

City Council Work Session Transcript – 03/22/2016

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>> Mayor Adler: I think we have a quorum. So today we have some items that have been pulled. We'll go through those and then we have executive session today where we're going to evaluate the performance of three of our council appointees. The first item we have is Mr. Zimmerman's. He pulled the city of Austin fee schedule ordinance concerning the power supply adjustment charge. >> Thank you, Mr. Mayor. Just the questions here. We would just like to go over the Numbers a little bit and find out what the reductions are from and what further reductions we might be able to get if we're successful. Doing something about the bio mass plant which I think is costing us about \$60 a year on average. And also what we're spending on the wind and solar, what those subsidies are and how we could lower the psa if we were to stop doing those contracts. >> Mark dumb brow ski, general manager of Austin energy. The bio mass plant that affects capacity payment represents this psa about 13 experts. The associated costs with our other power purchase agreements, I don't have that calculated about how much impact to this psa that is at this time. >> Could you bring that on Thursday? And it's a budget estimate. We're not asking for plus or minus one percent accuracy. We're talking 10% accuracy.

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>> Yes, we can try and get it for you. >> Zimmerman: 10% accuracy. That's really all I've got unless you have other to tell us about how you got the number and why it is what it is. >> In Austin energy we use an historical cost to come up with the power supply adjustment so we're always looking backwards. And what we're seeing is with the low power prices in the ercot market we're catching up with that. And as long as the prices remain low we'll continue to have a low power supply adjustment. >> Zimmerman: Maybe you could also tell us on Thursday kind of where we are in terms of other providers of electricity. How do we stack up with Houston, Dallas and San Antonio as far as pass and those kind of charges go. >> We can do some spot comparisons. >> Zimmerman: Yes, that would be helpful. >> Mayor Adler: Just my quick observation on this, I think it's a pretty significant reduction in rates for the ratepayers in the city. This council last year reduced the property taxes, both in terms of rate and absolute Numbers. It was pointed out at the time that that reduction in what the median homeowner paid was offset by increases in utility fees. I think this reduction that we're doing here today offsets that offset. And I am encouraged this will be a significant savings for ratepayers in the city. Any other questions on this issue? Thank you very much. Second item we have pulled is councilmember troxclair's. She's not here. We'll pass and then come back. I would point out, everyone, that Sheri Gallo is not with us today. Will not be with us on Thursday. She's out on city business. The next item we have is councilmember kitchen's. We'll pass on those.

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And troxclair. We have the adopted wage issue, number 15. I just wanted someone to be able to speak to that. Greg's not here so let's hold off on that until Greg is here, I'm sorry. And we have kitchen and then Mr. Renteria, you have the lenux oaks issue. >> The reason I pulled this here is because I know that this last Thursday -- I don't know the exact date. We had a meeting with the residents of cactus groves, and they're still negotiating about -- they're still negotiating about the relocation funds. So I was just asking if we could just postpone this until a later date. >> Pool: Is that items 26 and 27? >> Renteria: Yes. Thank you for that. >> Mayor Adler: Do you know if both sides are okay with the postponement of this? >> Renteria: I know the residents are okay with it. I haven't been able to reach out to -- to the developer. I really don't know about that part of it. But I am planning to reach out here either this afternoon or tomorrow and talk to them. >> Mayor Adler: Okay. >> Renteria: And another reason why I also wanted to pull them is because we're

