

City Council Work Session Transcript – 2/2/2016

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>> Mayor Adler: All right. I'm going to go ahead and convene us here this morning. This is our work session. It is Tuesday, February 2nd. We are in the boards and commission's room, city hall, 301 west second street here in Austin. We have a quorum. We're going to begin with the report from our city clerk, Jannette Goodall, with respect to the verification of the initiative petition. >> Kitchen: Mr. Mayor? Councilmember Garza would like to be here for that and she's not quite here yet. Could we hold off on that? >> Mayor Adler: We can. We have a professor that's with this that needs to leave this morning. >> Kitchen: I'll check and see how soon she will be here. >> Mayor Adler: Would you? That would be good. Is the auditor here to discuss with us the department review process? There you are. >> Garza:.. >> I am here. >> Are you ready? >> The presentation is not ready yet. >> Mayor Adler: The next thing we have is discussing the ground transportation regulations, which we're not going to do until after we've received the verification issue. And that gets us then to discussion about the potential tax swap with aid. Are we ready to discuss that? I put this item on the agenda and I put this on the agenda -- this is something that we have discussed in the past. It is an idea that I think embodies what is innovative about Austin and the idea

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has been developed just enough to establish that maybe it might have legs. And before we had staff spending more time on it, I wanted to bring it back to the council to see if there was interest around the dais for this to be something that the staff would continue to take a look at. Just some sense. And to quickly review the issue. The question was we have a school finance system that consists of -- that ends up with aid, a large school system in our city, returning a lot of money to the state because we are property wealthy. One would expect that as the state distributes that money back it would be distributed back in a way that took into account our poverty rate among students is higher than the state average and our rate of folks that -- where English is not spoken at home, our rate of those folks is higher than the state average. But the formula that the state is using to redistribute the money was set back in the 1980s. And I think -- that's one of the issues that's involved in the equity lawsuit and that will be handled separately. But it has come to our attention -- and what that means is for every penny that the school district levees in its taxes, a significant part of it goes away and doesn't come back. It's come to our attention that some of the expenses that the school district is paying for are things that are not education -- directly education expenses.

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There are social service expenditures, there are other programs that the city offers. And it doesn't quite seem right or equitable that when the city levies taxes to pay for these programs, social service or health as much as programs or the like, that all of the money that our taxpayers pay go to those programs here in town, but if the school district levies to support those non-educational functions, a lot of the money leaves us. So the opportunity exists, perhaps, for the city of Austin to take over some of those programs so that the school district does not have to levy for those things. We levy for those things. And in fact, we could levy less than the school district levies to provide those same services so that our taxpayers who would receive a reduction in taxes. Or we would levy the same amount and have additional money to spend for those services or some combination thereof. So the question that was posited was do we want staff to take a look at that? There is state law that specifically allows for this kind of tax swap situation where one jurisdiction stops doing programs that they were otherwise funding, reducing their tax rate accordingly, and other governmental entity picks up that obligation and funds it through their tax base. We've done that before as a city when we created the health, same kind of thing. And the question was do we want our staff to invest time in taking a look at that. They've started that process

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talking to the aid lawyers. They're also taking a look at how they would make that equitable with respect to the other school districts that also intersect with the city. Because we have more than one school district that obviously intersects with the city. But I think it's a creative idea and I'm happy that our staff is spending some time looking at that, but since they were I just wanted to throw it out on the table for other people to comment on if it was something that they wanted to do. Mr. Zimmerman. >>

Zimmerman: Thank you, Mr. Mayor, for what I think is a thorough, high level explanation of what's proposed. I guess I want to back us up into maybe how we got here. I remember when the robin hood school distribution system was originally sold and we had an issue -- I think the courts chimed in on this and said well, we don't have equality in the distribution of school funds. We had property rich districts, property poor districts. So the original robin hood scheme of redistributing the school wealth had to do with trying to create equality among the districts. So I think it's plan to see that by the fact that we want to have this discussion, the redistribution policy was a failure and so much a failure that now we're considering another way to redistribute the redistribution. So the redistribution failed to achieve equality so now we'll have another redistribution to I guess handle the failure of the prior redistribution. And my argument is whatever we do at city council to redistribute the redistribution, it's also going to fail and we're going to be right back where we started. I don't think we have -- we don't have a school finance problem so much as we have a school choice problem. If you look at what happens with charter schools here in the Austin area, a number of these charter schools are very, very popular, they have waiting lists for people to come in. The charter schools do not issue debt for building new

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school buildings. Somehow they manage to take care of their own facilities without a crushing debt in bonds for building new facilities. So I think this is completely the wrong way to go. If we were to go down this route, we would have another five or six school districts that would be saying me too. I mean, maybe they don't have the redistribution issue, but do you know any school district that says it has enough money? There's no such thing as a school district that says that it ever has enough money. They will always be demanding more. I would also say that if we push through with this plan to use city tax

money on the Austin school district, they will say that they have enough money the same ways a the bastrop wildfire says that it's burned enough trees. There's no end to the appetite and the demand for tax money. We shouldn't go down this road. >> Houston: Mr. ,I was going to say maybe we could have the briefing and then after the briefing have a conversation. But I saw councilmember troxclair already had her light on. >> Mayor Adler: And there is no briefing. I'm going to try to use the work session as an opportunity for to us talk to one another so ideas aren't happening and people aren't aware that things are happening because I think we've been doing that. And I'm trying to take the heart the issue of when there are conversations out there let's bring them up at the work session to let people know that conversations are happening. Ms. Kitchen and then Ms. Troxclair. >> Kitchen: I think it's something that we absolutely should explore and I'd like a briefing. I would like to hear from the lawyers what the potential basis for that might be and where it might have been done elsewhere. I'd also like to understand better what it is that we are paying for as a city that overlaps -- I think you laid it out well and I'm well aware from the work I've done in social service and health that there is an

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overlap between the responsibilities that the city takes on and the school district. So I think it's -- I absolutely think that our staff should go forward and I would love to see the staff come back to us and give us a briefing about the range of activities that we pay for currently that would be eligible for that kind of consideration. As well as, you know, the legal basis and that sort of thing. >> Mayor Adler: And if there's a sense that we want staff to develop, that's what they would do. They would learn more, they would explore the options and then they would come back to us and give us the briefing and the report. Ms. Troxclair? >> Troxclair: My request would be that we just have a very clear idea of any changes we're going to make and well document any additional funding overlaps that we're going to go into because I don't think that this school finance system will stay the way it is for eternity. And if and when there are improvements made I want to be able to go back and say okay, here are the changes that we made at this time in order to cover certain school expenses, but now there's maybe some additional transparency with the new system that can be done. >> Mayor Adler: I think that's a really good point and should be added, Mr. Manager, to the kinds of questions that you take a look at on this. Ms. Houston? >> Houston: And I just want to say that I also need a clear sense of what the fiscal implications are to do this, not only for the school district and for the city, but for the property taxpayers of Travis county. >> Mayor Adler: Absolutely. And again, just to be real clear, there's nothing about this that adds one dollar to spending. As we have laid out -- no. No. We need to take a look at that and we need to answer those questions, but in case somebody's watching I want

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people to understand that the intent of this concept is to not add one additional dollar to spending. In fact, the state law in this kind of situation only allows the city to pick up expenses that are currently already happening at the district level. And the district has to lower its tax rate in order to be able to affect it. And we're allowed to raise our tax rate a similar amount to be able to provide it. Or less if we can generate the same money because of our -- we don't have to give money away. So this would either -- so this would be a tool to be able to lower the ultimate taxes that people pay in our city and that's why it's one of the reasons we want it to be investigated. You're absolutely right, -- we are a long way from approving anything. At this point the question is -- I just want to make sure that people know that I've asked the manager to take a look at this and I want him to have a sense that there are other people that are interested in the answers to these questions too. Mr. Casar, then Ms. Gallo. >> Casar: For those who may have questions about the mixing of -- what could have perceived as the mixing of city and

school functions, I want to share from at least my own experience in this last year in my own district that I've become a real believer in the community school model and the idea that schools aren't just schools in the city and everybody else is over here. When I've heard about families becoming homeless in my district or someone being overcharged on a utility bill by a build or there being serious issues with traffic being on a particular street. If I want to hear about that within an hour an hour and a half, it's from the schools. It's from parent support

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specialists or teachers or principals that are really on the ground and hearing about what's in the community very quickly instead of having to find out about things in the news or a week or a month later. I think that -- it has really benefited my ability to do this job and benefited the community for schools to not just be thought of as someplace that you go and kids get locked up and go and learn stuff, but instead a community space and an institution that makes our -- all of our community life better. And if we can help support that then I'm going to continue to be supportive of it, whether it's through a tax swap or not. Of course, pending for this -- for this particular tool, I think pending more information and information from staff staff would be great. I'm going to try to understand the school finance system at the state level, but I think the potential charity of how it impacts us here and how it impacts the state would be helpful. So thanks. >> Mayor Adler: Thanks. Manager? >> Ott: Yeah. We are very happy to undertake this effort on behalf of council, but for purposes of being clear, I think we'd like to really take a shot at trying to characterize on paper, if you will, what the assignment is and feed that back to you so that we're certain that we're going to be working on the range of things that you all intend for us to work on. And certainly if what you see in terms of feedback is accurate. You can proceed from that point, but the understanding that we're all on the same page with what the intentions are or you certainly could formulate what we provide you back into an ifc and give us official direction, I'll leave that up to you. I will certainly with my staff trying to capture this

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and feed it back to you to make sure we understand the assignment. Ms. Gallo just to kind of continue on with what Greg was talking about. I think there's lots of collaborations that have been built between the city and education, higher education. And the university of Texas has been very involved with the restore rundberg project. So you have higher education participating in some of the city issues and problems that we have in neighborhoods too. So it continues to intersect some so many ways. My question continues to be how do we pull the school district trustees into this conversation and one of the other ways that I think we can assist perhaps in the future is there's been some casual conversation about the potential of school districts to use their properties more efficiently from the standpoint of an income stream, additional income stream. In those situations if the school district has an underutilized property, helping the city with zoning and things like that where the properties can be used more intently and for that district, that is another way that I think that we can step in and assist the school districts. >> Mayor Adler: And understand real clearly that I'm not trying to displace the task force, the joint task force and I think that kind of concept is great and I think the joint task force is already addressing that. If not, it should be. I think it already is. There are lots of issues with regard to the city that belong in the task force. This is a really discrete, almost legal question, which is can we do a tax swap. If we do a tax swap what are the criteria associated with that. And with the answer with respect to the trustees,

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they are already pulled in. I sat down with Gina Hinojosa, president. And together we sat with the judge of the county and with the senator, senator Watson, and we all looked at this and said this is a creative idea. Somebody ought to take a look at this and see whether or not it has substance to take a look at. And that's all that is. Because they were doing that I just wanted to bring it to work session so people could call them off if they didn't want them to do that. And ultimately we're just asking for it to come back to us. It was just to get a sense of the -- yes. >> Renteria: Mayor, I agree with you. I'm a grandmother and I had a grandchild that went back to charter school. In my district we're facing school closures. We looked at the demographic in our district and found out that we are losing so many students. And the high cost we're facing, low income parents have to move further out or maybe sometimes out of the district. And we're going to be faced with school closures. I'm always -- -- I'm working with my school rep on the school board, and there are issues of what we can do and come up to help the school district because we're dealing with a lot of low income students and

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especially Spanish speaking students that are really struggling in the schools right now. I've gone there and sat in the cafeterias and listened to what's going on in our school districts and our schools, and it's an alarming -- the struggle that the teachers are facing. So whatever we can do to help out I'm sure that our school district really would appreciate it. >> Mayor Adler: Ms. Pool. >> Pool: I think that as councilmember Casar was mentioning, it is key to education and that's why I have a long record of supporting education in our schools. The superintendent of schools you might want to know was originally in Texas a county wide office and only in the last half of the last century was that changed to independent and -- independent school districts and in the more rural areas some consolidated school districts. I had the opportunity a number of years ago, not that many years ago, to interview for an oral history the last superintendent of Travis county schools who at the time was still alive. It was really interesting to listen to him talk about how they stepped through the changes, particularly around desegregation that we're having here. So if we can think creatively and within careful around proper diameters, I welcome this discussion here and with our education colleagues K. >> Mayor Adler: Great, thank you. Ms. Tovo? >> Tovo: I want to voice my support. I think this is an idea that has been floated that's really very promising and I think we should explore it. I would certainly -- I would I guess ask -- I'm not clear on what the process from here would be, but I would certainly support an item from council coming forward to kind of kick this off

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formally or an item from staff kicking this off formally. Again, not kicking off the program. As the mayor has said we're a long way from approving such a process, but just giving a kind of formal direction to the city manager so that we're very clear on what would be contained within that exploration. But I think this is really -- I see this as a culmination of a decade or more of really concerted efforts to see how the city and the school district can better work together not just on facilities, but on funding issues, on collaborating and leveraging resources to bring to bear for our community generally as well as the students at those schools. So I'm very supportive of this moving forward. >> Mayor Adler: Thanks. And I think the process question you ask is an interesting one. And maybe something for the transition committee to take a look at. The conversations have already begun because we had -- the conversation that we had here collectively during the budget session. I then brought it up with Gina, with the president of the school board and with the senator and with the judge. There were some initial conversations with the legal departments of aid and the city. So I'm not sure that there needs to be

much more direction reason saying take a look at the tax swap deal and come back and give us a presentation and tell us whether it's doable. And I'm thinking we could save ourselves weeks of effort of posting and that kind of stuff because we're asking for that initial briefing. So I would be comfortable turning to the manager and saying please continue the conversations about the concept of a tax swap with all the things that that might involve, including the questions that have been raised by councilmember Zimmerman and everyone here, and they've come back to us. And I say that in part because I know the school district is involved in its budget process right now. So if there's a way for us to shave off two or three weeks and let them do that,

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I'm not sure there's a lot to be gained from that delay since we don't really know what's there. Let's take a look at this and see if there's any legs here for anything. >> Tovo: Again, mayor, my thought was that we just have a consistent process. We typically when we are kicking off an exploration of something do it with some kind of council action. I wasn't thinking about a committee and whatnot. It sounds like there's -- it sounds like there frankly is a majority will here to ask the manager and the staff to go forward and do that kind of work, and I could see this as something on next Thursday's agenda if -- for formal action. I would be happy to offer any support and helping draft it or my poor staff will. May not appreciate that, but I think -- especially as we kind of experiment with different process ideas and committees and not committees and this and that, I think we need some kind of consistent way of moving forward and that's typically how we do. But I did want to mention a couple other things. I do think it's a great idea to maybe get this on hopefully the discussion would be far enough along or the exploration far enough along to get on our next joint subcommittee because I think this is a committee that would be interested in at least talking about what the city has found so we can certainly -- I agree that we should use that committee as much as possible, but I think you're absolutely right that the focused effort of really looking at the legal ramifications has to happen outside that body. And just for those who are interested in the subject of joint use, if you let me know I will either post on the message board or I'd be happy to point you to some of the policy documents that have spoken to this. Ms. Gallo, I know you mentioned joint consideration of facility use and things like that. And we've got a few joint bodies that have looked at those questions and have set some expectations. And frankly, we have some items on our agenda today that are the direct result of some of

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that work of asking the city and the school district to collaborate and look for ways to leverage resources. >> Mayor Adler: Great. Thank you. >> Zimmerman: Ms. Houston, did you have something else to ask? I just have one more point last. >> Houston: I can go last. [Laughter]. >> Zimmerman: Fine. That's good. I want to make a quick charge on the record in public. When we look at this I would like the city legal to take a look at the Texas constitution in terms of the fair and uniform taxation. When I spearheaded a lawsuit in 2002 alleging illegal city taxation under the water code chapter 54, section 15, one of the defenses would be that they could not comply with the water code law that allowed for that said taxes had to be the same everywhere in the city. And if we say that aid, the most property rich school district in the city and that's a unique school district in that sense. So if we tailor a tax rate for aid and their peculiar situation, what does that do for constitution representation in the whole city? I would like that question answered. >> Mayor Adler: And making it so it was equitable across the school districts in the city was one of the charges that the legal department is taking a look at. That is important. >> Houston: And I support the exploration because we have not been in those conversations with the senator, the judge,. It's a very broad issue. There are a lot of moving parts in there, including

how much we already subsume in our budget to take some cost off of the independent

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school district and how that often laps. Lower a lot of things about performances. A lot of kids are failing. It doesn't seem to work, whatever is happening. There are a lot of moving arrest parts in it so I would like to have something in writing to I can look at it too, so if we could have an item from council that details what it is we're asking and what our conversations have been, that would be helpful. >> Mayor Adler: We will do that. I would ask the transition committee to see if there's a vehicle for us at a work session like this to have a will of something and in retrospect I probably should have handed something out so there could have been something in writing for people to look at in writing over the last week on this. And it may be that there's an appropriate way to do this with ifc each time. I'm just asking for the transition committee to look at it. But we'll look at it next week. But my sense, manager, is that you're going to get that approval from this council so I would let your folks continue on the work that they're doing. Yes. >> Tovo: Just one more question for our legal staff as they continue. I appreciate that we have eight school districts that touch -- fall within the city of Austin, but they are not all subject to recapture. So as the legal department explores that, I hope they'll consider whether that makes any difference. The situation for aid really is so dire because we are a property rich city and aid is subject to recapture. And I don't have the data, control I have it upstairs. That's not the case for other school districts. So that would suggest to me that that may factor into the exploration. >> Mayor Adler: Okay. We'll go on to the next item if that's okay. Let's have the report from the clerk.

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>> Good morning, mayor and council, Jannette Goodall, city clerk. I'm here to walk you through briefly what our petition process is since this is really the first time that many of you have been on the other side of having to deal with a petition, as well as the results of our validation and this certification. To just to kind of remind everybody, we received the petition on the transportation network companies on January 19th. The requirements for the petition was the number of required signature was 19,007 -- actually, that should be 65, not 95, which is five percent of the qualified voters within the full purpose jurisdiction of the city. Or 20,000, whichever is less. So 25% is 19,765. The signature according to the Texas state election code, the signature is the only thing required on the petition to actually be in the signer's own handwriting. The use of ditto marks, abbreviations, omissions of the state or zip code, those keeps of emissions do not disqualify a significant. So -- the teleprompting is blocking what I need to say next. The petition itself contained 9,344 pages. The total number of signatures submitted on the petition was 26,320. According to the Texas

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state election code, it allows the city secretary or other authority responsible for verifying signatures to use any reasonable statistical sampling method in determining whether a petition contains the required number of valid signatures. Providing that that sample is not less than 25% of the total number of signatures submitted, not necessarily the total number of signatures required for the petition. The sample size for the tnc petition was 6,580, which was 25% of the 26,000. The city of Austin has been using the random sample method since 2002, which was incorporated by the previous city clerk and has been used for every single petition other than the petition in lieu that candidates file going -- since 2002. So just to kind of briefly walk you through some of the steps that the city clerk's office does when we're validating a petition, our first task is to actually stamp and number each of the pages and count the

signatures on each of the pages and total those out to make sure that they have at least the required number of signatures submitted on the petition. We then create a spreadsheet that outlines and details each of the pages and how many signatures are in each page. That information has been -- then gets submitted to Dr. Sager, who is a professor at the university of Texas McCombs school for business. We got involved with Dr. Sager years ago when he was actually an expert witness for the city regarding how we had done our first random sample for a petition.

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Dr. Sager then then creates the random sample list for us and then submits a list telling us to go to a certain page and a certain signature on that page. We then verify each signature using the voter identification information from Travis and Williamson county. And we record all of that information into our petition verification system, including each signature that we validate, any signature that was duplicated because occasionally a signer will sign more than once, or any signature that we disqualify because either they were not on the voter registration or we couldn't make a match. And typically with this one with the disqualified it was because they were outside of the full purpose jurisdiction. We double-check and typically even triple check our work to make sure that we have recorded everything correctly, including the disqualified signatures and the duplicates. For the disqualified they actually go through a second round where actually go to the county websites and make sure that any additional registrations that may have gotten processed after we received the data from the county, that are if we can qualify a voter we do so. And then we submit the findings of our validation to Dr. Sager for analysis. That includes the number of signatures that we were able to validate, the number of signatures that we disqualified and then the number of signatures that were duplicated, including the number of times a signature was actually duplicated. And then we submit our findings to the council. This process for the tnc required a little over 400 hours for the office of the city clerk to complete. It was one of the largest petitions that we have received in quite awhile.

