting on what is the current amount of city tax dollars going to all school districts? I mean, maybe there's some money going to the other districts, but I'm curious to see what is that number in total right now of city tax dollars that are going towards school districts? Could you provide that for us? >> Councilmember, we can certainly try to get it for you. I don't know that we can get it to you by Thursday because what you're asking is a much bigger question. I can tell you what we probably provide to aisd, but I don't know if I have the data and we would have to pull it from a lot of different sources by Thursday, but we'll certainly try. >> Zimmerman: That's part of the issue is now it's getting harder and harder and harder to figure out where the money is going because I think you're right. There's a lot of co-mingling of resources and it's kind of hard to figure out exactly what we're spending. So that's part of the problem. If you want to measure

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results, we have a great difficulty in figuring out what we're spending. But on that point for councilmember Gallo, there's no mystery in this. This program like all the ones behind it is going to be a fantastic success. It doesn't really matter what happens. It will be a success and there will be a demand for more money. And I think that's been -- that's been going on for decades. And as the school continues to lose enrollment, as people continue to leave the school, aisd will continually be a constant success. It's always a success. It's just amazing to me. I've been frustrated by decades, no matter what happens it's always a success but we need more money. Need more money. [Indiscernible]. >> Houston: Well, I can't answer for all four school districts in district 1, councilmember Zimmerman. I can answer for the manor ISD and the people who live in district 1 in Austin and pay taxes to manor ISD. Pay more taxes to manor ISD than they do of course to Austin independent school district. So that money is not included in

what we collect here. So I just wanted to be clear that that money goes to those districts for those people who live in Austin. >> Casar: Mayor pro tem, if I may make a brief comment because there was the request made of staff of how much money goes to supporting the school district. I just want to make a comment for those who may sit on the aid joint subcommittee and also may be thinking about this important topic that I feel that no matter what Numbers get brought back from staff there will be a certain value judgment there because in my view as we fund roads or sidewalks those are also helpful for aid for students getting to school or as we fund central health that goes to students and non-students. So I think that we need to -- we do need to have a policy conversation about who does what, which

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governmental entities fund which systems, but I think it's critical for us to not necessarily assume that one system serves the students and one system serves city residents because they are one and the same. And so I think that that is something that this policy making body should be thinking about, not how one governmental subdivision subsidizes another, but rather which role each governmental body should take in sort of jointly building the infrastructure, social and physical for our community. So I just would urge that we understand that everything we're doing here without the city ISD wouldn't be able to exist and probably the other way around as well. So we need to just think about roles rather than how -- I would urge that we think about roles rather than how one subdivision funds another. I don't think that's what's going on. >> Tovo: Okay. Are there any other items on the council agenda that anyone wants to discuss? And I believe councilmember pool excel has an announcement. >> Pool: Just more of an alert. If you look at the message board, I put up yesterday a call for appointments to the council's community engagement taskforce, and councilmember Houston, we brought a paper copy over to your office to see in case you weren't able to get on the message board. I'm hoping that we can get these appointments on the agenda for March 26th so we can move forward with the community engagement taskforce. This is one of the first resolutions that we passed at our first meeting, and I've been trying to find the amount of time necessary to put this all together to give you guys the idea of the sort of appointments that we would be looking for. We're looking for people who have experience with the city as a resident or a renter. For example, they've served on a city board or commission. Or someone for your appointee who has experience with the city from a professional angle, like someone who is a contractor or a business owner, whether large or small. Or if you would rather you

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have someone in your district who has professional experience in community engagement, someone who works for a consulting firm or whose job includes community engagement, an element of community engagement. So people we're looking for, and to hear from or to have on the commit would be people who organize or exhibit or attend events that the city may put on, who have contributed to our policy discussions, who have gone to the permitting office, for example. People who have participated in the city academy or city works or the pard summer camp or who go to a rec center. People with tech backgrounds, public relations, community engage the. People who pick up the phone

and call about problems in their neighborhoods like streets or energy outages. We're looking for collaborative problem solvers and people who would seek to improve the city's interfacing with our residents and nook creative solutions to do a better job. So have a look at the message board and I'd like to get March 26th for appointments. >> Kitchen: So thank you for putting that up for us. So you're looking for March 26th. Would this be an appropriate item for that work session prior to the 26th so that we could kind of discuss -- >> Pool: That's a great idea. >> Kitchen: Do you have -- I apologize. I haven't looked at the message board to see what you have in that. Do you have a target date for the first meetings? >> The city manager was asked in the resolution to choose a facilitator and I'll be circling around with Mr. Ott to find out how that's going. There's a number of staff that would be working with the taskforce as well from communications and public information, our innovation officer, our sustainability officer, the entire gamut as well as some assistant city