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still working -- I think human services is working with the contract on their relocation and the funding that we passed, \$740,000, to help residents with their relocation when they're -- when they find themselves in these type situations where the property that they're renting at is going to get redeveloped. And my understanding is that contract won't go into effect -- won't be issued out until at least April 1st, so that's another reason why I wanted to postpone this item so that we can give our staff time to work with these people when that does happen. And my understanding is that the developer had agreed with the residents to stay there -- to allow them to stay there until the end of the school period so that none of the students would be displaced from their schools. >> Mayor Adler: Yes, Ms. Tovo? >> Tovo: Councilmember, thanks for your work on that issue. Are you talking with the developer about are they willing to step up and hire somebody to assist those families in finding other housing within their attendance zone? And are they willing to contribute financially to the relocation costs or is that all being discussed? >> Renteria: They're still working that out. I think they had gotten up to over -- the original offer was a thousand plus. 57800 for moving. But when they discovered in some of these trailers and mobile homes were so old that there were no other location that were willing to accept them, so I think that's where the sticking point that right now is at. The displacement of these trailers, they're not going to be able to move them and that's their investment, that's the whole investment there. So we're trying to figure out a way to find a place or something that we can work it out. And I just got notice from

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my staff that the -- that David Hartman and Alice glasgo agreed with the postponement. >> Tovo: Thank you. >> Mayor Adler: Who did? >> Renteria: The developers. >> Mayor Adler: They've agreed to the postponement. >> Renteria: Yes. >> Houston: Mayor, councilmember Renteria how many people are we talking about at the mobile home park? >> Renteria: They're not just mobile home parks. There's also people living in these small little bungalows there. 54. >> About 54 households. >> Houston: 55. >> Mayor Adler: There are about 25 in rv's and about 25 that are in mobile homes. And then there are about a half dozen or so that are in like duplex lots. >> There's about [inaudible]. [Inaudible - no mic]. >> Houston: I am certainly glad that they agreed to the postponement. >> Mayor Adler: Yes, Ms. Pool? >> Pool: I'm sure you've talked with the developer, councilmember Renteria, is there any way that the people living there now would be able to stay living on that site? Especially those whose trailers may not find another place in Austin to find a new resting place? >> Renteria: And that's why also that I want to postpone it is that we need our city staff to be able to help these people out, and I think that by

postponing it that we'll be able to get our staff to help them out, see whether we can find a place. I know that -- I had an idea

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of us building a transitional type mobile home park for people that find themselves in that situation because we have a lot of these mobile homes hidden away. You would be amazed in east Austin that you will find these little small all over Montopolis and Eastside along airport. And even some along Springdale and between it fifth and seventh you will drive by and you could never tell that they're there. But they're hidden in the back, usually in commercial, industrial areas surrounded by industrial buildings. So these people are going to be -- eventually have to -- as Austin grows there will be a lot of displacement going on, especially in east Austin. So we're looking into all kinds of different options. And if there were some other people there that had some ideas on also how we could handle these kind of situations when we encounter, I think my colleague here, Greg Casar, was submitting for that additional funding of \$740,000, that's what he had in mind also that -- because he also has a lot of mobile homes in his area. And they are going to be pressured out to redevelop this because -- back then it was the outer skirts of the city limits, but now it's really prime real estate. So we're going to be constantly faced with these kind of situations where we'll have to displace people and have to find way to house them. So I think by what's been going on, especially in east Austin, especially south of the river where there was a lot of low income and now they're getting displaced and these apartments are being transformed into high end, that we really need to start working on finding

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solutions to this problem. >> Mayor Adler: Okay. Anything else? Thank you. Ms. Houston, do you want to hit your zoning case while we're here? >> Houston: I was going to say that councilmember Renteria, we've got them on airport boulevard, we've got them on 290. They're all over. And so I think that's a really big issue that needs to be tackled by the city about how do we maintain those costly -- housing that's not costly in the center of town as the properties are being gobbled up. I don't think some people know that they're there and so that's why they've been protected, but they'll find them soon. >> Mayor Adler: You know, there's a piece of property, I haven't had a chance to ask about this yet. There's a piece of property that the city was given that's adjacent or nearly adjacent to this tract that might be one that's outside of the airport zone that might be susceptible for this kind of development. And we're going to have a lot of these coming up, but the concept of having kind of a way to move people out, kind of transition housing might work, but I'm trying to get more details on that tract. Anything else on this? Yes, Ms. Pool? >> Pool: I would add to that by saying it's also important to ensure that people are able to stay generally in the community that they've established themselves in. So especially as far as the schools, their families there and the children are going to a particular elementary or middle school, it's hard to up end kids at those ages. To the extent that we're able to find, if they have to dislocate and relocate folks because of development, I would -- I'd like to urge us to look for properties that are in the same area. >> Mayor Adler: Okay. Ms. Houston, do you want to bring up boys and girls club, item 28 and 29.