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So again, to just kind of recap, the number of signatures that were submitted was 26,320. The number of valid signatures required was the 19,765. The sample size was 6,590. 580. Sorry. I apparently have fat fingers on my keyboard here. The results of the random sample verification was that in the random sample we validated 6,427 signatures. 153 of them were disqualified. Of those 153, 113 were not on the voter list or another 13 were disqualified for other reasons. Could be that we didn't have a signature or we didn't have the -- or they were in the etj a lot of times. 27 of them were duplicates. Of those 27, 22 signed twice, one signer signed three times, and one signer signed four times. Dr. Sager's analysis based on his analysis, we estimate that there is 25,384 valid signatures on the petition itself. Using the random sample size required by law, the city is 95% confident that the true number of the valid signatures on the entire petition exceeds 25,174, and is 95% confident that the true number of the valid petition is less than 25,596. Which means the city is virtually certain that the true number exceeds the 19,765 required.

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And Dr. Sager is here as well to answer any questions that you might have on how he conducts his random sample analysis. So we will open it up to questions. >> Mayor Adler: Does anybody have any questions on this report? >> Pool: Is Dr. Sager here? Good morning, we're happy you're here. There was one item that I read in the report earlier this morning that talked about extrapolation and how you can't simply multiple the Numbers by four to get the total valid signatures. That there's a more complicated

way to get to that and it has to do with the margin of error. >> Yes. >> Pool: That's sort of in the weeds Baugh I but I think it's important to understand. Would you be able to give us a fairly -- help us fairly well understand that? >> I will try. The sample was selected as a street random sample. That means that all the signatures that were submitted had an equal chance of being selected for the sample. So the city clerk counted within the sample the number of qualified voters and came up with a number of I think it was 6,427. And so if you're thinking that this is a 25% sample and you should just go ahead and multiply by four, you're approximately correct. And for working purposes, that would suffice, but there's some technical adjustments that need to be made because of the way the number of duplicates are counted. A duplicate can be discovered in the sample only if there's a match within the 25%. So if there is a valid

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signature within the 25% that is duplicated among the remaining 75% that was not examined, then that would not be counted and so simply multiplying the number of duplicates, which was I think 27, by four, does not get the number of duplicates in the whole population. Instead an estimate has to be made of the number that we would miss by these pairs from the sample matching up with the remaining 75%. There's a methodology that does that and I have studied that methodology. It has an honorable history. It's almost -- it's in fact almost as old as I am. Started off with an article that was published by the I imminent statistician, and I used that article as the basis of my extrapolation. The major -- the number of duplicates in this petition is relative small and so it doesn't have much effect, but it does have some effect on the margin of error to increase it because of the uncertainties that are involved. And Goodman's article set forth a estimate for that margin of error which I folded up on by an extension that appeared about -- I'm not sure. When was it? Yeah, it was 1998 by peter has and Lynn stokes. So I used that extended margin of error here. I did not report what the margin of error actually was in the report that I submitted to Jannette, but it was approximately 130. So you can think of our estimate of 25,384 valid signatures as being plus or minus 130 approximately. Could be more, could be

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less. And the fact that it could be more or less led me to do a couple of additional computations. I asked how much confidence -- what would be the level in which we would have 95% confidence that the number of petitions was actually more than that number? And my analysis there suggests that it's about 25,171. So we can be at least 95% confident that the true number of petitions, true number of valid signatures that would result from examining can 100% of the submitted ones would be more than 25,171. There's also a sentence in my report that the city is virtually certain that the true number exceeds the required minute numb of 19,765. I did not present the probability for that but I can give you an idea of what the order of magnitude is. The order of magnitude is so small there that you would have a much greater chance of winning three consecutive power ball jackpots. >> Mayor Adler: Thank you. Further comments? Mr. Zimmerman? >> Zimmerman: Thank you for being here. I'm impressed with what I've seen here, but a quick question. The number being 95% confident in these figures, it looked like there's nothing in state law that really says do we have to be 98%, 92 and a half percent sure. How do we pick that guidance and could that maybe vary from city to city? >> It's possible it might. It was my selection to look at 95% because my experience in testifying has been that courts generally are arriving at the 95% confidence standard as acceptable proof or statistical evidence. >> Zimmerman: Terrific. I love this

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I love this rational stuff. It's fantastic. >> Kitchen: Just for the public, and also for the rest of us that are not used to all this statistical -- so, if I'm just hearing the term 95%, can you please explain to us and to the public why that's good enough, and why that gives us a reasonable level of confidence, and why you wouldn't go for a hundred percent? >> Well, if you do a sample, you cannot get hundred percent confidence. Okay. So you have to give up something. And you give up certainty. In exchange for that, you gain in cost and you gain in time. Jannette reported it took the city staff 400 hours to do this this analysis. It would probably take 1600 hours to do the full analysis of all the signatures that were submitted. Suppose we went ahead and examined the 26,000-odd signatures that were selected. That would give us the true answer. We would know exactly how many valid petitions there were. Let's call that number -- which we don't know -- ground. We did a sample of 25%. That does not give us ground truth. It hopefully gives us something close to that. I could've selected a different sample, using a different random number than I did. If I were to repeat the random number selection, say, a hundred times, I'd come up with a different list of 6,380? Is that the number that we actually looked at? >> 580, I think. >> Yeah. So each time I did it those 100 times, I would come up with a different list for city clerk to look at. 95% confidence means that about 95 out of those 100 would be

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within this margin of error, the plus or minus 130 that I mentioned. And I would be virtually certain that all of them would exceed the required level of 19,765. >> Mayor Adler: Okay. Do you have a comment? >> Casar: Yes. Just a clarifying point, I think, because we've said the word 95%. My understanding from the presentation is we're 95% sure it's within a range of Numbers in the 25,000 range. When we talk about close to a hundred percent, we're at basically a hundred percent that this is well over 20,000 signatures. >> Yes. >> Casar: So I think that -- for the public watching, I think that clarity is needed. I'll do whatever we can to make sure you're not an expert witness against us. You're very convincing. >> Mayor Adler: May I ask a question? On the petition, we saw media reports that the total number of signatures obtained were in the 60,000 or just over 60,000 number. Were you given all 60,000 signatures? >> We were not. I don't know how many signatures is they withheld some of the petition pages. All I know is, of the four boxes that were delivered to us, we counted and triple checked that number, and it was the 26,000 signatures that were on those pages. >> Mayor Adler: Okay. On the pages that were given to you, you said that all that was required to be given to you was the signature itself. >> Well, that's the only thing that is required to be in the signer's own handwriting. >> Mayor Adler: Okay. Were there other information that was provided to you by the

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petition sponsors other than just the names? >> The other piece of information that the petition sponsors put on the petition itself that I'm aware of is the voter id number. So when we validated the signers, given that we knew that the signer themselves did not put their voter id number on the petition -- because 99% of the people are not going to know their voter id number -- >> Mayor Adler: Right. >> That while we use that, because it is really the easiest and most convenient way to search for a voter, we validated and made sure that at least two other pieces of information regarding that voter that was on the petition page, such as their address or their date of birth, also matched. The problem you have when trying to validate the signatures is one of the things that citizens do not do very well is keep their voter id cards updated. And so, we always look for at least two pieces of other information that we can validate -- a name, and address, name and birth date, and the voter id number. >> Mayor Adler: When you get a petition turned into you, and other experiences in the city, do all petition seekers note on the petition the voter id number? >> In my 16 years, it's probably been about maybe a third to -- between a

third and a half do. >> Mayor Adler: Okay. >> Because they do know that it makes it easier. And a lot of them also do their own verification before they submit it. And so they're searching for that voter id number as well, and so they will have it. >> Mayor Adler: To a degree, the petition that was turned into you was kind of informally pre-validated. >> Yes, which is typically what happens with most of the petitions.

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>> Mayor Adler: Okay. So, I would imagine that if I was running a petition, I wouldn't turn over to you any signatures that I couldn't validate, if I'm trying to turn over a pre-validated petition. >> That is correct. >> Mayor Adler: Do you have any idea, of the 40,000 signatures that were obtained, do you know how many of those were duplicates or fictitious names, or people that didn't live in the city, or do you know how many of those others of the 40,000 -- other signatures would actually be validable signatures? >> Since they didn't turn them all in, I can't give you an exact number. What I can tell you -- like most petitions that we have received in the past, there was a good number of signatures -- of signers that had signed the petition that the petitioners marked out. Off of the petition pages for us not to validate. So they were completely blacked out off of the sheet, because they already determined that they were invalid voters. >> Mayor Adler: Really? Do you know about how many of the total number of signature lines that was turned in to you were already blacked out? Do you feel a feel for that? >> We don't count those because it doesn't go into our number that we work from. But I would say -- well, I would say at least a half to a third of the pages had at least one signature blacked out on it. >> Mayor Adler: Okay. >> Some of the pages would have had multiple signatures blacked out on it. >> Mayor Adler: How many signatures are there on a page

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usually? >> There was six names on -- a maximum of six names on a sheet. >> Mayor Adler: So what you're saying is that of the pages that were given to you, that had the 26,000 pre-validated signatures, on those pages, usually one out of six or more of those that were on the page were blacked out. One would assume, not validable. >> That's a safe bet. Not all of the pages had the maximum six number of signatures on them. >> Mayor Adler: Some had less than that. >> Some of them had less than that. >> Mayor Adler: Okay. All right. >> Mr. Mayor. >> Mayor Adler: One would suppose, then, that a sizable number of the 65,000 signatures aren't really valitable signatures. >> I think I would be comfortable saying that's a possibility, not having seen the other signatures. >> Mayor Adler: But you would say that based on the 9,000 pages you saw. >> Yes. >> Mayor Adler: Thank you. Ms. Kitchen. >> Kitchen: I would just also point out that we don't really know that there were 65,000 signatures. So I think -- I appreciate the effort of the petitioners that they submitted to us. They did some pre-validation and submitted to us signatures that were valid. But I think speculating that they actually had 65,000 signatures is something that we don't know. >> Mayor Adler: Okay. >> Zimmerman: Mr. Mayor. >> Mayor Adler: Hang on one second. I'll come back to you. Ms. Garza. >> Garza: I'm not sure if this is a question for law or the city clerk, but what is required to be on the petition explaining what the person is signing?

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Is there any boundaries or criteria that's supposed to be on the petition? >> So it does have to have a description of what is being requested. And I believe on this one, they also -- at least at various times, my understanding is the circulators were at least given a copy of the ordinance to also have with them as they were collecting signatures, but . . . >> Garza: But is there no requirement of specific language

and was there an attachment of the ordinance required to be part of -- when they turned in the petition? >> Councilmember, I'll look that up. I'm not sure -- I believe the ordinance was attached to the petition, but I don't think that was required. But we'll get back to you. >> Garza: Okay, thanks. >> Mayor Adler: And then Ms. Troxclair. >> Zimmerman: I appreciate all these questions very much. Just a quick comment to speculate that the 65,000 signatures may be less than 65,000 is the same speculation -- we just don't have any evidence for it. I've been involved in petition drives before. I gathered a lot of petitions for -- remember the toll road controversy, when there was a reelection for the mayor, I was involved deeply in that drive. I donated money and collected signatures. When you collect a pile of signatures -- when you collect a bunch of petition papers, at some point, you start going through them and analyzing them. When you get to a number you think you need -- it's a lot of work to analyze each voter id number. There's no point in going through the entire pile. Get to what you think you need,

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then turn them in. We don't know. I don't think it's fair to say they don't have 65,000, not fair to say they do have 65,000, so, you know. [Chuckling] >> And just to clarify, there was not a recall election for mayor Wynn. >> Zimmerman: That's correct, because we didn't make the Numbers. >> Tovo: I want to be really clear, we did not have a recall election. >> Zimmerman: We worked hard and didn't make it. I know how hard it is to get the signatures. I'm astonished at the volume of signatures in such a short period of time over the hall holiday weeks. >> Troxclair: I think you mentioned that the number of duplicates was relatively small. I'm just curious. Did you mean that the number of duplicates -- the 27 duplicates was relatively small in the 6,427 signatures that were validated, or did you also mean that the number of duplicates was relatively small compared to other petitions that you'd seen? >> What I was referring to was, 27 was small in relation to the 6,000 signatures, yes. >> Troxclair: Was it also small compared to the other petitions that you've seen in the past? >> About the same order of magnitude. I think the last one I worked on had ten. >> Troxclair: Okay. Thanks. >> Mayor Adler: So you know that -- a fiscal point, among the pre-validated signatures, the number of duplicates was small. Frankly, I'm surprised there were any duplicates at all among the pre-validated signatures. Do you have a feel for what the duplicates were among the larger set of signatures that were turned in, including the ones that were not pre-validated? We wouldn't know that because they were blacked out. >> Correct. >> Mayor Adler: Among all the petition signatures that were taken, we don't have a feel at all for whether there were a lot of duplicates or a small number. We just don't know enough. >> That is correct.

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>> Mayor Adler: Thank you. >> Pool: Mayor. >> Mayor Adler: Ms. Pool. >> Pool: I was hoping our city clerk could give us a little bit of background on how petition Numbers -- the number it required until the last charter election, we changed the number of signatures. It used to be higher, is that correct, and it was lowered? >> Yes, I believe up until the last charter election, initiative petitions also required a 10% of the qualified voters. And qualified voters does not necessarily equate to the registered voters. To get the qualified voters, you take the registered voters and you subtract those voters that are on the suspense list. They have until the next election to update before they get dropped off the voter registration. In the 2012 chart election, that was changed to just mirror the requirements in the election code, which is 20,000 or 5%, whichever is less. >> Pool: So would you characterize the change done in 2012 or 2013 -- I'm trying to remember when that was -- making it easier to do an initiative petition or harder than before? >> I think it makes it easier, because it is a smaller amount that has to be collected. >> Pool: Thanks. >> But it's still -- you know, a lot of work. And I'll answer any additional questions, but I do want to publicly thank my staff for doing a fabulous job. This sounds like such a simple thing to do

until you're the one actually have to sit there for hours doing it. And then you realize that it's really very tedious and nerve-wracking, actually. >> Mayor Adler: In watching it, I think there was a superhuman effort put forth by your staff on this, and we are

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all really appreciative of that work. If there's nothing else, we'll move on in our agenda. >> Gallo: Councilmember Garza started the discussion of the language on the petition, was that the same as what's in the letter? I'm getting a sense of what people had to read in front of them on the page that they signed. >> The -- are you referring to this? >> Gallo: Mmhmm. >> I don't believe this was what was attached to the petition page. >> Gallo: Well, there's a paragraph in there that's requesting the proposed ballot language, and so I was just curious if that was the language that people saw as they were signing. >> If you're interested, I can scan a couple of the petition pages and email them to you so you can see what they actually looked like, if that would be helpful. >> Gallo: My question is, we have a request of particular ballot language, but I would also be interested in what was on the petition, and who determines, or how do we as a policy group determine what language is going to be put on the ballot. >> Mayor Adler: We'll hear from legal at some point, maybe in executive session, on that issue. Thank you very much. I had put on the agenda for both work session and for Thursday, as well as next Tuesday, and next Thursday, the action items associated with where we are right now with the initiative and the tnc ordinance. I'm going to address that topic real fast because we're here, and then we can get to the other briefings and other people can comment as well. I've been accused of, kind of, thinking through thoughts in my head on issues and then presenting them at the council table, because I can't talk to everybody ahead of time, which I understand does not give people notice of what I'm thinking. And so I'm going to take a

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second now to say, kind of, what I'm thinking at this point, or what I'm wrestling with so that you all would know that, and other people could comment on that, or whatever. And I think going forward as the transition group has looked at, this is a good use, I think, of the work meeting time we have, because we don't have otherwise the opportunity to visit with everybody. So I'm going to talk about this just for a second, and I apologize that this may go on for a minute or two, but I think that this is a real important issue, and I think that it brings into play lots of different aspects. I don't anticipate us bringing this as an action item on Thursday. It's not my intent to present or move any items on Thursday. Would be, me public hearing on Thursday on this issue. My expectation would be -- and the council can speak up -- that is within the ten-day time we have from today's meeting to be able to do that. But I put it on there just so that we would have the opportunity to be able to talk about the issue. But I will tell you that I don't like the position that we're in, because we are now confronted with this verification with a binary choice. The charter is very clear. We only have two choices with respect to this. We either accept the uber/lyft ordinance, or we set the matter for an election. As you've seen from working with me over the last year, I don't like binary choices. And I know I've been faulted and criticized for that in some respects, or at least noted as trying to find compromise. And with respect to that issue, it's my belief that when you have a dais or a community full of people in good faith that are

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trying to find answers to the challenges that we have, it is real rare that one side or the other of that continuum have all the good ideas. And so in this position what I've tried to do is to really listen to both

sides, and try to pull out what is best about both sides to try to fashion something that is the compendium of the best ideas, because I think that by and large, for me, that indicates a path that is a constructive way to move forward. When we are presented with an initiative like this, those options leave us, because, again, we are presented with a binary choice. We have to pick one or the other, whether we like it or not. We did not pick this tnc issue to come to us. We had a council before us that adopted a temporary ordinance, and it was coming back onto our plate whether we wanted it or not. This was something that a prior council set for us to spend our time on. They succeeded in doing that because, again, we were left with no choice. I thank the mobility for assuming the duty and the responsibility for picking up the ball that had been handed to us by that prior council's temporary ordinance. We've worked through that process. And we are now left with the choice of an election or an adoption. I don't like the option of having an election. The reason I don't like the choice of having an election is because it's going to be expensive for us to do. The estimate is 500 to \$800,000, I think, is what we've been

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told. And I think that's an unfortunate expenditure of funds. I don't like an election because it's going to suck oxygen out of the room, and it's going to have us involved in a debate and activity associated with ground transportation and Uber and Lyft when I would rather us be spending all of our focus and our time on affordability issues in this city generally, or on the mobility questions that are being Teed up by the mobility committee and the community conversation about what we do fundamentally in this community to change the paradigm. I'd like to be spending all my time on the spirit of east Austin activities that we have to drive those kind of transformational changes. I'd like, I'd like, I'd like. I don't like an election, because an election is going to cost us as a community. But at the -- same time, I appreciate why the petition was filed. We acted in December. I think we passed something that was not mandatory fingerprinting. Other people probably look at it and think that it was, or it was intended to be. I recognize there's a difference on that issue, which is why I said at the time that what we had passed was contradictory, at best incomplete, and we would have to address it again now. And certainly there were those in the community that wanted to say, hey, whatever you do, I think what they were saying was, don't make this mandatory. So I don't want to do an election for all those reasons. But this is a binary choice. That gives me the other choice. We can adopt the uber/lyft ordinance. I don't want to accept the Uber and Lyft ordinance, because I don't like that choice either.