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managers. So it's fairly broad net because it affects all of the city's communications outwards and how we gather communications and bring them inwards. >> Kitchen: Okay. Thank you. >> Tovo: Councilmember Gallo. >> Gallo: If we have already selected the person that we are interested in nominating, do they need to fill out an application through the city's website? >> Pool: I don't think they have to, but it would make it -- normalize the procedure. And this is on the list of boards and commissions and has been I think since January or early February. So it just makes it easier for us to keep track. If you would, that would be great. >> Tovo: Councilmember Gallo, I would look to staff for that answer. I think it also gives them -- as councilmember pool said, it gives them the information and gives the right data about districts. I would encourage that person to do a formal application. >> Let me ask a follow-up question. Boards and commissions, are they required to file financials? >> Some of them are. Not all of them. >> Will this taskforce be -- >> I don't remember what we said on this one, but the city clerk on could answer that. Myrna, do you remember? >> I don't remember either. >> I know this taskforce will be subject to the open meetings act. >> They will be subject to the open meetings act, but I don't believe that they will be required to file financial forms. >> And that would be because I think this taskforce is not intended to work with city funds, is that correct? For instance, when I was on the arts commission and water, wastewater and telecommunications commission, because those commissions made decisions based on allocating funds, city funds, we were all required to submit financial statements. >> We have a comment from the city attorney as well. >> I think it's the sovereign boards that the members have to file the financial statements.

[10:27:03 AM]

And Janette will correct me if that's not right. >> That's true. And those that are required are actually listed in chapter 21 of the city code so that everyone knows in advance that they have to. So it's like the planning, zoning, arts commission, mainly the ones that have -- that can make sovereign decisions as a board. >> A follow-up question then. Is there the ability to put that information where people look for boards and commissions to apply for? Because there are -- there are people that would be interested in serving, but not interested in providing financials. And it seems like that would be a good place to put

that information if that were an issue for someone where they could stop the process before it got started. Anyway, just a suggestion. You don't have to give an answer, but that may be important information. >> We will look into it and see how we can clarify that on the web pages. >> Especially since some do and some don't. >> Okay. >> Tovo: Anything else? Okay. If not, we stand adjourned -- >> One second. >> Tovo: Councilmember Gallo, sorry. >> Gallo: Also on the message board was some information about the first Austin energy committee meeting. We have a couple of recommendations from staff as far as some policy areas. My thought is that primarily what we will do our first meeting will be talk about different policy areas and increase our education about the decisions and policy areas that we'll be working on. So the two recommendations of areas that staff felt like would be good places for us to start are lists. And then mayor pro tem tovo also suggested a couple of others. I would like the councilmembers to continue to suggest policy area discussions that you would like to have as part of these meetings. My thought would be that at least the first 30 to 60 minutes of each of these meetings would be in policy area, education discussions. We have lots and -- at this

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point we only have a few items that have come from council to the committee. So until we really ramp up and are dealing with a lot of issues coming from the agenda, this is a real good opportunity for us to learn. >> I have a suggestion I can post on the message board and talk to you offline. One of the things that we had talked about when we were talking about creating this committee was the concept of the business model. And that perhaps that needed some concerted effort and perhaps that needed a subcommittee. So we can talk about that. >> Gallo: Okay. Will you put that on the message board? Super. >> Kitchen: I need to make one announcement. I think everybody wants to leave. The mobility committee, the first meeting will be on the 25th this month because we started to early. And then we'll start our regular meetings in April. So we'll have a meeting on the 25th and on the first. >> These are all great topics for the message board. >> Tovo: I think we're allowed to talk about future agenda items of the council and so that's our parameters. Okay. Well, without further adieu, we stand adjourned at 10:29.