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>> Houston: Mayor and council, I would like to have that set for a time certain at 4:30 so that those people who work are able to get here and participate in the conversation. >> Mayor Adler: At 4:30? >> Houston: 4:30 on Thursday. They understand that means it will not be brought up before 4:30, but it

could be anywhere after that. >> Mayor Adler: Okay. I don't have an issue with that. Greg? >> Casar: There are three issues that were brought up, that are the living wage issues, the anti-discrimination here at the city issues and the fair chance hiring issues that all have lots of working folks that want to come. And so I think we'll -- maybe when we get to those we can talk about how we order those and make sure that we keep the time very short and compressed, but still give people the opportunity to come watch us vote on those since those all affect, mostly workers that I think -- as far as I've seen will be able to come in the afternoon. >> Tovo: And just to clarify, we had intended to ask for a time certain for those as well I believe of 4:30. So we'll have to figure out how to manage that along with the boys and girls club. >> Houston: With those issues, all three of those issues coming up on the same time, the same day, I won't -- in between now and this afternoon, I will try to get in touch with the developer and the neighborhood and see if they would like to postpone this on to some date certain when there's not so much stuff going on that's going to take -- it's going to take some time regardless of how we try to compress the time. But they've been working on this for awhile now. >> Casar: Thank you for considering that.

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>> Mayor Adler: Okay. But generally speaking, I don't have a problem with both 26 and -- I'm sorry, 28 and 29 as well as those three items coming up in the evening. No sooner than time. Okay. Anything else on boys and girls club? Okay. Let's go back up to the top of the agenda then. We've taken care of item number 2. Item number 10, Ms. Kitchen, do you want to speak to in a? >> Kitchen: Yes. I just wanted -- I just brought it up. I thought we should go over it a bit today instead of waiting until Thursday. And so I wanted to make sure I'm reading it right because -- I wanted to make sure I understood that it's setting a two-hour maximum in front of the council and a one-hour in front of the committee? Did I get that right? >> Casar: So this is what was posted for our ordinance last time. I think that considering the bulk of items that we've got already for the afternoon, it's -- I have -- I don't intend that we should need to vote on this on Thursday, but I am interested in people pitching just sort of straw man ideas on how it is that we can handle public comments better than the way we handle it now. I believe that it's appropriate for us to expand the amount somewhat that we've got at council while contracting the amount somewhat that we have at committee. So these current Numbers are sort of stand ins for that, but I know that the mayor pro tem tovo and the mayor have asked about the possibility of asking people to speak three minutes the first set and two minutes the second, so that we can give people maximum time to testify, while at the same time understanding that if we don't compress the amount of time that we have of

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testimony we're by default excluding other people from testifying. >> Kitchen: I don't have an objection to the way this is written. My only concern is that I would flip it. I believe that the committee structure is still something that we can use appropriately, and the changes that we've made with regard to that help us do that so that the items that we're bringing to a committee are the kinds and ones that we can work through. So I would say two hours in front of a committee and one hour in front of council. I don't care if it's an hour or two or whatever. I just think that this is -- to me this doesn't align in my mind with the approach of trying to work things out through committees for the kinds of issues that are appropriate. >> I understand that very well and I think that in the end, whichever system we wind up with is all right. I just would prefer that we have a pretty set system such that I think that right now the eight minutes at council winds us with us having longer debates than eight minutes. It would be easier for us to set some amount of time and agree to that. >> Kitchen: And I think the way that it's written right now is not

appropriate, the eight minutes. >> Mayor Adler: Ms. Pool? >> Pool: The one piece that I wanted to maybe kick around a little bit is the subtraction from however much time we give to the public that happens when we engage in a conversation with people from the dais, the questions that we ask or the debate that we engage in. So rather than asking the time keeper to start and stop the clock -- because I see this time frame -- I'm seeing this as the amount of time for public comment as opposed to the total time for the conversation about the topic. So what we may -- what I'd like to hear is y'all's thoughts on how to ensure that the public actually gets the total amount of time that we will be setting limits on, which would mean