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Now, the uber/lyft ordinance is very clear that there should not be mandatory fingerprinting as part of the background check. In fact, Uber and Lyft had told us for months that if we did mandatory fingerprinting, that they would leave the community. And that was, kind of, a design parameter that they gave to us. I think next week, as a practical matter, we need to take a vote on whether we want mandatory or not mandatory so that this council speaks on that issue and people get a chance to vote on that issue. I don't want to vote for mandatory now. I didn't want to vote for it in December. And my reason for that is that I don't think that -- what we've been hearing from our public safety people is that having rideshare companies at scale in our city contributes to the safety in our city because it helps take drunk drivers off the road. And that safety issue weighs heavily with me. But also, the safety issue weighs heavily with me that our public safety people told us that mandatory fingerprinting made for a safer community as well, both because of the bio-metric link, and because it increased their ability to be able to do a post-incident investigation. Which is why I thought we could be creative as a community and actually come up with an innovative answer to the question of how you provide rideshare drivers at

scale in a non-mandatory framework, such as would meet the requirements or business needs of a business model that would be presented to us by Uber and Lyft. And I think that we have

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succeeded in being able to do that, as I anticipated that we would. And we passed, last week, a construct that could deal with the sharing economies generally across lots of different platforms and areas. The first one we're addressing is rideshare, because that's the issue in front of us. But that brought together -- at this point, the people who were testifying in front of us in December are -- many of them -- lined up behind this creative Austin innovation. We have county wide and safe plate saying I think this is a better way to get to the safety concern that that community had than any other way. And we have the rideshare community -- ride scout, and Joseph coxer, and those people saying that they also agree. So we used that time, and we used that time well, to come up -- I think -- with what is a perfectly Austine innovation, creative way to look at these issues. What troubles me about the uber/lyft ordinance is that, you know, that was put on the table, and signatures were obtained, and the community was speaking on the question of mandatory. I don't think it would've been ultimately, mandatory. I understand the community speaking up on that issue. But we are being told that it is possible that some would argue that -- without expressing a legal opinion on that issue -- that some will argue that if we are to adopt a incentive program, an optional, voluntary incentive program, that we're

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labeling thumbs-up, for lack of a better name. People kind of understand what that is now -- that it's possible that some will argue that adopting the uber/lyft ordinance will preclude us from being able to do a voluntary incentive program. Now, I don't think that all of the people who signed the petition intended to take away from the city its ability to do a voluntary incentive program. But if we just adopt the uber/lyft ordinance, that might be -- some will argue -- the position that we end up with. In fact, some will argue that if we adopt the uber/lyft ordinance, that we're precluded from making any innovation in the tnc area, rideshare area, for two years. And then, if we adopt the uber/lyft ordinance, if we want to make any innovations or Austin ideas after two years, it requires a three-quarter supermajority vote of the city council to be able to do that. And again, I think that many of the people who signed the petition were intending to send the message that we shouldn't have a mandatory program -- which I agree with. And I hope that we take that position next week. I think there'll be some debate on that issue, and who knows -- I hope that -- I expect that's where we'll be. But I think that's why people signed that petition. I don't think they intended to take away from their government, their representatives, the ability to be able to innovate over the next two years, and then to make it hard to innovate forever thereafter. I don't think that that was what

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the intent was. We had, in our ordinance, the state -- for example, here's another example. The state allows -- sets the -- what the fees can be for rideshare companies at 2%. The ordinance we passed in December set the standard fee at 1%, said we can never charge more than 2%, and suggested that that second 1% be a fee that we use to support safety education programs in this city. Now, my personal belief is the best use of that 1% fee is to return it to the drivers, to return it to drivers who have chosen voluntarily to give their passengers the choice as to whether or not they get a fingerprinted driver, because some people feel more comfortable with that. And we could use that 1% fee to return hundreds of thousands of dollars to the drivers in our city. But the uber/lyft ordinance took out that

second 1%. They capped the fee not at the 2% that we had. So we had that additional 1% to be created and innovated with. It came out of the petition. I mean, it's not in the uber/lyft ordinance. And I don't think, again, that many of the people -- or a lot of the people -- who signed the petition intended to stop the council from being able to have access to some hundreds of thousands of dollars that we could return to drivers that were choosing to give their passengers that choice. Now, I don't know the answer to that question, but I look at the initiative, and I don't like

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that choice, either. So I think it would be possible for us as a council to -- I mean, we're faced with this binary choice. We either set an election, or we accept the uber/lyft ordinance as it's drafted. And I'll tell you what I'm toying with now. Since I don't like either of those choices, but what item -- I'm trying to toy with now is the concept of us adopting the Austin ordinance, the Austin innovation ordinance. We adopt an ordinance next week that is our ordinance. And we give ourselves the ability to be innovative. We give ourselves the ability to, if there's any question, to do an incentive program. We consider whether or not we want to be able to return to drivers hundreds of thousands of dollars that could be available to them, that may not be available, may not be available if we just adopt the uber/lyft. We take a look at what would be the ordinance that we would want to have. I don't believe that ordinance will require mandatory fingerprinting, because that's not where the votes are on the council. And then we set the election. The election at that point will not be about whether Uber and Lyft leave. They've told us that they will leave if we make it mandatory. If we make it real clear that it's not mandatory, then we're not dealing with that issue anymore. This election would be about should we have the ability to innovate. Should the council have the

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ability to know that it can put into place an optional incentive program that, by the way, I will add, parenthetically, by the terms of what we passed last week, cannot and would not take away from any driver access to any location or area that they currently have access to. But we can do other kind of incentives as well. I mean, safe place, if it wanted to incent that kind of behavior, could have a drawing for a car for drivers that were willing to make the choice to give people in the community a choice. And then the drivers who voluntarily decided to do that, there could be a drawing and they could give away a new car to the drivers that made that choice. And because of our ordinance we passed last week, we could publicize that. We could help support that. A right that some will argue would go away from us if we were just to adopt the uber/lyft ordinance. So, I would like to hear from the community. And I hope that I do over the next week. I hope we all do over the next week. I'm trying to discern what the community wants. Now, the community spoke very plainly with respect to -- or at least 20-some-odd thousand. Probably some number more. We don't know what number more. But a significant part of our community, in a very short period of time spoke and said don't make mandatory fingerprinting. And that's how I'll vote next week. But separate and apart from that issue, I'm trying to discern whether our community intended for us to lose the ability to

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innovate. And whether they wanted that ordinance, the uber/lyft ordinance, to be set in stone in a way that we can't change for two years, and can only change after that with a three-quarter vote. And for what's worth, I don't have answers here, but I just wanted to lay out for the council, kind of, what I'm wrestling with. Does anybody else want to address this issue while we're here? Ms. Houston. >>

Houston: Mayor, I appreciate you sharing your thoughts with us. And I really do appreciate the thoughtfulness that you've done. But it's my understanding -- and I may very well be wrong, because I'm not an attorney -- that we don't have but one choice or two choices. One is to adopt the ordinance as presented on the petition and the other one is to set an election. I don't know that we have a choice to put our own ordinance on a ballot. >> Mayor Adler: I think that you are correct. We don't have the choice to put our ordinance on the ballot. But there is nothing to stop this council from adopting its own ordinance. Now, if we were to adopt our own ordinance next week in addition to putting it on the ballot, and if the ballot became "Yes" in may, then it may invalidate all or part of whatever other ordinance we might adopt. But there's nothing to stop us from saying to the community, if you vote no, then you can see what the ordinance is going to be. And we can do that. >> Houston: And just one other thing is that I understand that you want more input from the community. What I'm fearful about is that I will get another 20,000 emails from transportation network companies, and we still won't hear from other people in the community. We will hear from people who are directly related to -- and it will clog up my inbox like it did the last time. So if you'd like to direct that

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specifically to your inbox, that's fine. But I'm trying to gather information from people who are not part of that platform business model. And they've not been heard, and they don't have the ability to tell people to send emails saying whatever they want them to say. And so there's a whole population of people. And we've been -- some of us have been mis-characterized as being old and out of -- and not the young people. And so I object to that characterization. But there are people in our community that do not have the capability to be able to send mass emails to the council saying we agree with fingerprinting, or whatever the issues are. And so that, again, puts people outside of this platform experience at a very limited -- not having a voice in this say. And I think having an election will give them that voice. >> Mayor Adler: So to be clear, and so that my request doesn't flood councilmember Houston's inbox, my email address is steve.adler@austintexas.gov. And the question I'm interested in hearing is not whether or not people want Uber and Lyft to stay here, because I intend to vote for a non-mandatory fingerprint next week. That is my intent, if I have that opportunity. What I'm more interested in hearing from the community on is, is it their intent that we not have the ability to do innovative things like the incentive program, like returning a fee to drivers. That's what I would like to hear. I would like to hear if the community does not want us to make sure that we preserve those options. Further discussion? Yes, Ms. Garza.

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>> Garza: I'm trying to understand what you are -- [laughing] Because you kind of went back and forth. It was like watching the bachelor, is he going to pick her, is he not going to pick her. [Laughing] >> Garza: Not that I watch that anymore. Are you saying that you're going to propose -- sorry. Are you saying you're going to propose something next week that changes the mandatory option, but you're also supportive of putting -- and also support putting this on the ballot? Is that what you said? >> Mayor Adler: I think that's an option that we have. And that's what I'm trying to think through. We have a binary choice, as Ms. Houston says. We can either accept the uber/lyft ordinance as it is, or we put that ordinance on the ballot. The variable that we have, that we can control, is do we pass our own ordinance other than the December ordinance. That's within our control. And what I'm suggesting is that we think through that option. One option is just to accept the uber/lyft ordinance. And another option is to put it on the election. And if we put it on the election, we also have the option of adopting our own ordinance that would be, in -- in effect until may, and could be in effect after may if the election

vote was no, we don't want the uber/lyft ordinance, we want the Austin innovation ordinance. We could present that choice to voters if that was something that was the will of the council. And I'm just throwing it out as an idea that I'm trying to think through. And that's where I want to hear from the community. >> Garza: And I'm -- I don't know. I feel like we're bargaining with ourselves. And we don't need to do that. I understand that you don't want

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to have to make that choice, but, I mean, we have hard choices to make on this council. One of them was saying that mandatory fingerprinting was important to us. And I'm not going to resay what I said last week, because I still believe that it's extremely important for public safety to have mandatory fingerprinting. I want to talk about the precedent -- and what you proposed, I have to say, it sounds good, but I always want to think of the practicality of will that work. And I don't see how it could. And I still do believe it goes back to having the two choices. And I don't think the people that signed that petition signed it because they said they didn't want to make fingerprinting mandatory. They signed that petition because they were told, your city council is trying to ban Uber. And that was not the case. We did nothing to ban or prohibit Uber from, you know, from operating here. And I have to speak to the broader issue of this company steamrolling through cities and local governments to bully their way to get their own regulations. And it's worked. It's worked for them in every single city except for one, Houston. Houston said, "We're not going to let you do that here. We're not going to let you bully us." And they're still there. Even though they threatened to leave, they're still there. This petition, with misleading information -- I was part of a grassroots effort for a petition. The very petition that put us all in office. I was part of that petition. And that was a grassroots effort. And this -- you know, councilmember Zimmerman spoke to how astonishing, in a complimentary way, how they were able to get all these signatures so quickly. Look at their finance report! \$30,000 specifically from the very companies that are seeking

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to buy their own regulation. So what precedent do we set here by just accepting that ordinance? We set the precedent, you know what it costs to buy your own regulation in Austin, Texas? \$30,000. So what's next? Samsung is going to start a petition because they don't like their Austin energy rates? The restaurant association's going to start a petition because they don't like being regulated and the fees that they have to pay? It only costs you \$30,000. So I really, really hope that we let the voters decide. There's nothing that precludes us from continuing all the other work that we can do, all the great work that our council can continue doing on this council. That doesn't stop. We keep doing that. We keep working because that's our job. This has been a huge distraction. And I think, you know, we have -- I think we can do the easy thing or we can do the right thing. And I think the right thing is to let the voters decide. I don't know why we're bargaining with ourselves. Let's just continue on the path that we were on. It was a 9-2 vote by this council. Continue that path and let the voters decide, you know, how -- what they want to do. I just -- you know, I'm raising a little girl. And if she ever comes home one day and says that someone is bullying her, I'm not going to say it's just going to be easier for you to let it happen, or maybe the teacher will figure it out, or maybe somebody will stick up for you. I'm going to tell her to fight back. I hope this council does that. Let the voters decide. We made our decision. It was a 9-2 vote. >> Mr. Mayor. >> Mayor Adler: Mr. Zimmerman is next. >> Zimmerman: Thank you, Mr. Mayor. I enjoyed your comments very much. You have a very good way of putting things. Let me first say about the binary choices. You have one or the other choice and you don't like either one. When it comes to binary choices, on behalf of all the software

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engineers, welcome to our world. Binary choices. To go back to your opening remarks about some of the public criticism that you've been working on, ruminating, deliberating on things you'd like to do before you come into public, frankly, I think you've set an inspiring example of carefully contemplating policy decisions before you bring to public. That's a great thing. I'm going to emulate you more, think about what you say before you say it. I don't follow the criticisms. I've heard some of them, too. I think they're crazy. Back to the point in front of us, when you talked about innovation, in my view, what started all this was a private company -- private companies -- that had an innovative model of rideshare, of providing rides for hire. So the innovation started in the business community. And this innovation of the tncs with Uber and Lyft has been embraced by the community. I don't think there's any question about that. So to me, innovation is not the right word to use when we talk about government regulation, because government regulation and government ordinances are about setting mandates, rules, laws, things that you have to do. Government is not about making choices. We already have god-given liberties and choices. You know, government is about taking away your choices. Government is about putting something on the books that mandate laws that restrict your freedom and liberties. I really think all this depends on how you frame it. And in one way, you can say the taxis had a business model in place. The consumers didn't like it. A company comes along and innovates with a great new technology. And that innovation threatens the old taxi franchise model. Some people say, they will never

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use a taxi. They wait for a friend, quack, -- walk, do anything before they get in a taxi again. There's a lot of angst about what's happened with the taxi business model not being able to keep up with technology. There's a clear consumer choice out there for tncs. And so I don't agree with the word "Innovation" used for government regulation that I think our constituents largely did not ask for. I'm going to repeat that. When I knocked on thousands of doors in district 6, probably 95% of them demanded traffic congestion relief. 90 to 95%. We need congestion relief. And the second thing was affordability. It costs too much to live in Austin. Those are what the voters asked for. And this really -- this whole thing about the tncs, in my book, has been a huge distraction. The voters didn't ask us to do it. We shouldn't have gone here in the first place. We should've stayed with the original Leffingwell law, for lack of a better term, the tnc ordinance that was already on the books and working. There was no reason for us to go here in the first place. So in my view, we inter-feed inter-speared with a successful business model. Now we have an expensive election for the voters to say we don't like what you did. I have to agree with councilmember Gallo that this probably needs to go to the voters. I don't want it to go to the voters. I'm going to move that we adopt it because I'd like to save 500 to \$800,000. I think that the measure will pass. I think the voters are going to vote for it, but no one knows that. But I'd like to save that money for the election. But, you know, I think we're headed to a may election. And it does give the chance to voters not just to say whether they want the existing tnc ordinance or not, but by what margin. I think there's a big difference between a vote that's 51 to 49% versus a vote that might be

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60/40 or 70/30. So I think the quantity of votes is important, too. I don't think we're going to get that. I don't think we're going to get a quantifiable measurement without going to the voters. So. >> I might just step in and mention, you mentioned my name instead of councilmember Garza's name, who did the articulate reflection I think you were referring to. Don't worry, the mayor gets me confused with other

people all the time. >> Mayor Adler: Ms. Kitchen. You need to turn on your microphone. >> Kitchen: Make an observation. Later, after our conversation, I think we need to be clear on what our process is going to be on Thursday, and also next week. But we can talk about that after we have our conversation. You know, for me, this has always been about safety. And the decision that it is within our responsibility -- not within our responsibility, it is our job and our responsibility to make a determination about public safety. And that's what this has all been about from my perspective. I think we've had a number of binary choices all along the way. And those binary choices are because we are faced with companies that want to maintain their business model, and so they have put us in boxes that have involved a number of binary choices. That first binary choice that I've been talking about for a while that I think is something that we have worked very hard as a council to get out of is pitting the risk of assault -- the risk of sexual assault, which I think is an important risk in our community that we need to continue to recognize -- the risk -- pitting the risk of assault against the risk of DUI, against the real desire in our community to have good transportation choices. And that is the kind of choice -- those are the kinds of choices we should not be making. And we've been talking about how as a community we can get outside that box, and how we can reduce our risk of assault,

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reduce our risk of DUI, and make sure that we have transportation choices. So our next binary choice box has been this mandatory versus voluntary. And that's because that's what's more -- that's easier for people to understand. But what we ended up with was not mandatory or voluntary. What we ended up with, in two very innovative ordinances, is what we did in December, and then what we did most recently with the thumbs-up badge. And that's all been about how do we reach our goal of fingerprinting as a public safety goal in a way that is real, is not just a few people being fingerprinted. In our December ordinance, we said we were setting benchmarks. And we wanted to try those benchmarks. So we set up a way to demonstrate to the community and work towards a goal of reaching fingerprints for all. But we didn't say in that ordinance that on day one everybody had to be fingerprinted in. What we did is, we set a very reasonable goal for may of 25%. That was a goal. Those were benchmarks. So putting that into a box does a disservice to the kind of innovation that the council has been trying to work towards. And then the thumbs-up badge is another very innovative program that looks at what we can do in the whole peer-to-peer economy from a safety perspective, and also speaks to how we can get there from ground transportation. So, from my perspective, I think that this council has worked very hard with the community to consider how we can protect public safety. And I think what we've got on the books already is two very innovative ways to do that. Both the ordinance we adopted in December and the badge program that we adopted 9-2. Now, I understand that people may challenge that. But I also feel like at this

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point, we have companies that -- I don't know that they're ever going to say that they will agree to what we are wanting to do. I mean, Uber came out recently and just said that they didn't like the badge program, which is clearly a voluntary program. So the determining factor for me has to be what is our responsibility as public safety. Have we gotten there. And I think we've gotten there with what we've got on the books right now. So then what do we do about this choice that we're forced with right now? Do we adopt their petition, or do we go forward with putting it on the ballot? And to my mind, I don't think that people -- we can all speculate about why people sign the petition. I know that at least part of it, from what I've heard, is because the tncs were telling them they were going to leave. And the public was put into a binary choice, also. [Chuckling] So when I make my decision -- and I'm not prepared to speak

to that now -- I'm going to say that I think that we have to move towards the goals we set in December, which was fingerprinting. And some people have called it fingerprinting at scale. I think we've got two approaches in our December ordinance and what we did with the badge that can get us there. And I think we need to implement it. Now, whether or not we adopt or put on the -- adopt their ordinance or put on the ballot, I haven't yet determined. I do think that adopting their ordinance does not mean that we cannot move forward with the badge program. So, that's where I'm thinking right now. >> Mayor Adler: Ms. Gallo, did you want to speak? Okay. Ms. Troxclair. >> Troxclair: First I want -- it's been repeated by the mayor and some of the other councilmembers that they've

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called the language that's in the citizens petition the "uber/lyft ordinance." And you can call that language a lot of things, but actually, the uber/lyft ordinance is not one of them. You can call it the ordinance that the previous council passed, which would've been written by city legal. So you could call it the city legal ordinance. You could call it the previous city council ordinance. Or you could call it the citizens' ordinance, since it was the language that was in the citizens' petition. So, I hope that going forward, we refer to the petition -- the language that's in the citizens' petition as the citizens' language. Number 2, there have been statements that we were required by the previous council to repeal or amend what they had put in place. And actually, if you go back and look at that ordinance, we were absolutely not required to do that. What we were required to do was to review the ordinances, which was completely reasonable. And then it goes on to say that the council may amend. May amend. So, review to see if they're working, and may amend. But certainly, there was no mandate that we make these significant changes that we're making now. The third thing that I wanted to respond to in the mayor's comments was the idea that somehow a 2% cap on revenue would allow the city to monetarily incentivize drivers. First of all, that 2% cap was not a cap that was placed on the city by the council in December. The 2% cap is state law. State law says that a city cannot charge transportation networking companies more than 2% of their revenue. And, in fact, the previous regulation that the tncs had been operating under was 0% revenue. So either way, even -- and that

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was one of the things that actually the citizens' petition added to the previous council's ordinance. They added 1% of tnc revenue would be paid to the city, because I think that ridesharing works found that to be a reasonable request to be able to cover the cost of regulation. So if the mayor's intent is to be able to have a pot of money to incentivize drivers, that can be done well within the 1% that is already outlined in the citizens' petition. Already the city is going to have hundreds of thousands of dollars more from tnc revenues than we did last year. Already if the city chooses to provide incentives to anything -- I mean, the idea that we would have to -- or that voters should reject something that only allows the city to collect 1% instead of 2%, because that somehow is going to prohibit drivers from receiving incentives, is just inaccurate. Number 4, this comment of innovation, this word innovation, just keeps getting thrown around. And maybe councilmember Zimmerman has already kind of made my point, but I don't think that government mandates have ever in the history of the world been considered innovative. [Laughing] What is innovative is when there is a demand for service. There's an industry that has not been innovative, and has had the same business model for decades and decades, and a private company sees that demand in the free market and creates a product that fills that demand so the mayor said something about that he's curious if the community wanted us to continue to be innovative.