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some discipline on our part of not asking questions of the people who come during the public comment period to talk to us or having a conversation at the dais unless we're able to stop the clock. My bottom line on this is I want to ensure if we are limiting to one hour or two hours or some specific set of time that we really give the public the entirety of that time. >> Mayor Adler: Mayor pro tem. >> Tovo: I think we usually do stop the clock. I don't think the question and answer -- I am almost certain because I think we typically ask people to say, you know, we're going to have 30 minutes for this side and then people will get up and say I'll take five minutes or three minutes. But I agree that I want to be able to ask clarifying questions of the speakers who come and I don't want that to count against their time. So if we need to make an adjustment to that I would certainly support it. >> Pool: If that is happening, that is great. I had not noticed that. It's good for know and for the public to know that we are stopping the clock. >> Tovo: Good point. I guess for me I think that -- I think this is one of the errors that we've had a lot of feedback on about public comment and where it happens. And if we are making a decision -- well, I guess I would prefer the kind of format that we're -- that we're talking about now and I know that there are different opinions about it, but I would rather have a shorter amount of time at the committee and a longer amount of time at council because I think people really want the ability to address all of the decision makers who are going to be voting on their item and I think it's -- I also think that we need a real strong parameters on our committee time so that those don't also become malleable time periods. We can't operate with multiple meetings that become malleable in terms of their time frame, at least I can't operate that way, and that's been a challenge. So, you know, certainly I think if a committee has a short agenda and they've got a lot of people who want to testify, then allowing -- allowing it to take up two-thirds of their meeting

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is a committee chair's discretion, but I do want a system where we have a sense that we're going to meet in committee for no more than three hours, not until 3:00 in the morning. Or four hours. Even four hours is burdensome if you have a schedule that is pretty tight. And again, I think what I've heard again and again from community members is that they want the opportunity to talk to the whole council. So I think adjusting some of our way of handling testimony and the way that councilmember Casar just referenced staggering so the first 10 people or so get three minutes each and then reratchet it back so that everybody who comes has an opportunity to address the council even if they're just going doing it for a minute is a more preferable arrangement from my perspective. >> Houston: Mayor? So the committee structure was put in place, as I remember, to help guide those discussions and help constituents get input into a process at the front end rather than at the back end. So now I'm hearing that we're redoing that. So is it that we need to rethink the committees at all and just have everybody come to council? Because we kind of are tugging and tugging and moving and shaking, and if we're not going to have the committee structure do what we intended it to do, then let's talk about just having

everybody come to the city council just like they did before. But this was a way to give people an opportunity before resolutions were set in stone, even though we hadn't adopted them, they've been drafted, they're ready to go, and they have to push back against that rather than getting in at the beginning of that process and having their input done in the drafting of the resolution. So if we don't want to do that, then let's just say we don't want to do the committees again rather than trying to limit testimony at one place and have it all go to the council because that's what people are going to do anyway. And in the time that we've done that there's an inertia where people want to do what they've always done and for

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the year we've been trying to guide them to the committee structure to help in that process, so I think we need to make a decision of whether we're going to go back to the way we have always done it, which has not worked for constituents in many instances, or whether we're going to help guide them into the committee structure where the work is done and then by the time it gets to the council there's buyoff from most of the people. >> Mayor Adler: Ms. Garza? >> Garza: I would agree with councilmember Houston that that was the original goal of the committees, but that's not how it happened in practice. In practice it was brought before the committee and there was extensive debate sometimes until two o'clock in the morning and then there were significant changes made from the time it went through the committee and folks commented on there, and then it changed significantly to two it came before council. So people were -- felt that they may have addressed A and B in committee, but then C, D, E popped up before it came to council and they wanted the opportunity to address the whole council. And I remember when we were moving to committees I thought that the overwhelming comment -- I'm the one who made the motion for the let's allow a couple of speakers at council because initially we weren't going to allow any. Initially we said only public comment at committees and not council and we overwhelmingly heard from everyone saying please don't take away our opportunity to address the entire council. So I too think it's -- I think more time at council because things change so much. In practice the way it's happened is resolutions and items have changed so significantly from committee to when it gets to council to those amendments flying around at the very last minute and that's when I think the committee -- sorry, the public should have the opportunity to address the council. The other -- I was going to

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ask councilmember Casar, so if an item doesn't go through committee, which personally I'm going to be -- any if I'm sponsoring going forward I'll try to get at council. So in that situation will they have two hours -- if we switch it to two hours at committee and one hour at council, even if that instance where it didn't go through committee would they still only have one hour before council? >> Casar: I think that's up for debate. Our existing ordinance says if it didn't go through committee it's not a limited time at council. And I did not check that section to see if this overrides that piece. And I think that I want this discussion to be open enough that we can debate either/or on that. My preference is that there's just some standard expectation that when you come to the city council there's going to be 90 minutes or 120 minutes or 60 minutes. And everybody knows -- I myself when I organize large numbers of folks to come before this body often times was clipped down to an hour. And while I was never really satisfied or really excited by it, it was -- I think the points got made. And so I think that just giving people some larger, medium size amount of time to talk at both levels I don't think undermines the committee system. I think it gives people two good slots to communicate as it goes through the process. >> Garza: Yeah. And I say that the committee process was to flesh things out. I think it still does that, but it

changes significantly. I would prefer more public comment in front of the full council. >> Mayor Adler: My sense is that there's no perfect solution here because the perfect solution is to have things vetted at the committee level when people get a chance to speak early and to give people relative unlimited amount of time so that they have the chance to participate.

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When it's early and they can effect things. Of course there's not enough time in the committees to be able to do that. And then when it comes to council it's going to be different. It would be good to give everybody an unlimited amount of time at the council meeting then because things will change in part because of the public debate that happened at the committee level. And then the problem we have is that I think that for me that having now gone through a year of council meetings, I think that when we start getting to eight or nine or 10:00 and we're still having public hearings, we've effectively taken away the right of people to be able to debate publicly anyhow because we're just going so, so late. And quite frankly, as the council gets tired and it turns into nine, 10, 11:00, I think that the weight and importance that people have starts diminishing. I'm also concerned that, you know, we've had now a couple of votes to extend past 10:00. And the no votes to that are gaining speed and it wouldn't surprise me if in the next meeting or two the no votes win and we just get up and leave the dais to a room full of people who are sitting there wondering what it is we just did in cutting off the meeting. Because quite frankly, I don't think that a majority of the council is going to continue to cover the smaller -- the minority thus far has voted no on those issues. So we'll just do that and then deal with whatever the repercussions are. So we're going to have to find a better way to do this. And I'm not sure what it is, but I think it's probably in lots of pieces and using lots of the tools of the straw man that's up right now just focuses on the amount of time and I think that's certainly one piece of the puzzle to take a look at. I think it still is important to have significant opportunity at the committee level because I think it does advance the ball at that point, helps decide issues.