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I think that the people who signed that petition already answered that question. They feel like the current system is working well. They feel like the system that had been working well for the past year, year and a half, was adequate. And they didn't want us to continue to further regulating it -- further regulate it. And I guess along those same lines is there's nothing -- there's no need for government regulation to -- for a private company to offer certain incentives. To incentivize behavior that they feel like fills a demand in the market, but again there has been no demand for fingerprinting. And in fact, your example about safe place and giving away a free car, there's no -- nothing -- absolutely nothing stopping safe place right now from offering a free car to a taxi driver who undergoes fingerprinting. I'm sure that they would be happy to have that opportunity. And it does not take government regulation from the Austin city council in order for entities to do that on their own. And I guess my last point is this idea of bullying. I mean, obviously we're each going to have different ideas of what that term means based on the side of this issue that we're on, but I have to say from my perspective and from the perspective of the many people who I've talked to in my district, across the city, who have emailed, called me, who have communicated with me on a number of different ways, they feel bullied by the city council. All the people that signed that petition thought, we haven't been able to get the city council to listen to us so we're going to use this citizens petition as a tool to force them to listen to what we have to say on this issue and to force them to understand that ride sharing is working well for Austin

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and we want them to stop overregulating this and we want them to stop wasting their time impeding on something that has been good for our city. Those people, those -- it doesn't matter if it's 25, it doesn't matter if it's 65. I mean, I don't know how many people are out there, but at least myself and the other - I will say 25,000 people who signed that citizens petition, feel bully bid this council. They feel like they have sent a clear message that they thought -- they thought could not be ignored. We are trying to thread a creative legal, trying to come up with ways to go around this election and try everything in our power to ignore them. And -- yeah, bullying goes both ways. >> Mr. Renteria? >> Renteria: You know, I'm going to support for election. I think it's time to just -- when I was approached by these petitioners that came to me and said do you want to sign a signature to keep Uber and Lyft here in town, that's all they was telling people there at a retreat that I was having down at fifth street and they were coming through and asking all the young people. So so I'm not afraid to take them on. I wanted to sit down there and compromise and work with you, mayor, on the option, voluntary fingerprints, but I feel like they're really trying to push us around. And I know my district -- I don't know about you other people here, but my district is not going to support Lyft or Uber to push us around like they're doing. And I have done my survey there and I'm not afraid because I think that I know out of my district they're

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going to lose. >> Mayor Adler: I'm going to conclude real fast with a couple of real quick comments. The first is that in this entire debate with respect to this issue, I'm going to be governed by safety as well. And I think that I take to heart the safety advocates's letter that came from safe place. We're having surveyed the options on the field. Safe place is saying now, Kelly white, that the best way to achieve safety in this city is with a non-mandatory incentive program, which is how I read her letter. Because I don't want to choose between two different safety concerns. And that's why I'm guided in that direction. I'll also say that I'm not prepared to -- I'm not prepared at this point to demonize Uber and Lyft. I think they came to us with a clear parameter of what they think it was. If you make it mandatory they think it doesn't work with their business model. I've gone back behind and looked at that and I can

see an argument why it would impact peer to peer sharing economies across wide platforms. When you look at all the different entrants in that field. So working within those constraints, I think we've come up with something that is even better than where we started. I am not requiring Uber and Lyft to participate in this program. I'm not asking Uber and Lyft to participate in this program. That's their choice. Certainly I -- I would love them to make that choice, and my door remains open to them. But I have to be focused on what it is that drives

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safety in this community, and it is my personal belief that the best way to get to fingerprinted drivers at scale in this city, so as to give people that option, that choice if they feel most comfortable, is on the avenue that I've described. And that's why I'm going to support that. And finally I would mention two things. This city council is the people's council. This 10-1 council was elected by a combined vote that is greater than any city council has ever achieved in the history of this city. It dwarfs the number of signatures that show up on any of the petitions. This is the people's council. This is a 10-1 council, and I am proud to be part of this council. And I think that it is representing the constituencies and the ideas across this city well. And I reject the premise that government cannot be innovative or creative or learn and adapt as the economies around it change. I think the suggestion that we can't adapt or that we're bound by mandatory structures, that's old thought. That's how governments used to be, but I don't think that is the future. And I would like to be part of Austin, helping to blaze the way for how governments can operate in the future. Anything else? Then we'll go -- >> Kitchen: I'm sorry. I just think we need to discuss process before we move off of this topic.

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>> Mayor Adler: Okay. >> Kitchen: And it may be that we don't know the process right now, and that's okay. But I think that we need to set expectations about when we want to vote and we need to also set expectations about how we're going to -- whether we have public comment or what we're going to be doing at the meeting. I think you mentioned earlier, which I agree with, that I would like to take additional time and so that we would vote on the 11th. If I understood you correctly. >> Mayor Adler: I would suggest that we suggest to the community that we're not going to take any voting action on Thursday so that we won't open it up. There won't be a public hearing on Thursday because there won't be any action that's taken. I will try to -- if I start coming up with suggestions for specific ordinances or specific ideas or specific thoughts, I'll endeavor to try to get especially up on the bulletin board as quickly as I can. But at this point my suggestion would be that it doesn't even get brought up at our meeting on Thursday unless and only if people while we have the council present they say while I have everybody here I want to throw out this idea or this thought. I think that would be okay, but not for us to take any action. That it's back on our agenda on Tuesday for us to engage in a conversation like this again. And that we take action on Thursday. We could probably decide on Tuesday whether or what degree to open up to a public hearing based on whether or not there are new ideas or whatever presented at that time. Mayor pro tem? >> Tovo: I think I just need to understand why we're putting off that decision for a week. Because at the end of the day we still have to make a choice between adopting the existing ordinance or calling an election. And so if somebody could really briefly summarize, is it that we feel we need more time to consider which of those two choices individually we want to support? >> Mayor Adler: For me the

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vote on whether to set the election, not set the election, depends in part on -- I think as I sit here -- what our ordinance is going to be is what happens if there's a no vote? And I would like the opportunity to be able to present an idea for the council to consider on what that ordinance would look like. And that can't be done on Thursday. >> Tovo: Okay, thanks. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. I'm thinking more process too. It's a very passionate issue, obviously. Considering all the testimony we've had and the room filling up with people, do we want to have an agenda item for the community to be heard on whether they want to spend the money for an election or not? And it's just as a separate item, irrespective of whether you come up with something new next week? And would we do that at a special meeting because that could easily drag out into hours of time and push us into another 1:00 in the morning meeting. That's how we get into these late meetings. >> Mayor Adler: Mayor pro tem? >> Tovo: Councilmember Zimmerman, there's an item on our agenda to call an election, so that's the appropriate agenda item for the public to sign up and talk about whether that's the right option for the city. So whether we take that item up Thursday or next Thursday, that's the agenda item that would prompt that feedback. >> Zimmerman: Are we contemplating to hold that because we could have hundreds of people sign up for that. But we could have a special meeting day on that -- a special meeting time or a special meeting segment just to deal with that so that our regular meeting doesn't get drawn out by hours. Is that something the council would consider, a special meeting date to deliberate on it? No? Okay. >> Mayor Adler: Ms. Garza?

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>> Garza: I guess to kind of speak to that, I guess I thought why this issue would have been best on this agenda because it's such -- it's not a bear of an agenda. It's a really short agenda. It wasn't last week. If -- I would suspect most of us know where we are and we have that vote on Thursday, and then obviously if the vote is go to an election, the mayor could still propose whatever he wanted to do in the meantime to see what the outcome of the election is. If the decision is adopt their language. I guess I don't understand the timeline either. >> Kitchen: Can I make a suggestion? The other thing to think about is we have talked about the importance of providing time to hear from people and also think about things. So we could have a hearing on Thursday and then vote on the 11th. We don't have to put them at the same time. I do think councilmember Zimmerman is raising a good point. Whenever we do it, and we need to be mindful of the time it will take and people's opportunity to come and talk and that needs to be set at a reasonable time. >> Mayor Adler: Mr. Casar? >> Casar: I think that all of the ideas processwise on public comment, I'm open and interested in hearing those, but I do think that it's important -- it would be important for me to have until Thursday next, not to think about the election or not election, because it seems to me from this discussion that from a variety of reasons, no matter where you're coming from on this issue, it seems like there's a quite of bit of interest despite the fiscal implications of having folks decide in may once and for all sort of what the final ordinance language might be. But rather if we set an election, the election is between what is the ordinances on the books, regulating tnccs and what is on the initiative

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petition. And I think for the public's clarity and for our own clarity for that all to get decided on one day on the 11th makes a lot of sense to what that choice is because the-- otherwise we're going to keep working on this all the way through may and that would be confusing, and also tire some. But if we can just set on the 11th, okay, this is what the city's policy is and this is what the initiative petition is, here are the differences and set it for an election and the election is between those differences, I think that will provide some clarity and allow us to mover on on. >> Mayor Adler: Ms. Houston? >> Houston: I was

going to say that the public hearing concerns me. We've had multiple public hearings. The transportation network companies are able through their platforms to get thousands of people here to flood the council chambers. We're still not hearing from the other people and so rather than try to mask, get people to come in to city hall, I'd rather have them just go to the polls and vote because that's the one time that they can express their concerns. We have it during the day, very few people who live in my community are going to be able to get here, who have expressed concerns to me about not only the public safety issue with the fingerprinting, but also about insurance. People are not clear about what that is and whether or not there are requirements for us and do we have data to substantiate whether or not it's your personal liability insurance or whether you have a huge commercial policy. There's so many issues out there that the general public, not the people that use the transportation network companies, but the other people that they don't understand and haven't had time to process. So I think it's more we need to be providing the kind of information to help people make informed decisions when they go to the polls. >> Mayor Adler: Okay. I think the question for us is Teed up on this conversation. My sense is we're not going

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to vote on this until the 11th so we can make real clear what it is that the choice in the community is between. If we vote to go to an election. I think the question is one Ms. Kitchen put on is whether we take public testimony on Thursday of this week. Recognizing that we're not going to vote until the following week. Whether we take public testimony and whether we omit that testimony in any way. Ms. Pool. >> Pool: I just want to emphasize what councilmember Houston has now said twice this morning, and that is that the people that we are not hearing from, and I think she's right. The people that we are hearing from we don't actually know if they live in Austin. My guess is a lot of thousands of emails that I got in my inbox from -- on this issue were generated from outside of Austin. And that is significant and important. For testimony to be important to us here with this body because we -- we're not a thing, this government. We are us 11 people. So government is not a thing. It is a process and it is a process of people. And we represent those folks who voted for us to come here and bring our best efforts to resolve tough and wiry problems. So my concern as the representative, duly elected representative of district 7 is to specifically hear from my community and those are the people who are austinite. They might live in district 7, they might live in district 3, but they're austinites. Those are the people that we should be listening to and those are the people that I want to hear from. >> Mayor Adler: Mayor pro tem. >> Tovo: I'm inclined to go with the suggestion that we open up the public hearing this week and allow people to speak.

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It also affords them the opportunity if they can't come next week. We might set some parameters on that. Like if you speak this week, you don't get an opportunity to speak next week, but there may be some people who want to wait and see what else is on the agenda and make their comments next week. And generally I think we should consider for topics where we have a large number of people maybe having a tiered time system like the planning commission used to do. I don't know if they still do, but the first certain number of speakers get to speak for three minutes or two minutes. And then after that point it's just a one minute. Maybe we can make that based on how many people we have signed up. I like offering everybody the opportunity to speak, but I do feel like after we're about an hour into a conversation sometimes you need less time to convey your point because so many points have been made by earlier speakers. >> Pool: And mayor, if I could just tag on to that. I would like to emphasize that the people we would like to hear from are people who live in Austin. >> I want to clarify it's not a

public hearing because this is something put on by the clerk's office so you can change the way the public speakers' time is determined. The only time constraint is both of these items, adopting the ordinance or having an election is on this week so the public can talk about it. If you're going to adopt a petition you need to adopt the ordinance and petition you need to do it by the 14th and if you're going to call an election it has to be by the 19th and they're both done by ordinance. >> Mayor Adler: And if we were to adopt an ordinance or amendments to the December ordinance, do we have a public hearing on that? >> It would be the same way, it would be set on the agenda and people could come and talk. It's not a public hearing under state law. That's -- >> Mayor Adler: To pass an ordinance. >> Houston: Mayor, I would also like to -- regarding the public hearing, I would like to suggest that we have one for and one against and not everybody for.

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Either thing. I just want to have a balance. I don't want to be overwhelmed with what we've been overwhelmed with, a lot of people supporting the legal petition, the citizens petition, the language. I want to have a balance. So one for, one against. One for, one against so that it's a balance. >> Mayor Adler: Let's do this. What I would propose is that we go ahead and have public testimony this week. That we adopt a rule that says you can either speak this week or you can speak next week, but you can't speak both weeks. Recognizing that some of the people who speak this week may be speaking before some of the ideas or ordinances, suggestions are baked and available. But let give people the opportunity this week to speak and let me work -- take some suggestions from the mayor pro tem and see if I can come with suggestions and we'll see what the number looks like in people that are signing up in order to make it so that we do it in a way that's equitable and fair and responsive to the comments that we made at the dais. Ms. Gallo? >> Gallo: We've been talking about this in the mobility committee first of all. So it has-- the discussion has been in the mobility committee. I think that we have just seen the clerk's office spend a lot of time in validating the petition. I see a lot of time -- as we look at the process that happens when we have a lot of speakers, when they come before the council, it's not-- it's a little confusing and I think we're adding another level of confusion to it if we say that if you speak this week you can't speak next week. Then somebody's got to figure out if they speak this week. Is that the clerk's office? We've already taken up a lot of their time with the petition validation. To me -- and we talked last week about trying to make an

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effort to have our meetings end at 10:00 and have better meeting management. So to me we either choose to speak one day or the other, but not both because I think the process of determining if you've spoken one week and can't speak the next week seems very complicated in the process of public speakers, in the process that happens now already in the meetings. So I would not -- I would support more the opportunity of let's choose when they can speak and then that's it. And it's one day or the other, but not two options. We've just got to manage our meetings better. And my fear is that we're going to spend a lot of time if we can shorten the amount of time that speakers are allowed to speak, I think that's appropriate with this because I think all of us know that we're going to a lot of speakers on this issue? >> How hard is it to -- if we were to adopt something that said you can speak one or the other or not both, is that hard for your office to do? >> It's not difficult. We've done it in the past on occasion on a couple of the big items for the previous council. What we would do is print out a list of all of those who spoke this week and if we saw them sign up for the next meeting we just switch and the speakers sign up that they don't want to speak for the next meeting. It's a very similar process that we go through when we're sitting in the chambers looking for people who signed up multiple times to speak. And

removing them as well. >> Mayor Adler: Could we also adopt a rule that says that when the item is called, no one else can sign up? >> Council could, yes. I think that -- >> Once the item is pulled up, isn't the speaker sign-up closed? >> Typically the speaker sign-up system is left over for registration up to the point that the last speaker gets called up. And then once council starts

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deliberating no more speakers are taken. >> Mayor Adler: Okay. So since it's something that the clerk can do, I'd suggest we still call it up in both meetings. I think that will help us with time management in both meetings. And I would probably also ask you us to consider that the list gets cutoff when the item is laid out. Ms. Garza? >> >> Garza: I guess I would suggest a time certain because the regular -- people who aren't working for these companies, they are able to come, but then they can't stick around. So I would suggest a firm time certain, maybe 6:00, and whatever else we're doing at that time we take up at 6:00. And since we're allowing testimony the next meeting, allow one hour. We'll do one hour of public testimony, starting at 6:00, and then we'll be done at 7:00 at that point. And then that hasn't limited the number of people that can speak because then we can decide how we're going to take testimony on the next week would be a suggestion. >> Mayor Adler: Yes. Ms. Pool. Pool and building on that, it wasn't that there weren't other people that weren't able to talk, how many people were for and against we weren't able to hear from. That also becomes part of the record. >> Mayor Adler: Mayor pro tem. >> Tovo: Inch I want to add a parameter about speaking. I know you mentioned last week about the length of our meeting. I've been reflecting on meeting management and it's always -- it's a discussion the previous discussion had too. It's a delicate balance between providing people the opportunity to speak and cutting the meetings -- getting the meetings shorter. So one option I think we should consider is having topics that bleed over to another meeting, but trying to figure out earlier in the meeting which items aren't going to come up so that we

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can let people go home so they're not waiting eight hours and not having an opportunity to speak. I appreciate the council considering these suggestions. And again, tiering the time I think is helpful. I also think for an item like this, I think for an item like short-term rentals, for items that we talk about in a variety of settings over a long period of time, I think we really need to set clear parameters of what people can talk about. If we're talking about a postponement they can get up and talk about a postponement. And the minute they veer from that, they're asked, please get back on topic. We're just talking about a postponement. And here this is a pretty -- these are two pretty discrete topics within a much broader topic and I think we should ask the public to respect that we're soliciting their feedback about those two options. And not about transportation more generally, network companies more generally, mobility more generally. Very specific to the two agenda items that are before us. So those are just additional -- that is an additional parameter I would suggest. >> Mayor Adler: I like that parameter on this one. The last point I need to think about, because I think what will be in play will be do we also change the ordinance to determine what it is if there's a no vote so I would have to determine how that works. >> Gallo: And I want to really clarify, in my comments about our meetings not lasting later than 10:00, it's not a comment that is 2001 says I think we need to reduce public comment. I just think at the point we get to 10:00 then what we haven't taken up gets delayed to the next meeting. So it's certainly not a statement to avoid having public comment. It's just saying that it's a disservice to our community when the only option they have for public comment is at 2:30 in the middle of the night. >> Mayor Adler: So my suggestion would be that we go to the six P.M. Time certain, that we tell people if you speak this week you don't speak next week. Let me think through some of the

parameters and how we can lay these out, but that would be the choice, people would need notice for ahead of time. We'll call this at 6:00 P.M. Won't be taking action probably this week.

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You can speak next week, but you will have to choose between those two scheduled meetings. >> Kitchen: One last thing. I appreciate that you're wanting to take some opportunity to think about if you would like to propose some changes to the ordinance. But I think we need to -- I know you will do this, but just for setting expectations I think it would be important that if there's going to be any other proposed ordinance that we have that before the work session next week. And I also think that for the parameters for the public comment, my suggestion would be that for this Thursday because don't have anything else in front limited to put it on the ballot or not. And if there's other language being brought forward I think it's important to have that in front of us and in front of the public before we're taking comment on it because otherwise we're going to end up with there's no way to focus the comment and the public has no idea what to comment on if we don't have an ordinance in front of them. >> Mayor Adler: I'm uncomfortable with the last thing because I would want to ask people that question. I would want to say would you want people to be able to have a choice that would express this in very broad terms. So if someone comes up and speaks I would like to hear them speak so that they weren't only having a choice between the Uber Lyft ordinance or the. >> Kitchen: But a choice of what? >> I'll lay out some parameters, even if I don't have an ordinance. What I'm talking about is us adopting something that very clearly and explicitly is not mandatory. >> I think that -- >> Mayor Adler: And which allows for very specifically provides for us to be innovative in the choices that we make. >> Kitchen: We have two ordinances on the books right now.