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I agree with the mayor pro tem that I'm also amenable looking at something where we have, you know, the first so many speakers, five speakers, whatever the number is, has three minutes and then the next five has two minutes and then everybody else after that has one minute or however it was that we would break that up. I think another thing to take a look at is when we close sign-up for the ability to be able to speak. At the campo meeting I was at yesterday I think the sign-up meeting closes at the close of business on the day prior to the meeting, which is actually in helpful in setting the agenda for the meeting because you know how many people are going to speak. You have the night before the meeting to know who is going to speak. You could also close speaker lists when the meeting starts in the morning. You could close it as the item gets called, but that's another element I think that's available to us that we should be taking a look at. I also think that it's important for this council to be able to discuss things the way we're discussing things right now without public comment because I think that our deliberations as a group is an important thing and I'm not sure we actually have enough of those until the very last minute, but yet if we were to turn the Tuesday meeting or work session meeting into a time when we really did talk through stuff, then we're not talking about a Tuesday meeting that is different in design and scope from how we've been using that in the past, which is something else that I think maybe we should take a look at. It's possible that really what the council meetings could be are just meetings where people explain how they're going to vote and we take a vote. I mean, we could take the council meeting all the way to that extreme on the continuum. But I think we need to talk about

what the function is of that meeting. I would like for us to have the opportunity to put things on a council agenda that are council agenda

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intending for us to be able to discuss them or to advance the ball. There have been several items that have come up to the council that, Mr. Casar, you've put on the council you agenda as this one. It's on the agenda. It's not actually intended to take a vote on those and I think we ought to preserve for ourselves the tool to be able to call that up on the agenda and discuss it without opening it for public debate every time we do that because as a group under the state statutes we can't meet as a group and talk, so that's our opportunity to do that. But if every time we do that to try to advance the ball and discuss them, I think we should have that discussion publicly for the world to be able to see. People can be able to react to it. I don't know that we should open the debate every time. We have now ifcs coming up, sometimes put on the agenda relatively late. Not a long time before the meeting happens. Granted there have been several offices that have worked on them with stakeholder groups perhaps for months and months, but a majority of the council by definition won't have been involved and thus could not have been involved in those. And I like the affordable care act that when those things are coming up as ifcs we're making them less prescriptive. I like that where someone says hey, I have a challenge I'm identifying, I want to initiate a stakeholder process or a staff review process. This is a challenge, but we're not going to prescribe what the result is, which makes sense to me because I'm uncomfortable trying to prescribe a result before we've actually had the vetting and had that information. I think we ought to have the tool to be able to have an ifc that comes up in front of the council meeting that we can pass on without public discussion or debate because it's being taken from there to the stakeholder process. And I would like to have that as a tool that's available to the council as well. I think there are things we can do to kind of streamline, and I think these ideas are good. I would like for us to look

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at the universe of these because I think it would be really helpful to the community if we could actually end council meetings at a time that makes sense. And handling them efficiently and recognizing that no solution that we do will be perfect because any solution that we craft will be limiting something to someone somehow. Ms. Kitchen? >> Kitchen: Yeah. It's just not black and white. There is not one circumstance. There's a lot of different circumstances. And so we have to be flexible enough to allow for different circumstances. But I do continue to believe that it's very helpful to have the committee option because it gives the public an opportunity to weigh in earlier in the process. And yes, things may change, but that's part of the process. So that's why we have to have input at both the committee level and at the council level, but I't nt skip T committee level. I think that's a disservice to the public. So I have a I'm curious about -- I cannot remember where the community engagement task force is in their process and when they're goi to brin back their recommendations. Because I hate to start making changes about the public input process without having heard from them, assuming they're going to be providing us their input in the not too distant future. Is anyone familiar with -- anybody know where they are. >> Pool: I think before our spring break we talked about this at the community engagement task force would bring a report back at the end of this month, but I will need -- since time has passed and they were working on writing the report, I don't know if there were any delays or if that is on schedule, but I'll ask my staff to update us all and if that happens before we leave this morning I'm sure someone in my office will bring me a note to let me know where it is. >> Kitchen: If it's acceptable to everyone and to the author, I would like to suggest that we postpone

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this item so we can consider it in the context of what we get back in the recommendations from the community engagement task force. Councilmember Casar, if that works for you. >> Casar: What was the date for their report back? >> Pool: Before the spring break it was going to be the end of this month. And I'm asking my staff right now to get an update from Diane Miller, who is the facilitator for the task force to see if they're still on track. I met with Mike Clarke, Madison and her at the end of February and I just need to circle back around with them and see how they're doing on the writing. What I would say is we may want to pose that question specifically to them because at this point I don't know if that was an item that they took up. I don't know if the engage. Task force is actually looking at our procedures. It at a be more the public's perception of how we're working so there may be some information in there that is relevant, but it would be a good question to ask specifically. But why don't we hang on delaying councilmember Casar's discussion because I think you said we're not voting on this on Thursday anyway, right, until we have a better fix on where the report with the recommendations is. And then also I can pose that specific question if they've looked at the input avenues that council has provided. If that would work. >> Mayor Adler: I would like to create a community expectation, though, that we're not going to open this item for public discussion on Thursday. >> Zimmerman: That's what I was going to say. I wanted to support her motion to postpone so that people don't show up to testify on it if we're not going to really deliberate it. >> Mayor Adler: It's set on the agenda -- >> Zimmerman: I'll second that motion to postpone when it comes up. >> Mayor Adler: If it comes up or even if we discuss it on Thursday, if people want to advance the ball, I don't think we should take public comment on this item on Thursday and the world should know not to show up to speak on that. >> Kitchen: Yeah. I think it's just good to set the expectation that

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we're going to postpone it. >> Mayor Adler: Okay. Ms. Houston? >> Houston: One last comment, mayor. I have a concern about just getting four councilmembers to put an item from council on the agenda, which completely leaves out -- unless, as you said, the item from council is directing the city manager to do some stakeholder process. If we're just going to start putting items from council on when we can get four sponsors, that completely leaves the public out. And they won't have any notice of it until it comes before the council for a vote. So I just want to be clear when we say that we'll just get four sponsors and put it on, that -- and of course you have the right, as a sitting city councilmember, to do whatever you want to do, but it really will leave the public out completely if it's done the way it has been done in the past. >> Mayor Adler: Yes, Ms. Garza? >> Garza: I think we have to agree to disagree on that one. Any legislation on any body has a process that's the way it's brought before a body. And there's always opportunity to postpone if folks aren't ready to vote on it, but we don't have to go through the -- in fact, what we passed a couple of weeks ago was intentionally to make sure that there was understanding of the committee process and that was that you don't have to send every item from council through a committee. That as long as you get four more sponsors, which essentially means you only need one more vote to get that item passed, that you don't have to send it through a committee. So it is each of our prerogatives. I don't think it leaves the public out. In fact, it allows the public the opportunity to speak before the council. It allows them to -- and, you know, a lot of the items we bring before council, it's not something that any of us just created on our own. It's been done through a community input stakeholder process. A lot of the things I've sponsored the community has come to me and asked me to

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sponsor those things. So I would disagree that there has been anything I have sponsored that has left the community out. >> Houston: My only thing is if we're going to do away with the process, let's do away with the process. Let's not negotiate on the process. Let's just do items from council. I mean, it seems like everybody knows that that's a way to get things on the agenda and most everybody's information comes from -- some have come from the committee process, but some have come from the community and we all realize that, but I think we need to be clear about where the community input and engagement is, not just the constituents that we represent, but other people in the city who may have unintended consequences for what we hear from our constituents that may be a citywide policy. And it's the citywideness of this that means that everybody should have an opportunity to participate in the crafting of. >> Mayor Adler: Mr. Casar? >> Casar: And I actually had a sort of problem with the idea that we would be agreeing to disagree on the purpose of our own procedures, and so that's why we passed -- I believe that's why we crafted together and discussed for some time a resolution that this body passed laying out what the goals of the committee process were and including the provision saying that council and the manager bringing things directly to council is not leap frogging committee. It specifically stated and adopted by this body. Now it does lay out that the committee's purpose is for a small delegation of us to work on issues as that committee and the council provides, but if a majority of the council wants to pass something, be it an item from the manager, an item from the council, that is our prerogative and as a body even though there is going to be a variety of opinions amongst all 11 of us, we do have adopted now a resolution that says that we do not believe it is leap frogging the committee.