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The badge ordinance and the ordinance that's in December. My fear is if we're not clear on what we're asking people to comment on then we will come away with information that we will all be speculating on what it meant and we won't really know what it meant. So I really appreciate and want to provide the time for you to think through because I appreciate you bringing forward ideas. I just want to caution that I'm concerned about a hearing on Thursday asking people to comment on something where it's not clear what they're commenting on. And also I think that if we're asking them to comment on what ordinance they want, then we also have to recognize that we did pass the badge and we also do have language in our December ordinance. So anyway, if you just think about that in how we lay it out, I'm concerned if we are not clear we won't achieve our goal for ourselves or the public in terms of understanding what they would like to do. >> Mayor Adler: And let me see if I can add clarity to that additional element that I would like to hear people speak to. >> Pool: Just one thing on the 6:00. I would say if we have finished with our proclamations. Because people do come down for that. That we generally start at 5:30 and I don't want anyone to think that we're not going to complete that portion of our meeting. Normally it is about 6:30, but at whatever time it is, I want us to be really clear we are not going to short-circuit our planned proclamations. >> And just to be clear when you have a time certain it means you cannot start before. You can always start afterwards. It would come after the proclamations. >> Mayor Adler: So the issue that was raised here was because the agenda is relative short, do we want to set two times when people can talk so that people who couldn't get there at six

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P.M. And who wanted to get there earlier in the day would have a chance to speak and wouldn't have to

speaking at 6:00 because we may have worked our way through the entire agenda earlier in the day attending recessing for proclamations and music. If we could set public hearing in this to both be at 3:00 and at 6:00 so that people could show up at 3:00 with an expectation they could testify then and be gone, but with the understanding that we will not close public testimony and that we will reopen it again at 6:30 or 6:45 so that people can speak then as well. Yes. >> Troxclair: Should we just go ahead and set it for 3:00? >> Mayor Adler: That would make sense to me with the understanding that we're not going to close it so anybody who can't be there at 3:00 would know that we were going to give them another opportunity to speak at 6:30 or 6:45. >> Troxclair: I guess my only thought of that is number one it might be confusing to some people. And I think the people that show up at 3:00 probably also want to hear the council conversation and any votes on the issue that they can't speak about. So my preference would be knowing the length of our agenda and wanting to accommodate people and not wanting to be here until past 10:00, that we just set it for 3:00, 4:00, some time before proclamations so we can have an actual time certain and give people expectations of when they should be here. >> Garza: I suggested 6:00 because some people can't get out of work to come here at 3:00. So with the concern about proclamations, I don't like the idea of splitting it up. I think we should just listen to it all at once. If we're done with everything and we have to come back, we have to come back.

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6:30 to 7:30, we're done at 7:30. >> Houston: and mayor, are we going to vote on this this Thursday or the following Thursday? >> Mayor Adler: The following Thursday. >> Houston: I just want to be clear. This is just -- >> Mayor Adler: Just to take public testimony. Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. If we're doing a straw poll I concur with councilmember Garza on this. Just set it at 6:00 or 6:30. >> Zimmerman: Set it at 6:30. >> Mayor Adler: Anyone want to argue count do that. So I think the public will be well advised that we will set this for a time certain at 6:30. Okay. I think that gets us past this issue. Let's have the briefing from the auditor on the departmental review process. >> Casar: Mayor, as the auditor comes up, I would like to express that I would like to discuss the committee work even if we aren't -- even if there isn't a sense that we aren't able to discuss on Thursday, I think it's important enough for us to start talking about it because urgent things will always get in the way. >> Mayor Adler: Corrie, do you want to take this? >> Sure. >> Mayor Adler: By the way, before you start, I want to say that it's my understanding that items 19 and 48 are going to be postponed at Paul's request. Not quite ready for us to consider. That's items 19 and 48. And also councilmember Pool, I think you need to leave here shortly, so you're obviously excused when you need to get up and go. >> Pool: Thank you. >> Mayor Adler: Corrie. >> Okay. Corrie Stokes, city auditor. This briefing is about the results of a departmental

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review working group. Basically a departmental review item was approved as part of the content menu in the fiscal year '16 budget. Following that the city manager created the office of performance management to conduct departmental budget reviews. There was some discussion about that at a work session in December. And you, mayor, formed a working group, the members listed here, to discuss additional approaches to departmental reduce. During that discussion essentially -- I think one of the things that came up was that the audits that my office does typically focus on one aspect of a program or issue and may not be as broad or cross-cutting. And there may be a desire for more broadly focused work either by my office or by an outside consultant. During those discussions, I think several topics were discussed, but affordability was raised as a potential topic for this type of review. So in those discussions basically the next step then was a proposal in terms of how one would conduct that type of

review. If you were going to do a cross-cutting review of a topic, and I think the sucker report was -- Zucker report was something referred to as a model for work done by whether it's an outside consultant or within our office, a cross-cutting review looking at a particular issue. So you have two documents in front of you. One is just a copy of the slides in the event that you also have the captioning on yours down there. But the other document is a more detailed proposal. Obviously this is still very high level. The assignment to me was how would you do this, how would you approach this? And then the discussions of the working group we talked about perhaps a phased approach, where we would spend some time in the first phase,

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identifying factors that drive affordability for residents really getting in and understanding basically a problem definition is what I would call this. And summarize some of the current approaches that are being used within the city. I think this is the kind of work that could be done within my office without the use of an outside expert or at least without the use solely of an outside expert. And the concept would be to do that within calendar year 2016. Just a quick note here, special projects. When we do that kind of work those aren't audits so we don't draw conclusions or make recommendations about effectiveness. We're just providing information in that and that's what I've proposed as phase 1. Phase 2 is really the concept of evaluating effectiveness in a cross-cutting area and with affordability on the table as it's been discussed today as one of the issues that's come up a lot for Austin recently. So phase 2 would be really to evaluate the effectiveness of current approaches, identify ways the city can maximize its impact on affordability and the discussion of the working group was to have that -- to do that in conjunction with an outside consultant. Following completion of phase 1, which provides key information for this second phase. I forgot that's my last slide, but I'm happy to take questions or the rest of the working group please elaborate if I missed something. >> Mayor Adler: Let me take a first stab at this and then mayor pro tem, can you join or add. We had originally adopted money in our budget to do kind of a department review. Some had referred to it as a sunset review, but it was the concept of taking a look at what we do as a city. The conversation then turned into do we want to do search and rescue department or should we go cross-department based on a topic. The manager came forward with how he was going to be responsive to that same kind

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of topic and let us know what he was doing internally within his department, within staff, and I think that what the manager proposed looks great and I'm real anxious to -- for that process to run and for you to tell us what you learned and what you recommend we do that -- so that we can do better. And bring that stuff back to the council. You also said you could do that within the budget that you had. So that then gave us budget money that we had to be able to deploy in the working group when he in order to complement what it was that the management was doing. We talked to the auditor and said we kept talking about affordability. We hear affordability in lots of different kinds of conversations. Wouldn't it be helpful if we asked our auditor to actually look at affordability, not with respect to any one issue, but to look at how the city generally deals with affordability, what we're doing that contributes, what we're doing that is intended to help? Does it really help? Just to say go look at what the city's doing and look at the city under the framework of affordability. And then it wouldn't be back to us for this budget season, but for the budget season that follows from that it might help us with priorities or making decisions. So I like that concept that came out of the working group. The working group, by the way, had our auditor and me and the mayor pro tem and it also had city staff and the folks that were organizing the city manager's effort in that regard. And I just think that this would be a really good thing for us to do to

really take a look at affordability cross-department with an outside eye. That might help give us better information to be able to set competing priorities or to really understand what we're doing. Mayor pro tem, do you want to add anything to that? >> Tovo: I think you've covered the course of our

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discussion and I believe that this -- that we've talked in our working group about how to wrap our hands around it. I think it will start by looking first at the existing work that's been done so that we're not hiring a consultant to replicate any of what we know we might consider as a city. We've had various task forces and various efforts to identify things that the city could do to, for example, preserve existing affordable housing or existing housing that is more affordable than market rate and some other things. So I hope that that initial groundwork will help us really have a good understanding of what solutions have already been suggested to the council that we might not yet have implemented. And then really advance -- you know, move on from that base and advance our understanding of what else we might consider. >> Mayor Adler: There's no action item before us today. I had told the council we would form this working group and come back. I think the next step is to come back to the council with an amendment to the audit plan, which would contain the particulars on this that we would endeavor to bring back to the council as an action item. Ms. Kitchen and then Ms. Gallo. >> Kitchen: I want to understand more of the scope of the review that we would be talking about. Would we be looking at policies? Would we be looking at operations? What's the thinking in terms of the scope? >> I think as currently laid out in phase one, we would be looking at -- really I think we would be looking at residents first. So absent policies and approaches and programs we have in place, just looking at what is it really by area? What drives affordability, what drives cost of living for our Austin are these? So to collect that information and then the second piece of that first-phase would be to look at what programs does the city have in place to address

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those various areas that have been identified as drivers. But that would definitely encompass -- it's a large scope review for sure. That would definitely encompass policies as well as programs in place and even initiatives outside of the city of Austin's control as well. >> Kitchen: What I would think would be useful about this would be to look deeper and look deeper than the programs that we might normally think of as affordability. And also to look into, you know, how we're working across departments, which I think is very helpful. Because if we don't do that then I think it may -- runs the risk of being duplicative of what we already know. And what we might -- in other words, we've got programs to address affordability like our customer assistance program and things like that. We know that. But I'm not saying don't list all those. It's just that the -- there's another level of detail in terms of affordability and another level down in terms of if we do -- if we make a transportation policies, they can impact affordability and other things like that. So I just want to make sure that we make it worth our while from a scope perspective. >> Ms. Gallo. >> Gallo: You know, one of the things that I think we've been aware of too is that we kind of have an affordability unit desert in a lot of the districts that are west of mopac, west of I-35. So one of the things I would hope that we continue to evaluate is that as we provide affordability that we're able to continuously see how that's impacting the districts that are deficient in affordable. So I don't know if that can be part of the dialogue and the discussion where each time something is brought up

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before the council to fund affordable housing units that we can continuously see if that is able to provide -- if it's providing and we're bringing up the areas that are deficient in the affordable housing. So mayor, I don't know if that fits into the task force or if that's something that the auditor can provide as part of what we're talking about. >> Mayor Adler: When you bring back that agenda amendment to us, make sure that you address that kind of thought as well as I think everyone's keen desire to actually get you into enough depth on these things to give us actionable information. >> Certainly. >> Mayor Adler: Mr. Zimmerman. >> Zimmerman: Thank you, Mr. Mayor. I think everybody agrees that there are some things that contribute to our unaffordability that are completely outside the control of city government. You know, we live here at the edge of the hill country, some very pretty scenery. We have a lake system here. All those things have nothing do with city government. So there are some things that attract people here. More demand for roads, nothing that anything to do with city government. So what you're contemplating will be looking at the differences between, say, San Antonio and Houston in terms of city policy that we do different. As a city things that we do different that contribute to unaffordability compared to other Texas cities. Is that contemplated as part of the -- >> I think just I guess a cautionary note as of this point, it's not a planned project so the first thing we do in any project is go out and do planning. So we gather more background information and we really figure out what we can and can't do within our resources and within the scope. Just a caution there. But certainly that would be something I would see in phase two that we would look at, what other jurisdictions are doing and how that compares to Austin. >> Zimmerman: And more to that point too because we have a lot of open space. In district 6 in my district

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I think we have probably more open space than anyone. And one of the things I'd love for the audit to pay attention to is what happens when we have taxpayers buy up property, take it off the tax rolls and then really turn it into a liability for fire risk and for the cost of managing that property that generates no income. And I'm talking in part about the bcp properties as well. The taxpayers paid for it, we're not really keeping up with wildfire risk, for instance. So while people appreciate the benefit of the green open spaces, in my view they seem to have no understanding of how that affects affordability, because it does. I think it does and I'd like the audit to take a look at that and say look, nice to have open space. Here's what it's costing you and how it contributes to unaffordability. >> Mayor Adler: Okay. Manager? >> Ott: I'm just curious. Affordability is a very big term and we use it all the time. Citizens use it, et cetera. And I respect if you asked a group of people individually what it meant to them, you know, I think you would probably get varying answers to that question. So I say that to ask this: Certainly in regard to the task that the auditor is about to undertake. How are you going to find -- how are you going to define the scope of this review in terms of affordability? Are you leaving that to the auditor? Or in the direction given is the council going to define the parameters of what you're asking her to do? Because it is a big, big issue. I suspect, for example, from a policy standpoint, even preceding this council, if we were to go back and identify policies that were put in place, intending to address affordability, put them on the wall, we might find, for example, that some of them bump into each other

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perhaps. They conflict with each other. Is that an aspect of this review that we're talking about? So again, it seems to me, and out of fairness to the auditor, that the defining scope in terms of what we mean by affordability and the task that she and her staff are being asked to undertake, is an important issue. Still outstanding based on the conversation I've heard her today. >> Mr. Casar? >> Casar: The city manager took the words out of my mouth so I will be brief. But I think that processwise what might be

helpful to guide our discussion is if what we needed to do is amend the audit plan to at least give you a place to start and put something together that we can then discuss that's actually on paper so we can understand the scope. Because let me tell you thinking about issues related to city government and affordability while balancing other values is a rabbit hole you can go down. Your report could be infinite. So I think that what might be helpful is if we have something on paper where we have what the scope might be so that we have a places to start talking from. And I know there's been work from the working group and I'm sure you've discussed a lot of this and it's just difficult to have discussions without something hard and fast in front of me that -- >> Mayor Adler: So the scope is identified in what was presented focused on household expenditures. Which I understand does not pick up the universe of affordability. You could also address the cost of housing and other things, the proposal the auditor has brought forward is one that focuses on on household expenditures. >> It seems there's been a lot of discussion of scope beyond that and I think that if we really narrowed it down and had some time to think about it then maybe our suggestions could be more particular. >> Mayor Adler: So I would urge people to think about whether or not that would be the scope -- whether household expenditures is too large or whether we

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would want them to address areas different than that. >> Casar: I did have one other question related to that point in particular. When you discuss that you will be looking at affordability as far as residents goes, I know that affordability challenges are -- our entire community as a whole faces affordability challenges, but whether we like it or not, and most of us don't, we live in a society that's very deeply divided by folks of different class, race, education geography, background. And I know that of course some of the things that impact one group of people aren't going to impact another. Child care is an obvious one. As you put something together for us that may help me understand what your proposal is a little bit better, I would just suggest that of particular interest to me is I think we can have a fair view of how our entire community is impacted and what their expenditures might be, but affordability isn't totally relative. There are some people that are struggling much more than others and I want to make sure that we have that as part of our information. >> Mayor Adler: Mr. Renteria? >> Renteria: Thank you. What I want to see is exactly how much bond money that we have for cip out there that are being financed by our utility bill. We have the waller creek tunnel that we use for -- we financed part of that through our drainage fund. So I want to see how much are we financing through our utility bills, the cips out there that we have. And if it's being paid for can we look at reducing our utility bills. >> Mayor Adler: Okay. Anything else on this topic?

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Then please come back with the -- we'll work with you to come back with a budget amendment that would speak to the issues that were raised. I think that's what you need to kick off -- for the council to kick off the work, is that right? >> I think it would be an audit plan amendment. And might have resources associated with it. Yes. >> Houston: Mayor, I'm sorry, this is probably not for this phase, but for the next phase as this gets rolled out. A way to look behind to see what effect some of the policies that the council has adopted like accessory dwelling units, did that impact one way or the other the issue of affordability. However we come to define that. So we've adopted some policies that I think will have a negative effect on the affordability issues and how do we see whether or not the policies we put in place helped or hindered what we call affordability. >> Mayor Adler: I think that's the intent. >> Zimmerman: Thank you. That's where I was going too with the comments before. Another one is say visitability. So if we make a mandate in policy saying all homes have to have wheelchair ramp access, I

think that's been adequate attention on the cost of that. Same with the tree ordinance. The tree ordinance has a cost. I don't think that's been addressed by our city auditor's office either. So love to see those Numbers on how those policies affect affordability. >> Mayor Adler: Mr. Casar. >> Casar: I would ask when we talk about these policy issues we do have affordability impact statements that are attached to many of our ordinances. And just because a policy may have a positive or negative impact on affordability doesn't mean we automatically vote for or against it. So I would just urge us as we go through these policy discussions for folks to look at that, the accessory dwellings unit ordinance had an affordability impact statement that said it would positively affect affordability. I supported that.

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The parkland dedication ordinance that we voted on Thursday said it would have a negative impact on affordability and I still supported that because it's worth us trying to balance affordability, but also having a great park system. So as -- I think that we just need to think about what the difference is between what the auditor is doing and prospective policy work that we're doing on the fly and make sure that we take a look at that and ask questions of our city staff as to why they include those statements, but those are included and are part of our conversations as we work on these items. >> Houston: And mayor, I understand that there's an affordability statement. The purpose that I'm bringing this up is to check behind and see if that was actually correct or if it was incorrect. Because we can make all kind of statements and then come to find out later that we made the wrong policy decision. So that's the kind of look behind that I'm asking for. >> Mayor Adler: I understand. Yes, Ms. Troxclair. >> Troxclair: I'm sorry if I missed this during the discussion, but is this intended to replace kind of your initiative on sunset process or is this a part of that or how is this related to our initial conversations about that? >> Mayor Adler: It's a way to formulate that. The question came up is which departments do we start with and frankly the departments we were trying to focus on was to deal with the ones that dealt with affordability issues and then we realized that what we really wanted to do was cherry pick affordability as handled by departments across departments, so it is that initiative that in the work groups conversations was focused around a subject matter rather than a particular department. >> Troxclair: Okay. So we've kind of transferred away from the idea of looking at the kind of the overall effectiveness of programs and departments and whether or not, you know, --

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whether the programs we put in place are having their intended effect and we've kind of shifted to just focusing on how -- how different departments affect -- decisions or different policies affect affordability. >> Mayor Adler: I would say yes for two reasons. One is the working group looked at it and said this might be a better way to do a department by department analysis, to do it by theme. And second because of the manager's work, which is more specific department focused, so that we wouldn't duplicate efforts and so we could see what happens in the process that the manager is doing. I think it's focusing on three or four specific departments. Phrasers so those two things combined led us to this. >> Troxclair: Okay. Well, I look forward to seeing how this goes. I hope we can have a conversation as to whether this really accomplishes what your initial policy objective was, because I was really on board with that. And if this is a one-time thing, I don't know that that is providing the kind of consistent review that I thought you had in mind when you originally laid out the sunset review proposal. >> Mayor Adler: And I share that concern. Interested in still following up on that conversation, but it's real clear I'm one of 11 votes on that dais, and sometimes between here and there the idea gets better. [Laughing] >> Mayor Adler: Okay. We're going to go on to the next item now. I think we have hit the topics other than the operating procedures. Greg, do we want to -- we have items on the agenda. We have an executive

session. I think we're going to have time on Thursday's meeting. It's set for the resolution, which would enable us to be able to pick it up there. Should we hold off this conversation from today, and make sure that we have it on Thursday? Does that make sense to do or not? >> Casar: I would like to get a sense of the council on the

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matter. I feel, of course, comfortable moving forward with the resolution as posted. And then there's an accompanying ordinance that I laid out last work session that I wanted to bring forward in conjunction with the resolution. However, legal is still according on drafting that ordinance. To help folks just understand going into Thursday what we're talking about, the resolution would be cultural changes, things we can't change in an ordinance, and then the ordinance would be making changes to our committee process that actually are procedural, and if we needed to change them, we'd have to change them in ordinance. I handed out last work session -- I made a couple of changes to it with legal's advice that I can pass around about what should go in resolution and what should go in ordinance. I'm happy to just have the conversation on Thursday and get the sense of whether people are ready to vote on this resolution just on Thursday and then move on to the ordinance later, or if we want to maintain them as a package and postpone the discussion with both resolution and ordinance in hand later on. But I'm happy to pass that out right now, if y'all don't have it from last week, sort of what goes in the resolution and what goes in the ordinance. >> Mayor Adler: If you have copies of it, why don't you pass that out. Do people want to have a discussion on this item now, or do you want to have this discussion on Thursday? >> Mayor. >> Mayor Adler: Yes. >> Houston: My preference is that we delay it until Thursday, because I'm getting burned by doing things without having a chance to review them. So I would rather have a chance to review this ordinance. Did you get one, councilmember? >> I was going to lay out the whole issue, so. >> Mayor Adler: Sorry. The question I asked, Ms. Kitchen -- so the question I asked was, do we want to lay this out today, or do we want to lay it out on Thursday. That was the question we asked. >> Kitchen: I don't think we should lay it out on Thursday. I think we need to talk about

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it. >> Mayor Adler: Okay. >> Kitchen: Do you agree, councilmember? >> Casar: I stated my preference of talking about it sooner rather than later, because we keep on -- >> Kitchen: Yeah, I think -- >> Casar: Bumping it. >> Mayor Adler: Just by way of scheduling in terms of what we have, we do have some items that we really need to get into executive session to talk about today. At the very least we need to talk about item e3. And while we're there, legal has also Teed up item e2. We also have some items that have been pulled by councilmembers. A couple of those we've hit, but councilmembers have also pulled, and Mr. Casar have, the Austin energy work plan, the art space track issue, the civil service compensation issue, the Williamson creek watershed issue -- >> Mayor, the additions, could you mention the Numbers of the additions? >> Mayor Adler: Yes. We've hit now items 9 and 10, which were the tnc. Items that remain for us to discuss are 36, which we're on the floor now. We also have item number 38, which is art space, item 45, which is related, it's the winnebago lane. Item 47, which is the Williamson creek watershed, and item 48, which is the naming of parks and facilities. And then councilmembers have added two items subsequent to the publishing of this list, one is item 37. The mayor pro tem wants to talk about the Austin energy work plan issue, and item 42. Ms. Houston wanted to talk about the municipal civil service compensation issue. >> Houston: I thought we postponed 48. >> Mayor Adler: 48's taken off. >> Tovo: Mayor, I really just -- on item 37, if no one

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has any questions, I would just distribute my suggested topic for that work session. And I can make two minutes' worth of comments. >> Mayor Adler: Okay. Why don't you go ahead. So that's what we have. It's 12:00 P.M. Now, and we can continue to work however long you want to before we break for executive session. We had been trying to kind of end these at 12:00 P.M. And then go into executive session, and then people would go back to their office, and I would come out and close things. So it's purely a question of priority. Yes, Ms. Troxclair. >> Troxclair: Just considering that it's lunchtime and we're probably getting hungry, I would prefer for us to break for executive session right now and then come back to discuss the rest of the things on this list so we get a chance to eat. And the other people here get a chance to eat, too. >> Mayor Adler: That has us coming back. I'm fine with that. Does council want to do that? >> Tovo: Sometimes our work sessions go quite long. I have a hard stop today. Since several of those items are related to mine, I hope we can get to it before that hard stop, which I've got to think about for the moment, but it is about 2:30. >> Mayor Adler: Okay. Break for lunch, do the executive session, come back out, and then start with the transition committee's work. All right. Then we'll stay in recess. >> Zimmerman: Do you need to make your executive session announcement? >> Mayor Adler: I do, I do. The city council will go into closed session to take up two items pursuant to section 551.071 of the government code. We're going to discuss the following items, item e2, city contracts, e3, transportation network companies, ballot measure. E1 has been withdrawn. If there's no objection to going

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into executive session? Since there's none, we will now go, and hopefully get back out as quickly as we can. >> Zimmerman: Thank you, Mr. Mayor.

[1:06:19 PM]

[Recess]] Executive session] [Executive session]

[1:43:31 PM]

>>> >>> >>> >>> City council is in executive session, 1:43 P.M. >>> >>> >>

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, >> Mayor Adler: We are now out of work session, out of executive session where where he took up and considered items E 2 and E 3. We will now continue on with our meeting, that's all the magic language there was. Mayor pro tem, do you want to talk to us about the Austin energy schedule? >> Tovo: Sure, so we had an opportunity to talk about this a little bit at the Austin energy committee meeting and the item that's on the council a's agenda for -- council's agenda on consideration for Thursday is to approve the addition of three work sessions. I have distributed today suggested work plan to my colleagues and, of course, we would love to have your feedback on whether you think those are the three most useful topics. The idea here is that -- these are -- I think at our council meeting last week, I distributed the list of the 11 work sessions that the previous council did before the rate process. But I think we don't need

such an extensive process because we are not really reconsidering the rates from top to bottom. We're taking a more focused view. So these are the three kind of key elements that I think would be good to have grounding, it would be good to have kind of a basic grounding on before we proceed into looking at the

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actual rate proposals. So Austin energy's memo of February 1st, 2016, talks about having work sessions in May and I think that might still be useful. But these are envisioned to happen in February and March and my staff is coming up with some proposed dates, but the intent is to try to marry them with an existing meeting. So they might be an hour and a half, as part of -- on the same day of or as part of, I would leave that to the committee chair's discretion, of an Austin energy meeting. So that it's on a day when we're already scheduled to meet. It would just be about an hour and a half of focused discussion on this topic. So that would be the case for February and March. I believe we need to schedule a second one that would probably be better attached to a work session. That's really it. These are invited speakers. I believe we've made, my staff has made contact with some, not quite all of them. These are suggestions from the community as well as just resources that my staff have developed over the years. And, again, it's all up for discussion, but this would be my proposed work plan. Hour and a half, each of them, total of three, on revenue requirement, cost of service, rate design. Those three basic topics. >> Mayor Adler: Yes, Ms. Gallo. >> Gallo: Thank you. I think these are great potential topics of discussion for us to do. Notice we have already reviewed the Austin energy schedule for January, February -- no, no, January -- February and March and we are also having city council meetings scheduled for the same day because both in February and March we are losing a couple of the council meetings. So let's work together, we will work together to figure out a schedule. We may end up moving Austin energy to a different day, then we could easily add something to that. That's a little bit of a dilemma because we already have -- as much as I grumble about putting the city

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council meetings on the same day, both in February and March we're looking at that we did talk about and we got the recommendation that we really make an attempt and commitment to complete this for the budget process. So I think that you mentioned your intention was to add this to the process but make sure that it fit into the time schedule so that we could do that. So I think as long as that's the goal and we worked this within the process to make sure that we are complete by the budget, then I think we're good to go. So thank you for putting time and effort into this. I think it sounds great. >> Tovo: Sure, mayor, given that. In, maybe the best thing to do for Thursday would be just to direct the city manager to work with the existing schedule and sort all of that out and come back. But again I think it would be great if we could just marry them to an existing meeting instead of having them on separate standalone days. Thank you, chair Gallo for explaining that. >> Mayor Adler: I think given the consensus that we have on the dais. It doesn't have to come back to the council if you could go ahead and do that. I think you did a great job of whittling that down. Real important policy conversations for us to have. I don't think you need further direction if you would just go ahead and get that done, that would be great. Okay? Make that easier. The -- the next item that we have, do you want to go through the -- the council committee work or do you want until a few more members come back? >> Let's see ... So -- I guess we should wait until councilmember Houston comes back? >> Mayor Adler: She was one that really asked for kind of the understanding of that. You might be able to hold on better if we did. Okay. So let's hit one of the -- of the issues at this point. We have done the work plan, the arts space winnebago issue. >> Gallo: I think that's just a pretty brief discussion. I had concerns about process more

than anything else.

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Actually items 38 and 45 are tied in this discussion. We -- mayor pro tem tovo and I spoke a little bit about this. From the standpoint of process, I would like to see us move into some type of system where we evaluate the real estate that the city owns and we determine whether there's a potential city use for it or there's not and maybe the potential city use includes putting out rfps so that we have potential of creative ways of using the property we haven't thought of. At the point that we determine we're going to sell it, I feel really uncomfortable. I know this property is under contract. We have taken this up over I don't know how many months now, we have a potential buyer sitting out there thinking that he's going to be buying this property. It's almost like -- it's like we haven't organized real well in our thought process of what we do. I'm not directing that to the department but to the policy board here that I just am a little uncomfortable that our process isn't real transparent and isn't real predictable. That's why these two are kind of tied together. That's the comment that I wanted to make. I think we need to figure out how to have a better process throughout the city so that we evaluate properties we own and determine that we're either going to put them on the market, if we do that, we do that and we complete it. Because it does -- you know, we look at a part of the community that spends a lot of time and effort trying to negotiate and put a contract out and then keep stepping it and -- extending it and probably has financing arranged that they may or may not be paying holding fees on to -- to maintain the commitments on those, so I just think that it's appropriate to our community to -- to determine a process and kind of stick to it. But having said that, I saw guess the historical luncheon from art space and it's creative, it's incredible, it's a wonderful way to help address the affordability of the creative community in Austin and so regardless of whether it works on this property or

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not, it is a concept that we need to find a place for in this community. Ms. Kitchen? >> Kitchen: I would like to also add, we can be talking more about it next week. We have an item that is going to be coming up on our agenda, I believe it's on February 11th. That relates to the Thorton road studios when is in south Austin. An existing space for artists that's being threatened and there's some serious concerns from those -- threatened in the sense that they may loose that space. I -- lose that space. I think I will be talking about with the council more next work session. I'm hoping when we have that conversation, we have that conversation in light of the fact that availability of space for artists is very important and as -- at least as important a policy consideration as the kind of policy considerations we think about when we're thinking about development. So -- and then related to that, art space, does it work with all kinds of artists or is it limited to -- to -- can you answer that question? >> Tovo: I can. Somewhere in here I have a description of who they -- who -- how they define artists, but it is quite broad and it ranges from visual artist to performance artist to canoe makers, it is a very broad and very inclusive description. But I would be happy to link -- I think the best idea would be for me to post on the message board a link to some of their information and I also have some that I would be happy to share. >> Kitchen: I might be thinking about this -- I'm supportive of this item. I may be thinking about some changes that might broaden it. If I do, I'll post them. >> Renteria: Mayor? >> Mayor Adler: Yes, Mr. Renteria. >> Renteria: I have varied concerns about this. I know that arts in public

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places -- this is an empty lot that doesn't have a building. Do this art group have a capital campaign

going to build something there or are we just setting it aside for years to come until they figure out a way to finance the purchasing this land and building something on it? We keep counseling them using our utilities as a cash cow for all of these little projects and when we have an opportunity to sell one of their pieces, the land that they own, Austin resources, so that they can get their project off the ground -- we're delaying these kind of projects. Whenever we say find funding for somewhere else, usually means that our utility are going to go up somewhere else just to make up for this loss. I'm also concerned we'll be pulling this piece of property off our tax rolls. There's a lot of questions that I have about this piece of property if we don't sell it. >> Mayor Adler: Mayor pro tem? >> Tovo: Sounds -- you know, I look forward to having a longer conversation, I'm not sure that -- that everyone wants to have it now. But I just want to address a few of the questions that were raised. It is a piece of property that's not currently on our tax rolls and so we're not really pulling it off. But I appreciate the concerns that have been raised. I think what I would ask is that -- and I have asked and I hope that we're going to get some answers for. I really would like to -- I would like to see some funding alternatives that allow Austin resource recovery to move forward with their remanufacturing hub. We asked for that back in December, we got a couple of proposed alternatives at audit and finance but they all rely on Austin resource recovery really raising rates to make up for this gap. So I've asked the financial staff again and I've submitted questions through the q&a process. I think we really need to

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call on our city manager and our financing -- well, I need to call on the city manager, then you need to call on the financing, to look at what the options are. For example, I would say I number one think that we should be really careful before we sell our public assets, because these are often in places where we would have a hard time buying that land again. And, in fact, I would say this particular tract is extremely interesting. I will have some images to show you all on Thursday. But it is bordered in the back by single family, quite close to several apartment complexes, it is in an area zoned industrial, its most immediate neighbors, though, are really office industrial. So this could -- this is one of the reasons why it could be ideal for this kind of a project where you have artists that want to live and work on there but they made need industrial zoning to do their art. But, you know, I have three basic goals here. One is to -- to -- to really consider -- to make sure that we're looking for alternatives for the remanufacturing hub, so that they can continue to pursue that project. Because I think that's important and from what I've heard from our previous discussions, I believe a lot of the council supports them being able to move forward with the remanufacturing hub. I would like to see some financial alternatives that don't require rate increases and after talking with financial staff, I think it sounds to me like there are alternatives that exist. That would not require Austin resource recovery to raise rates on consumers. And I would like to consider what the best municipal purpose is for this tract before we sell it. And I want to say I completely agree with councilmember Gallo that we need to look at our real estate process and changes that are necessary and I think this -- the journey that this particular tract has taken really has revealed some of that need. We did have a discussion at audit and finance about the real estate process and I think our staff provided us with great information about how some of the changes they've made in the last few years and I think we've --

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there are some good suggestions that have come up, like maybe getting council approval before that rfp is issued so that we're not in the position that we are in now where you have an interested buyer who believes that it's one council decision away from approval. So -- so those are some of the -- some of the things that I think we could consider and, again, I'm happy to talk more about -- about the winnebago

tract and why I think we should pause and consider opportunities for it, but we can also, I suspect, will have that discussion on Thursday as well. Judge U.S. To give you a heads up of the questions -- just to give you a heads up of the questions that I submitted to staff asking what Austin resource recovery's ending balance is it's my understanding that really to meet the requirements of beginning construction, the city policy requires that they basically have that money -- they be able to show that they have the money to finance the whole project. And so that appears to be -- well, Mr. Canale is here, I should let him explain. I will leave it to my colleagues whether they want to talk about this now. I have asked what the ending balance is, could they use that to show that they have the funding necessary to move forward and advertise for contractors to again move forward with the project without needing to sell this land. I will say the financial backing for it depends not just on the sale of this, but on the sale of two other tracts that haven't been offered yet. So I mean there are -- their funding is dependent on several things that haven't happened. The scenario they presented us with does show a rate increase is necessary, but that was based on borrowing the money from a balance and paying it back in one year. So I have asked the financial staff to tell us could they pay it back over multiple years so that there's not a rate impact. Could they borrow funds from another department. Could they use the budget surplus that we know that we have this mid year budget surplus. Again, so those are the kinds of questions with the intent of really asking our financial staff to provide us with some alternatives that wouldn't require, that

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would allow Austin resource recovery to continue with the remanufacturing hub, which is a goal of mine but, two, allow them to identify some alternatives that aren't dependent on increasing rates and that are not dependent on selling this tract. >> Renteria: Mayor? >> Mayor Adler: Yes, Mr. Renteria? >> Renteria: Also, if we do proceed on that ground, that we also look -- since this is a light industrial area and there is companies like Arnold oil that's moving into this area, they have just [indiscernible] Down to sixth street, that we are not faced with the same situation that we got faced at 7th and shady lane where the company that was light industrial, the developer that wanted to build apartments and retail, you know, was stopped because it was hazardous materials stored there. So I'm also asking you to see what's being -- what the other facilities there in that area surrounding this lot, this acreage, what are they doing and what they're using their property for. >> Mayor Adler: Yes, Ms. Pool? >> Pool: I'm one of the co-sponsors on this item of the mayor pro tem's and one of the things that I really liked about the concept of bringing art space or a place where artists and art artisans and creative class can come and live and then also have the area in buildings that could accommodate some large type of pieces that they work on is what we've been talking about where the city owns land and we're able to create a development at a much lower cost because we own the land because we all know that the most valuable asset in the city is the dirt, not so much the structures that are put on it. So it seemed to me that the mayor pro tem with this idea at winnebago was -- lane was really kind of weaving together all of the different things, the creative class issue, a a

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housing shortage for people of limited means who are looking for places to ply their trade and to build sometimes fairly large art pieces that would be done in an industrial or light industrial setting. And, meanwhile, leveraging the land that we have and still own so that you will a of that cost -- so that all of that cost is not market rate, it's well below market rate and we are providing an intact asset to continue on that would be sustained into the future. I thought it was a really inno straight active way to pull -- innovative way to pull all of those various pieces of policy that we've been talking about sometimes

separately, but that are all brought to the table together in this one site. So I was really intrigued bit concept. >> Mayor Adler: Ms. Troxclair and Ms. Garza? >> I think it's an interesting idea but I need to understand first of all, if the council's will is for us to not sell the land, why we wouldn't ask the city manager to come back and give us recommendations for the best municipal purpose or the highest and best city use of the land that could include something that has to do with the creative class. And then further why we're going to do something with the creative class there, why we would limit it to specifically to art space and what other organizations out there might be kind of involved in the same kind of projects and would also like the opportunity to partner with the city on something like this. >> Tovo: I think you bring up really good questions. One of the reasons that art

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space -- well, number one, let me back up and say the resolution that's on our agenda for Thursday would really just ask our city manager to explore the feasibility of even moving forward with a consideration of winnebago and asking art space to take a look more carefully at it. So it's my understanding that there would not be a fiscal impact of what we do on Thursday, it would really be just to spend a little time talking with art space, having our city staff work with them to see if this would even be a possibility. There are zoning issues they need to contend with. I think councilmember Renteria's point is well taken, that we would want to know the other development that was coming in that area, whether it would pose any challenges for residents on that tract. The reason art space was called out specifically was because we've got a series of -- we have a relationship with art space and in fact previous council voted to actually enter into a relationship with them to have them do some exploratory work and it's my understanding that the housing department actually has \$75,000 allocated to an art space -- let me -- for predevelopment costs of an art space project, because there was one being considered over at Mueller at the thinkery. As councilmember Gallo said there was a very good preservation by art space at preservation Austin, it's been a several year process of creating a relationship with art space and I think that they would bring a lot to this project. But there would be multiple levels of approval before -- before, you know, before winnebago was identified as a possible tract. I mean, it's really -- this is all very preliminary. >> Troxclair: So would you be opposed to expanding the scope to, number one, city manager come back to us with his recommendations for the best municipal purpose and, number two, to -- to have a

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conversation or continue conversations with art space, but not necessarily preclude other organizations -- other similar organizations from -- being involved in that conversation? >> Tovo: You know, I would want to hear from my colleagues about whether that was of interest to them. I think that taking some time, a month or so, asking the city manager to explore whether there this is a feasible idea, makes some sense. These are our goals, we have a relationship with art space, we have an allocation for them to do an analysis already and we know and they did a study for the city of Austin that revealed a real need for creative, for space for creative austinites and so I would prefer to kind of proceed along this path. But I will say at a minimum I do hope that we can figure out alternatives so that we're not forced, we don't feel like we're forced to make a choice between the remanufacturing hub and the winnebago tract. I think the winnebago tract is really an interesting tract. I would urge my colleagues if you haven't been down there to see it, to go take a look at it. It's really hard to describe, it's hard to describe its positioning with relationship to the other tracts around it. It's got a rail spur on it. Very close to the rail line that runs to the airport. I just think it would be strategic for the city for multiple reasons. >> Mayor Adler: Ms. Garza, did you want to speak? >> Garza: I just wanted to add, my understanding of how this

process happened, please correct me if I'm wrong, the city departments did talk to each other. It went down the row of all of the departments. I don't know if -- if specifically -- to me that's the equivalent of asking the city manager what's the best

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use when each of the departments said we don't have any use for it. Which is my understanding of how the process went. I do agree that we need some has happened before, this happened with the piece of land by the mac. I think it was already under contract and then came to council's attention and there was a big community concern for that. So this has happened before. I want to say both of these are in district 2. And -- and I was asked to be a co-sponsor on this. One of my big concerns was I don't want this to slow down the rehub. I think it's always important to leverage city land when we have so many high needs, so many different needs and so that's why I was willing to sign on to this -- but I have no -- I do not want any delay to the rehub manufacturing project because -- because I think that's a really good project and it's going to bring jobs to hopefully to all of us, but I'll be a little sell selfish. I would love more jobs there, too. Just seeing if this is feasible. We are the policy makers, we get to decide where the priorities are and if -- that's how this process works. And -- and if -- if the support is there for this specific project, that's -- that's how it happens. But again I just wanted to say that I'm very supportive of the rehub. My attention is not to -- intention is not have that project delayed in any way, it's my understanding that there are financial options for them to continue on their timeline. >> Mayor Adler: I would like to have this specifically addressed. What was missing in the conversation from before was the holistic conversation

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that we were talking about, the hub, I am also very keen on that happening. I'm not sure what the implication is of taking up this funding team, we don't want to have the funding stream that councilmember Renteria had that was just turned over to additional utility rates. I don't know what the options are. But what I can say is -- I really want the hub, I really want the idea of having the space like this -- my hope is by teeing this one up, too, that conversation could take place, I want to make sure that we are not doing anything by -- by enlarging the conversation to have this that causes us to lose an opportunity that will cost us money or lose us millions or prejudice the hub space. I don't know whether that's hoping for too much or if that's possible here. Is that possible here? >> If I may respond, I think that we are putting together options but my engineer brain has -- has -- it's clear. Either the utility, Austin resource recovery pays for it, or somebody else does. And the way that the -- that Mr. Gedert put together this is land sale, because it's one of his assets. If that asset goes away because the council determines another use, if you go back to the utility, it's either rates or perhaps smaller rate impact by delaying it by maybe paying it back in future years for the reserves. They are going lower, this would be a -- would be a concern for the utility to hit their reserves. So if you go elsewhere, again, either the utility has to pay back that loan from somewhere, another department, as you've asked,

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from the general fund or if council determines this -- this program again as a priority and the general fund should fund it with a -- with a -- with a loan that's never paid back. A grant, then it's again a council policy because we could find the funds. But the whole -- the -- the policy question is does arr pay it back or does the general fund just give Austin resource recovery a grant. That's really the policy issue that we're dealing with. And to try to clarify that, there's no magic bucket either arr funds it with them, with

their funds and pays it back with rates or it comes from somewhere else as a forgivable loan. I hope that helps clarify. >> Mayor Adler: Hang on a second, Ms. Houston. >> Houston: I'm sorry I wasn't here. You may have talked about this already. Is this the same tract of land we talked about in 2015 somebody wanted to put a dog park there? >> Yes, councilmember. >> Houston: Weren't there some environmental concerns that people talked about or did we have an environmental survey? >> Yes, councilmember. We've had an environmental survey and we have found in environmental issues out there. The neighborhood thought there might be a creek back there or underground springs and we weren't able to locate it, but what we did agree to is that we would create, we would go from 150, 100-foot buffer to a 150-foot buffer. >> Houston: Okay, thank you. >> Mayor Adler: Okay. Mayor pro tem? >> There were environmental concerns related to the marble Davis dog park, it was their community members who asked pard to look for another option, this was the option that was presented, I know nobody wants to go through that history all over again, but it was on the council agenda for sale to pard for \$232,000 or something and that

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neighborhood. It went away to various reasons I already discussed. Come back, put it out for sale, came back to us for a bid. I think that's how the environmental concerns about a dog park worked in here. But councilmember Renteria asked a question before about art space that I forgot to answer and I was reminded when assistant city manager good mentioned it. My understanding of the way they work, there is an initial investment required from the municipality and then they will go out and seek other funding including tax credit opportunities. If this -- I mean, there are so many IFS, I hate to even walk us through this scenario. But if this tract is appropriate and it seems feasible and the council agrees to it, there is an opportunity for money that we -- that we -- for tax credit money and/or bond -- housing bond money to be used to reimburse Austin resource recovery as well. I think those are other -- those are not options that I expect that we would be able to walk through by Thursday because they are contingent on a whole lot of other things. I just wanted to throw that out because councilmember Renteria asked how art space work and I wanted to answer that question. >> Houston: One more question. Not wanting to slow down the hub, is there some kind of timeline on making this decision? >> Councilmember, the person that -- Mr. Nassour has indicated if council doesn't decide Thursday, that he's going to walk away. He has waited over a month. He had purchased the tract next door. He was trying to move forward with a development, so if council doesn't decide Thursday, then we will not have an option to sell this tract. To him. Yes, at that time, yes.

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>> Mayor Adler: What I want to ask is the question of what happens if we don't sell it to him. Whether there's a market for this type of property, whether there's potential other buyers. But I don't want you to answer that question as we sit here, I don't think it's an appropriate question for a public forum. I think that's more a question that would fall under protected conversations concerning communications for a piece of property. I want to know from council if there's a way to get that information to us as we would any other kind of attorney-client communication. >> Mayor? >> I guess that confuses me. Because we just spent the last 15 minutes talking about not -- not that that particular buyer wasn't the appropriate one, but rather we wanted to keep the land to put art space on it, that was the direction of - of the resolution that the mayor pro tem had put out there. It sounds like you are suggesting that since this particular buyer has -- says he's not interested after a certain time and he walks away, that we should go back and out find somebody else. If I was that buyer, I would be wondering why that was. But that -- if that wasn't -- that wasn't what this resolution was about. It was about how to -- how and

whether we can find a way to put a creative class development within -- and work with art space to find a home for our artists and artisans on this property. >> Mayor Adler: You always jump to conclusions with me before the end while I'm still information gathering. I have two competing goals here potentially. One is I want the hub to work. And the second is that I am real enamored of the idea of having a space created for our art community like this. And I don't get to my answer by focusing just on the left hand or on the right hand. So one of the questions that I asked was what is the implication of -- of making that decision to take this piece of property off the market. Does that still enable us to

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do the hub? If what the answer is, there's no other way to do the hub other than to sell this piece of property, because there aren't creative solutions or other solutions to be able to raise the money, other than increasing rates, then -- then my choice becomes very clear. I either increase utility rates or I have a space for the arts community. And as I sit here now, I'm not willing to accept that those are my only two choices. And all I'm saying is I would like to keep both of those up in play and not pick one or the other. So that question becomes relevant to me as one of the questions associated with how do we deliver the hub? If there's other ways to do it, creative ways to do it, that don't require us to sell the property and we have the time to be able to do that, then I get to a good place. So -- so that was my thought process. >> Pool: That makes sense.. >> That makes sense and we had that conversation at the automatic and finance committee a couple of times. So I guess I was a little bit further down the road on that one. But thank you for the explanation. >> Okay. So do you know the answer as to whether or not there's a creative way to fund it short of this land so that we don't lose the hub? >> I think the mayor pro tem had indicated Mr. Canally had worked with staff and he might have some suggestions and that's why he was sitting there. Anyway. -- >> I just came to keep Lorraine company. [Laughter] But that's the conversation that I would like to have on Thursday, is that broader conversation about what is the best way people have expressed an interest in the hub. People have expressed an interest in preserving the piece of land for an alternate use, and not dumping it all on utility rates, and I haven't heard anybody yet step forward and say, here's the answer to that, and I would love to hear somebody do that.

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Ms. Gallo? >> Gallo: The part of the conversation I haven't heard at all is do we have the possibility of potential to going out to the private sector and seeing if there is someone in the private sector that would like to build and run and profit from a hub. And I haven't heard that conversation at all. So it seems like as we're talking about creative ways of doing this and keeping taxpayers' utility rates low, that if we haven't investigated that, then maybe this process should slow down a bit so that we can. Mc. >> Mr. Mayor? >> Mayor Adler: Yeah, Mr. Zimmerman and then Mr.-- >> Zimmerman: Could I go back to -- usually when we sell property there's a contract. So do we have a contract -- and it has an expiration date, some closing date. What are the details on that with Mr. Nassour? >> Yes, council member, we did have an expiration date but we've extended it twice. As we were going back to committees and coming back to council, and so we're at the end of that time frame, and so he's indicated that he needs to move forward. >> Zimmerman: So in other words, it's going to expire this week without another extension -- without another extension it would expire this week? >> Yes, council. >> Zimmerman: And the other party is not interested in yet another postponement if we don't go ahead and decide? >> That is right. >> Zimmerman: So I guess my frustration, did we ever get a -- an exhaustive list of city-owned property with, say -- if we were to sell that property that the city owns, not just the winnebago piece but we have countless others, and so what would the potential tax revenue be if we sold that property instead of just sitting on it for years or decades? Because I think that's -- part of the conversation here is we're sitting

on property that is contributing to a shortage of land in the area.

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It earns nothing, contributes to higher prices for the few pieces of land left available, and I'm not hearing that is a very important policy decision that we should be talking about, is why don't we sell not just winnebago but countless other pieces of property. Get it on the market, get it to be income-producing in terms of tax revenue and have it used for the people that live here. Maybe that's the bigger point of this particular conversation, is why we haven't talked about selling more of our property, get it on the tax rolls. So maybe, Mr. Mayor, is that -- do we -- can we have that policy debate? How much property should the city be sitting on and why don't we sell even more property and get it on the tax rolls and let it add to the supply of available city -- land for people to buy it and do what they want with it? >> Mayor Adler: I think that would be a good policy debate to have. It could come up in the affordability context. I don't think that we're going to be able to climb that mountain with some of the issues that are -- need to be decided in front of us. Mayor pro tem? >> Tovo: I wanted to ask Mr. Canally, and I also want to just acknowledge the winnebago, really it is an attempt to look at and assess whether it's feasible. There would be a zoning -- zoning challenges to consider. I mean, there are a lot of if's, and it's really -- I think I covered that but I wanted to point it out again. But I wanted to ask Mr. Canally who has been working on it if you had any points about whether there's an opportunity for Austin resource recovery to -- other financial options. >> Well, certainly. I think as assistant city manager good said, it really does come down to certainly if the general -- council is willing to have the general fund contribute to part of the overall construction cost of the hub, knowing that there will be lease

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holders coming in afterwards, that's certainly a policy decision. In the absence of that, looking at the Ar fund, that would have to be a source of that and certainly there are options within that, for example, to look at payment schedules -- repayment schedules, but in the end it would still come out of the Ar fund and it would be a rate impact. We could look at mitigating that rate impact but it would be funds that otherwise would have gone to increasing ending balance to get it up to policy or to go toward absorbing future increases as cost of operations go up. So we're looking at it from a holistic perspective. I think Mr. Good laid that out kind of in a good engineering way, I would say. And I think the other alternative obviously is looking at the costs that are on the table now for the remanufacturing hub itself. I think as Mr. Gedert outlined in audit and finance about a 7 1/2 million investment to make that project viable. What we're hearing today is maybe there's an alternative to look at cost sharing of that \$7.5 million. Perhaps it's not all city funds and I think that would be an avenue to explore if there's an avenue. Certainly we have an eba grant that is now -- is not certainly the majority of the funding but is a piece of it. Perhaps there's other avenues that we can explore that would help mitigate city expenditures on that, and from a partnership perspective. And so I think that would be the other area to explore. >> Mayor Adler: Any further discussions? >> So maybe a piece of the mayor's puzzle and his attempt to try to accommodate both, and I understand the interest of many of the council members who have spoken in moving forward with the hub as quickly as possible, so maybe -- maybe one opportunity to accomplish all of these things is to issue an rfp on the

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remanufacturing hub, because that has not been done yet. >> I think certainly we have -- the city certainly has experience issuing rfps. I think looking around us here, around city hall, a lot of the -- we

have gone through a rigorous process over at least my tenure here in the city, of looking at properties and when they can be put on the tax rolls, and I think the city historically has done a fairly good job of that. When you look at what's happening at green, and you look at what's happening across the street here with our redevelopment processes, and certainly we have done that. We have -- we do have a model for doing that, and part of that model is -- because it is our land, you have the flexibility to require certain things, or there's a policy objective about that. So it certainly -- it is an alternative or it's an opportunity. >> Troxclair: Basically to say we have this piece of land, here's what we want to use it for, and then open it up for people to bid on the opportunity to come and provide that kind of service, which would have the benefit of potentially significantly decreasing the financial commitment that would be necessary from the city in order for the hub to move forward. >> You would certainly know if there was an interest -- you would certainly know if there was an interest again in a partnership. >> Mayor Adler: Yes? >> Tovo: I think I have a meeting scheduled tomorrow with Mr. Gedert and I'm not sure if our finance staff will be there, but again I think it would be useful to see some of these options. As I understand Mr. Gedert's comments, I believe that arr was going to pay the parks -- was going to give the parks department some money toward the tract that they had to purchase when they didn't purchase this one. It would be good to know what that number is. When pard couldn't purchase the tract for the couple hundred thousand dollars it almost did it had to go out and spend a whole lot more

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on another tract for that dog park. So I think I understood some of his comments to be that he was -- that arr was going to reimburse that money to pard, so I'd like that number. But again, it would seem to me that if we decide to at least consider winnebago for some other purposes, those other purposes could have funding attached to them that allow them to make arr whole for this piece, if we can just get them beyond -- if we can get arr to the point where it can meet its financial policies so it can start construction so it can get that what is now -- it sounds like a \$600,000 grant. It sounds like we're making a whole -- I am not pleased about being in a position that we are making a whole lot of decisions very quickly to meet the requirements of a grant. I wish the process had proceeded a little differently, but again, I'm committed to seeing the remanufacturing hub move forward as are most of my colleagues here. So if we could just get some options on how they can meet the requirements to start, even if it requires using budget surplus money or something to be -- to show that they've got the money in the bank to start that construction so that we've got a little time to think about whether winnebago has any -- whether there are any interesting purposes to which we can put winnebago before we end up selling it, and to get back to the mayor's question, it would be good to know, and maybe this is an executive session on Thursday, it would be good to know how many bids were submitted and whether if in three months we decide winnebago -- winnebago won't work for the purposes described in the resolution, there's no other need to hang on to it, we've investigated it thoroughly, we're going to move on -- whether any of those other buyers would be -- potential buyers would be interested in buying it at that point. And as I understand that's a real estate matter that we could discuss in executive session, maybe over the lunch break on Thursday. >> Mayor, very quick question. Audit and finance, maybe mayor pro tem could give me an odd yes if I'm right -- nod yes. My understanding is between the 4.1 million on the table

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for this and then potential grant funds, simple math, it's like a \$2 million gap. So while there may be some creative options that I hope would come forward, the obvious one is just if there's \$2 million in the general fund we can -- that is always one backup option that we can cover this if that's our policy

decision. Is that yes? >> Tovo: I think the gap is 1.4. It's for the -- it's for this sale, but know that the financing is also dependent on sales of two other tracts that we're not considering yet, and so I mean, it's dependent on several things that haven't happened. But the gap -- the gap that I would seek to create with not selling winnebago is about 1.4, but I'd better let these folks answer that. >> Yes, council member, that -- there's two other tracts that need to be sold. We haven't started that process yet. >> Caesar: Sure, but in this case if great solutions don't come forward there's always 1.4 million in property tax money available that we could -- that we could make available to cover this? That's the obvious -- you had mentioned this, Mr. Canally, if we can find them in the general fund that that would work. >> Certainly. Again, I think we've offered up in terms of the initial conversation we had at the last couple council meetings was looking at the utility, or looking at it and us trying to spread that rate impact out, and there's kind of a world within that, but certainly the other simple choice is from a policy perspective, is to decide that that is a general fund expenditure, and I would reiterate what Lorraine said is that there are other -- this is -- as Mr. Gedert laid out on finance, there are pieces to this financial plan, and part of, I think, what this is being brought forward is so that we can have the plan as opposed to having to be back a month from now with another potential issue about a land. And so I think we're trying to look at it from that perspective and I think the

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direction is look at it these creative ways. I think we'll continue to do that. I don't know some of the alternative ways we'll have by Thursday, and we've been meeting with Robert and Lorraine and bob and I, so we can -- we'll have more information for Thursday. >> Mayor Adler: Okay. Anything further? >> Mayor, I'm still concerned because, you know, if we use general fund money we need to desperately -- if it's not parks, it's -- it's community police, and if it's not community policing, it's ems. If it's not ems -- and here we are again talking about, you know, having the taxpayers foot this bill. I'm very concerned about that. You know, we just got off the subject of affordability here in Austin, and now we're talking about, you know, sticking it to the taxpayers again. So I'm really -- I'm really concerned about that. >> Mayor Adler: Anything else? My hope is that we can answer the more global questions here on Thursday, because I'm conflicted between those two things, and one may be time-sensitive and that may play into it. Mr. Good, you said in your conversation that we're below reserve limits at this point? >> In the Austin resource recovery. Greg can probably say how much that is. >> Mayor Adler: Can you tell us where we are with respect to reserves generally in the city as we sit here now? >> We can get you that specific answer, but certainly you adopted a budget within the reserve policy guidelines. >> Mayor Adler: That's what I thought. >> About 12% with the reserve -- with the budget stabilization reserve fund. Certainly we just got our year-end report. Typically they -- when ed and Elaine come forward with the budget process, the forecast, you'll get a snapshot of where we are in our reserves. If you recall that our

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reserves are used -- you know, we have a policy about using a third of them, reserving two-thirds of them and using one-third for our ongoing one-time capital expenditures, and so that is always from a planning perspective, is something that we want to keep in mind as we look at using reserves, kind of off budget cycle, but certainly that would be an analysis that we can look at and get you all that number. >> Mayor Adler: But as you sit here now, we're not off on reserves other than perhaps resource recovery? >> Yes, so again, every fund has their own different reserve requirements by financial policy. I think as Mr. Good was saying, the Austin resource recovery does have I believe a 30-day working capital reserve. They are below that due to some issues they've seen with FEMA and the floods they had at the landfill

and reimbursables with that. So I think correctly so, as they look at their -- arr looks at their financial picture, not only now but in the future, knowing they need to get that fund back up into financial policy, in the absence of even the manufacturing fub, I think we want -- hub, we want to look at that and bring you back those option it is. But right now it's projected to be under the financial policy. >> Mayor Adler: Thank you. Any other comments on this? Okay, thank you. Ms. Kitchen, do you want to take us to transition committee work? >> Kitchen: Yes, and I'll just lay this out and then turn it over to council member Casar because he has a specific resolution that he wants to speak to. So I'm passing out the draft transition work group report. This is -- that's right. You know, the transition committee has been working for a while, working through issues and discussing different issues related to our -- the changes that we

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made last year, not only on our committee structure but other items, process-oriented items about how we are managing issues in doing business as a council. And so what I'm passing out right now is a draft transition work group report. This is a report -- we've posted it and we emailed it out. I don't know if anyone has had an opportunity to look at it. I'm going to point out just some very quick -- very quickly some items, but then I'm going -- there's a particular issue, since we're talking on time today, I'm going to point out some specific changes for you all to think about, and then turn it over to council member Casar, who wanted to talk about one of our -- one of these issues in more depth, and then we can come back to the report if there's time, or we can talk about the report on a later agenda. So you'll see -- so the transition work group report in front of you, the contents are laid out in the front. This is a draft. I would turn your attention to page 3. I'm going to point out some of the changes that are being proposed. I'll turn your attention to page 3. There's language under referral by boards and commissions where it states "The mayor should announce assignments at the next council meeting for no action but to inform the boards and commission the full assignment. This is a further step for our boards and commissions to raise the awareness of everyone about recommendations that may be coming to us from boards and commissions, so that in addition to assigning these recommendations to particular council committees, they're also brought to light at our council meeting, not necessarily for action but for more information for the public and to council meetings that these recommendations are coming

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forward. The next item I'd bring to your attention in this report is page 7. At the top of page 7 under E, where we're bringing forward a recommendation that the committees should not be used for postponements. If council desires more time on an item, then council members are encouraged to postpone at work session. That doesn't mean we'd never send an item to a council meeting. It means if the council is just interested in postponing, that rather than sending it to a committee, it would be an item that we would postpone. The next one I'll bring to your attention is on page 8, and this is on item -- it's no. 2 on page 8. This is -- this is a change that would require -- if we want to move forward, it would require a change to the ordinance. The other changes I mentioned up to now were more procedure and process. This one, no. 2, says "With the exception of the Austin energy oversight committee, items must be sponsored by at least two committee members to be placed on a committee agenda." The current ordinance has a number of different ways that items might be placed on an agenda, but a -- a committee agenda, but the current ordinance states that any one committee member can place an item on a committee agenda. This is a suggestion that at least two committee members would be needed to place an item on a committee agenda. So then another one to bring to your attention is item no. -- Is on that same page, no. 3 at the bottom. This would also require an ordinance change. It's a clarification, not

so much a change in intent. But it's a clarification that a meeting of the members of a council committee with the mayor should not substitute a -- cute a meeting with a third party and doesn't trigger

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open meetings requirements. That's laj in the ordinance right now that doesn't have a practical effect because we're posting them, so they're open meetings regardless. We may need to change that particular language in the ordinance to reflect that. Then if you go over to page 9, this is an item at the top where we talked about in the -- in the transition work group and with the mayor, and that's just to encourage the mayor to participate in committee meetings regularly, and I think that's something he's talked about intending to do as he goes forward and wanting to do. Also on that page 9, we talked about in no. 4 that a recommendation from a committee should follow the same posting timeline as items from council, and the discussion there was simply that we were thinking it was not -- not working best to have items come out of a committee, you know, a day or two before a council meeting and then being taken up at a council meeting. So the point there is there's a posting timeline for posting ifcs and items from staff and that a recommendation from committees should have those same kind of timelines. So then I'll go over to page 13. There's a number of items on page 13 that require some additional conversation. We had conversation about these in the transition work group, but decided that they needed further conversation just with the council as a whole. And one of those was the length of our council meetings, which actually I'm not sure that actually is specified here, but this was something that we raised the other day at the council meetings, that we needed to talk about the length of our council meetings and some strategies for making sure we're setting ending times and other things like that. So I'd like to come back to that. But turn now to council

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member Casar, because he has a proposal that relates to -- to the committee -- how we handle items in front of committees, which is one of the items that we were discussing. So if you want to -- >> Casar: Do you want me to discuss that in particular? >> Kitchen: Your restlation. >> Casar: Or go -- kitchen I thinkcouncil kitchen in her report is great and summarizes work done by that small group over several months, and during those several months we were all experiencing the committee system and evolving with new ideas. So what's in the work group report I really do think reflects what there was a lot of consensus about, and what I put forth in the resolution with co-sponsors for this Thursday and with the ordinance -- potential ordinance language that I hoped to get posted this Thursday but we're still working with Juan, are what would really be a lot of the changes, and many of them aren't set in stone as exactly the changes I think are best but I think are a good thing for us to talk about. The resolution includes things that we can't put in an ordinance, but I think are important sort of culture statements for us to make amongst council about how it is that we think about committees. It lays out what the purposes of committees could be, and then finally some ways -- what our assumptions about committees are. Some of these are a bit -- potentially for me a bit of a departure from what I thought the committees would be best for. When we started -- when we started this a year ago, and I think that's a good thing, after having experienced a year of them, to look at what they were good for and what they were not so great for, and to sort of recalibrate. And so the resolution states that our purpose for the committees is to delegate complex policy discussions to small groups that as a committee that can explore that complicated policy issues, and two, to proactively craft policy. And then it declares sort of that our culture is that

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council city council meeting should not be used for postponements. We can't put that in an ordinance. That's really something that we need to hold ourselves to. That council meetings committees should not be seen as the main vehicle for public comment. Which I think was the idea for committees at first, and I think that's been the highest and best use of committees, but we can take public comment at committees when we want -- when it seems to be helpful to get public comment earlier in the process, and that finally, that council should not assume that items from the city manager should go to committee first, nor assume that items from council should go to committee first, but rather that -- that should be something that's at a committee's discretion so that committees can do their work the best way the majority thinks it should be done. That's what's in the resolution. I'd be happy if people want to pass this on Thursday but at the same time if we want to pass it in conjunction with the ordinance that will be coming forward probably for the next meeting, I'd be happy to do that too. The ordinance changes proposed include, one, that items must be sponsored by a majority of committee members to be on the committee's agenda. That's slightly different from the two as proposed in the draft transition work group report, and we can talk about that. Committee votes are only advisory to the full council. I think that does need to be clarified because in at least one case that I've experienced a committee's action or lack of action has actually affected a purchasing contract, and I just want to make it really clear that I would like the ordinance to state as clearly as possible, do whatever we need to do to make sure that committees are not directing staff sort of beyond the Normal rights of our individual council meetings -- I've heard that described as a right of inquiry. I don't know if that has -- what legal weight that term has but we could probably hash out how to write that into the ordinance. I proposed, and I think the mayor was talking about committee members consisting

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of three council members instead of four, or potentially having the standard be three, and then if a committee -- if more -- lots of people want to be on a particular committee, that we could have more. That would -- if we went down to three that would have the effect of everybody just sitting on one less committee. Public comment being expanded at the full council level from where it sits right now at, what was it, 16 minutes, being expanded at the full council level and reduce that committee so that at committee we can have meetings that don't go on potentially indefinitely in our schedules -- and our schedules, all of a sudden, some of us, including our staff, have three nights in a week where they don't know what time they're going home. And so if we -- the straw man that I've set up is a one-hour maximum on items as our standard at committee, two-hour maximum being our standard at council, and then of course it's always at our discretion to change those, but I think with that level of predictability, I think we can -- we can balance our public comments needs. And finally council member Garza suggested at our last meeting and I included here, that if a committee recommends a policy proposal that's generated by that committee, that it's not automatically placed on a council agenda but that four co-sponsors would be needed or some number of co-sponsors would be needed to move it forward, and that's a new idea but seems to make good sense to me, so I have it included also for discussion. So there's a lot there, but I think it's important, and we have so many pressing items that sometimes it's hard for us to work on this stuff. But our -- not only is this, I think, important for the council, but it's so important for our city staff, you know, the amount of hours that I see -- I'll just pick the fire chief because she's the first one that came to mind when I was thinking about sitting in a committee meeting and looking out at the audience. The number of days and nights where I think, man, it would be great for our fire chief to be out there

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making sure people aren't on fire. [Laughter] Instead of being in the chambers. I mean, that's really important. It's really important. And I appreciate how our staff have stepped up and said they'll be there through all hours of the night serving as committees, but they are really -- they are a critical part of making sure that we are doing our jobs, and it's not just about the work that we are doing as a council but the work that our staff is able to execute in the time that they have. And so this isn't just about saving us time, this is also about giving the public more predictability, more transparency for the public, better process on the council side, helping our city staff do their jobs. And then finally I think that it will enhance the work that we do in committee. I think we have a lot of potential in our committees to proactively create innovative solutions, government innovative solutions to the big challenges that we face, and if we don't have time to do that because we're clogged up trying to handle other items, then that will hamper our ability to do that. >> Mr. Mayor? Just -- I'll just comment quickly and then see what others want to do. In terms of the resolution, the statements around the purposes of the committee make sense to me. They're what we've been talking about in terms of bringing complex policy decisions to a smaller group, and also proactively crafting policy. So thank you for bringing those forward. I think -- I went back and looked at our ordinance, and we actually did not have a statement in our ordinance about the purposes of the committee, other than to review certain issues. So I think that this puts some language to what we've been thinking about in terms of how we use the committees. The items on the back also look -- look fine to me. I might have some tweak work, but they look fine. In terms of the ordinance, I

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would just say that with regard to no. E related to the one-hour maximum and then two-hour maximums. I really appreciate bringing forward a standard. I think that's very helpful to have a standard, and I'm happy with these standards or maybe some tweaking of that. I think that everything else looks good to me. I'd like to make a comment on no. C. Each committee of the council will consist of three council members. I think it needs to be really clear that it can be four, it can be five. It could be six. I think -- I think we're at the point where it would be fine to have some flexibility on the participation on the committees, and I think that there's some differences in the committees in terms of how often they need to meet, which is something that each of the committees have been taking care of themselves in terms of how often. And so there might be some differences in terms of how many people would be on a committee, what the interest level is for the committee. But my primary thing is I want to maintain the discretion of council members to participate on as many committees as they want and for committees to have additional members if that makes sense for that committee. And then finally, and then I'll be quiet -- finally on B, I think it's important -- I would like to see us maintain the ability for committees to vote to send recommendations to the full council. I don't think -- I wouldn't want to be in a situation where the committees can't vote to send an item to council and have to take a vote and then go get other -- other people to sponsor it. And then finally the statement the committee votes are only advisory to the full council. That's in the ordinance right now. It's already there. You might want to tweak it but it's in there right now. Mr. Zimmerma N? >> Zimmerman: Thank you, Mr. Mayor. Let me say quickly I've got

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a 3:00 appointment I've got to run to but I posted on the council message board back on Wednesday, January 27. I had three, four major questions, and I didn't hear back. That's okay. I know everybody is busy but it would have been nice if I could have gotten those on the council message board. But

basically on the quorum the question we asked, is if it goes down to three members, that seems to not work with the two members recommending an item because if you have three members and it takes two to put it on the agenda you've already decided that you're passing it, effectively, right? You have the votes to pass it if you can put it on there. I also -- I'm not in support of that. We have a 10-1 district precisely so that any one of our council members should be able to put on an agenda item for a committee. So I would really be strongly opposed to that. Timing of the citizens communications. Yeah, I think we could have some more discussions on it. I guess most of what's in here kind of makes sense. Some of it is duplicative. But my main concerns were the quorum of saying you had to have two people and the committee is only three members. I think I had an issue with that. But I've got -- sorry, I've got to go and pick it up later. >> Mayor Adler: I really appreciate the work of the transition committee because I think we need to make the system better. When we started this we said it would be iterative. We need to learn. I think these suggestions either hit the mark or are close to hitting the mark. I think we need to think more globally too about how we do this and one of the things that we discussed that aren't in this that may be a culture thing is the concept of using the work session more than we do for the purpose of us being able to talk through issues with each other since we can't talk down the hall, which will have less council members surprised when they get on the dais and then they hear what four of their colleagues have been working on for the last week and they're expected to be able to react to it. Part of that I think requires us to start getting used to the possibility that something may come before the work session two times, three times, before it is

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cooked enough and baked enough to make it back to a council meeting and I like the us of us doing that, feeling more comfortable at a council meeting saying as we are considering something to look around and say, you know, this cannot quite baked yet. We're doing too much writing up here. It's okay for us to postpone something. That doesn't mean we don't like it, it doesn't mean we're trying to lose it, it means it's not baked yet and maybe if people went off to corners and could talk to each other a little bit, the next time we came back maybe it it could be done and we could save a lot of time. So those things are culture things that things I'd like to see us work toward as well. But I like the ideas, and I like the things, Greg, that you brought forward. Yes? >> That would work too with the requests that we were batting around about having reports back from the committees, because that is one thing that we're missing. I mean, we have written reports, they have varying levels of detail in them, but it would be helpful from the committee chair and the members to maybe have a discussion about what happened in the committee and what the discussion there was about and what the findings were so that we could also verbalize those so there's more conversation. >> Mayor Adler: Okay. Ms. Houston? >> So that's important. >> Mayor Adler: Ms. Houston? >> Houston: Because of all the concerns and because we need to go through and look at this and think globally, I can't make a motion but I don't think it's ready to be voted on on Thursday, so I would hope that we would consider postponing it so that we have more time to kind of think about it and get more suggestions back to the committee, because I heard council member pool, and she was adding one more thing to a plate of writing a report now, other than the report that we get from the staff liaison, so we get the staff liaison report and now you're asking for another report. So I think we just need to really think through about what our time commitments are and what we really need.

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>> Pool: And if I can clarify it, I meant a verbal report, just a description as part of the conversation, and I agree -- I was actually trying to move us away from more reading because we have so much. But it is

helpful to hear from the chairs. >> Mayor Adler: Okay. Thank you. Do we have -- >> I just want a clarification. For what I suggested, it got wordsmithed a little bit, but my main concern was if the rule was one council member could bring it to a committee. If it gets voted out of that committee on a 2-1 vote, you've essentially put something before the council with two votes on it, and I think that we would have a very lengthy agenda if we're constantly putting things on the council agenda when items from council require four sponsors. So that's my big concern, is I don't think it should be -- I think the threshold to get to council should be the same. You still need four sponsors to get something before the council for these kinds of items. >> Mayor Adler: Okay. Do we want -- there were several other things on here. I don't know if we want to talk about them. We've talked about the committee system, the arr work pays the art space and winnebago, she'll get her questions answered otherwise. That leads us to the Williamson creek watershed question which was put on here by Ms. Gallo and Ms. Garza. Ms. Gallo left when she had to go to her meeting, tapped me on the shoulder and said she's still very concerned about this issue but she doesn't feel -- because she doesn't feel like she has a context for it, what things are reapproving, not setting priority and what budgets are -- and how is that money being spent relate to other flexibility or opportunities we have with respect to

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flood issues. Does anyone want to address this issue? >> I would defer to vice chair Garza, who was -- who headed up the meeting on that date, December 3. That may be why she pulled it, actually. >> It was partially that and I had questions. And just to give everyone context, I know when you're not on the committee it's hard to remember exactly what the issue was, but we -- the funding was allocated for the buy-outs for 63 properties, 63 to 70 properties, in the Williamson creek area by the previous council. Previous council approved that funding. And so then we were waiting for the policy on how those buy-outs would occur. That policy came before us when I was actually on maternity leave, and this council decided to go forward with the buy-outs for properties -- the people that were there before the flooding happened. And please correct me if I am wrong. The questions I -- and so this is for the remainder. Do we buy out those remaining, because they were in the initial -- the initial funding for the buy-outs. It's also my understanding this is the second most flood prone -- >> It's no. 2 on our priority list. >> Onion creek is 1 and 2 and this is why that was in that 78 million Co bonds because we were trying to help the families in the number one most flood prone and no. 2 was Williamson creek. And what came before us at open space was because of the market -- because of real estate prices going so high, we don't have the funding available now, unfortunately, to buy all of them out, but we're trying to see if -- you know, how many we can buy out of those who want to be bought out. The question I had was I was looking at the backup and the expenses, and it's kind

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of confusing, and I just want to make sure. This is -- we're not -- we are not approving any additional funding. Is that right? >> Good afternoon, Joe P., director of watershed protection department. What this rca does is ask for permission to pursue the acquisition of 25 properties with the acknowledgment that that's going to cost us \$10 million, but in the amount and source of fund it acknowledges we only have \$2 million of the original \$18 million left. So this by itself does not authorize additional funding. We would have to bring funding proposals back to you through either the budget process or if you or any council member wanted to propose a way to pay for this, that would have to come back to council. >> And then the direction at the open space meeting was let's try to keep buying out what we have with the funding that we have available and then if -- if we get to the point where there are still homes there that are on the buyout list and we don't have any funding, then we'll have to make a decision at that

point how we get that extra funding. Is that right? >> That's correct. What we anticipate is with the \$2 million remaining, we may be able to purchase up to seven additional structures, and of that 25 there would be 18 remaining, and what we would typically do, because this is a priority coming out of our master plan, we would program funds annually for the next three, four, five years to go towards this project. What that means, though, with a 1 to \$2 million appropriation every year, you may be buying out three, four, five homes a year as opposed to going in and getting all 18 in one year. >> And I guess to add more context, we had two speakers, I don't know if they're in the room, on last -- if you were in the room, last council member that came before us. And their situation is they were part of the original 63

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but then were taken out of the -- from the June meeting they were taken out, so they're kind of in limbo waiting, am I going to get bought out or not. But I just wanted to provide context for those who weren't at the open space meeting. >> Mayor Adler: Okay. Ms. Houston? >> Houston: May I ask a question? With the most recent floods that we've had, have we had any flooding in Williamson creek? >> Yes, in fact, when council took action on this item back in June of 2015, they asked us to purchase the homes that had been flooded during the Halloween 2013 floods, any homes that were put at risk. That's why as we came forward with those 63, the criteria that council set out loud us to buy 38 of those structures, which left 25, and so we're back today at the request of the open space committee to reconsider the 25 and how best to move forward. >> Houston: I'm sorry, I wasn't clear. I'm talking about the last floods. Have any of those been affected? >> I think six -- all those houses have been affected in that area. >> Houston: Okay. In the last -- >> With this year's flooding. Yeah, 2015 flooding. >> Mayor Adler: Yes, Mr. Renteria? >> Renteria: All these properties you're looking at, are they volume -- are they volunteering to be bought out? >> Yes, and of the 38 that council approved on June 14, we have contacted all of the 38 and 32 interviews we have conducted and only four have said that they are not interested in participating, and one has not been responsive. So out of the 38 there are five that we have not contacted yet and we haven't done the appraisals yet. >> Renteria: And I hope that when you do look at the ones

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that are the most affected are ones that are right on the creek where the flooding happens. >> Yes, and we prioritized it in that way when we prioritized the ones you approved in 2015. >> Mayor Adler: Yes, Ms. Troxclair. >> Troxclair: You said this would be authorization for 10 million for how many homes? >> 25 homes. >> Troxclair: Am I missing something? This is \$400,000 per property? >> Approximately, yes. >> Troxclair: That seems -- I thought the Numbers we talked about last time that we did this were closer to the 200 something range. >> Probably you are thinking of onion creek, in the lower onion creek. That was the 200,000. The 400,000 also is not only the appraised value and the closing costs, it's the demolition, the stows asbestos testing and all the other costs associated with acquisition. Relocation, yes. >> Troxclair: So it's just because it's a different area. >> That's right. >> Mayor Adler: Anything else? Thank you. I think those are all the items we had. Did we have anything else? >> Mayor, really quickly, sorry, I finally had a chance to digest the committee stuff and I agree with council member Houston maybe we'll not be voting on it this week, but just to chime in, I -- I have a concern about the items being sponsored -- something that goes to a committee being sponsored by a majority of the committee members. So I want to better understand if there's a problem with that currently or what -- I don't know. We haven't had really problems with agenda setting in any of the committees that I sit on, and -- and it doesn't make sense to me that you would need a majority of the committee to put something on the agenda. I think that we've all done a good job of using discretion in our various committees. And

then I hope we'll have a more extended conversation about the appropriate level of public comment and what

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really is the purpose of our -- of our committees, because it seems to me it may make more sense to kind of reverse the Numbers you have in here to have maximum of two hours. If the purpose is really to still dig into these deep policy issues, that it mite make more sense to have a maximum of two hours at the committee level and one hour at the council level, which still significantly increases the level of testimony. So those were just kind of the -- the things that jumped out to me. And in general I just -- I -- you know, not that we can't obviously create our own system, but when we originally started we tried to shape this after what they do with the system that they have in place at the state, which seems to work relatively well for -- for the process of -- of, you know, getting -- getting items through the legislative process. So -- and it seems to me that some of these changes were really going further and further away from that model, I.e., really everything kind of going through committee first and having -- using the committees as the place where a lot of the discussion and changes happen. And et cetera, et cetera. So I want to -- I'll think about it more and it sounds like we will have more time to discuss but I just wanted to raise those couple issues. >> Mayor Adler: I'm sorry. >> I guess I just want -- this has been modeled after what happens at the legislature, and I think that that's not a bad thing necessarily, but the legislature meets every two years for six months, and they work like 20 hour days. And that's because -- and basically what I feel has happened is we've done that for us for the length of our term. I feel like for my two-year term, I'm having to work extremely long days running from committee to committee to committee to committee to committee, because of this, and I don't get a year and a half break.

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None of us get a year and a half break. Our staff doesn't get a year and a half break. So that's my concern with modeling exactly -- the other concern about the -- if you don't see a problem with the one person -- I have seen that problem on some of my committees, one council member wants to address a very specific issue that could be addressed some other way. Could be addressed asking staff a question, emailing the head of water and asking a question, but they want that before the committee. And I think there's other ways to take of some of the issues as opposed to having them put on the committee agendas. >> I'll just make one last comment. I think we have to -- from my perspective I want to be careful about prescribing rules that every committee has to do and every council member has to do. There's a lot of variety across these council members -- across us as council members and across our committees. So from my perspective I like the way the committees are working and I think that they can be used very well, and there's a lot that I wouldn't change, but I do know that it's not the same necessarily in all committees and for all council members. So I want to -- I think it's okay to allow some flexibility. But at its core, I do agree with council member troxclair, I do think it's a good system, so I think what we're talking about is some tweaking and we're also perhaps allowing for some flexibility, you know, for different council members to approach things differently. So.... >> Mayor Adler: Okay. >> Mr. Mayor? >> Casar: And I think the goal of what I worked on here along with my co-sponsors, which included the mayor pro tem, she wanted me to mention that she was on this, is that -- and the mayor and council member Garza, is that the -- I believe the committees can be enhanced in their work and do something different

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than what oftentimes committees do at the legislature by not just reacting to what the particular needs are of each council members and their constituencies, but actually have some of the breathing room to work with each other on what the majority of the committee thinks are the critical issues related to that issue area that they can handle at that time. So that's really what this drives trained we may have differences and already do have probably ten or 11 opinions about what committees can be best for. I think what's critical for us to do, regardless of where we land, is for us to have done this review, vote on something and come to a set of basic rules that have some flexibility so that we're all on the same page and can operate from that set of assumptions. So I think it's just a -- good for us to check back about that and the sort of details where fall where they may by the end of it. >> Mayor Adler: Yes >> Troxclair: To -- I hear what customs is saying about the committee issue, and I guess I just wanted to point that, again, at the state level the chair of the committee has a lot more discretion and ability to decide what goes on the agenda, which is kind of what I thought we were going towards. So that would be -- one option, yes, is to require that a majority of the committee be on board with something in order for it to be discussed and the other direction is to say, well, you're the chair of the committee and you have ultimately control over what goes on the agenda and hopefully you will work with all the councilmembers and understand the issues that rise to the top and should take the most time, et cetera, et cetera. But that might be something else that we consider too because obviously for me, coming from, I have been surprised how much are involved in our committee discussions. I thought, great, here's what we'll do next week for this committee, you know, got input from other councilmembers and

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then it's, like, there's agenda people involved, staff and the departments. There are so many people involved that are taking up a lot of staff time and energy on just even putting our agendas together so I don't know I think we simplify that too by maybe saying the person -- the chair of the committee has control over the agenda. So just another thing to think about. >> Anything else? >> Mayor Adler: All right. We stand adjourned. Thank you.