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So that's sort of what we're communicating currently to the public. And if there's a majority that wants to sort of change that, that's something that we could always change, but I would recommend y'all take a look at that resolution because I thought that's what we were trying to resolve. >> Mayor Adler: Ms. Kitchen. >> Kitchen: There's two sides to that. I agree with what you just stated, but that's not all we said. We also reaffirmed the importance of the committee structure and the committee process as a way to do what councilmember Houston is talking about. So I don't want to send a message to the public and also to our staff because it can be confusing to our staff, I didn't vote for that to make the statement that I wanted everything to come to council. I voted for that to make the statement that I understand that in some circumstances it makes sense and that that's a judgment call of the councilmember. But that's very different than saying everything should come straight to council because there's no use in the committee process. Now, I'm not saying you said that, but I think that we have to understand and -- and I thought that when I voted for that I was reaffirming the importance of the committee structure to provide input to -- to provide people the opportunity to help shape something before it gets to council. I remain committed to that. I think that that is very important. But every councilmember needs to exercise their own judgment on whether on a particular issue that it is going to add value. So I just don't think it's black and white. >> Mayor Adler: And for me there are two different questions. I'm sorry, Ms. Troxclair, why don't you go. >> Troxclair: Go ahead. >> Mayor Adler: To me there are multiple issues involved in that. I think what we said was that not everything has to go to a committee. And that the committees get to decide how they spend their time. I mean, those were to me the two big elements of that. But I will say again I'm

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very uncomfortable with something coming up as an ifc, an item from council, not having gone through a committee, and having it considered by the council when it first appears on an agenda. I recognize that

most of those are things that have come through a big significant stakeholder process, which means that one part of the community has been involved for a very long time. And perhaps up to four offices of the council have been involved in it for a very long period of time. But the ability then to be able to take that idea and to have if not an equal amount of time, certainly a significant amount of time for@ the council to see it and say, well, I'm now going to take this and reach out to different parts of the community that weren't involved in that or have other conversation or to vet it I think is real important to make sure that we're not too quickly voting on things or voting on things that have been vetted by one part, but not all parts of the community. I think at that point -- I would like to see us postponing as a matter of course items that come up as items from council that have not had the opportunity for each of the councilmembers to shop it with whatever their constituencies are or their district is or to say this has come up, it's a new idea. Sometime over the next few weeks here everybody needs to come back and tell me what you think about this. So that they can -- I would like to see us having more time discussing as a group and more time having things and try to avoid trying too quickly to move on voting on policy, policy issues. Ms. Troxclair? >> Troxclair: Just going back to the general length of our meetings, since we're having this opportunity to voice our thoughts with the rest of the council here. I just -- I wanted to kind of remind us that one of the main objectives for us -- one of the main objectives for us going to a committee

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system was to respond to the audit that was done before we were elected that stated that we had significantly longer council meetings than any of our peer cities. And that's the reason that we made the decision to double, almost virtually double the number of times per month that council met, but I think that we really need to admit and recognize that we have not met the objective of reducing the amount of -- the length of our council meetings. In fact, I think we've done the opposite. I think we're spending a lot more time as a council. And especially -- I mean especially when you look at the staff time. We have some of our highest paid and most valuable staff that is with us on all of our meetings. And when you think about our week and you think about the fact that they're going to be with us for Austin energy now, they're with us for a lot of our committee meetings, they're here on Tuesdays with us on work session. They're here on Thursdays for our committee meetings. I mean, -- for our council meetings. I mean, it's like 50% of their time that they're spending in rooms with us instead of doing the city's work. So I'm just -- I'm really concerned about the length of the council meetings for multiple -- and the number of meetings that we have for multiple reasons. And I was hoping that the committee system would address those concerns. I think the further -- I think now the decisions that we're making to kind of step back from the committee system, I'm not sure that they're going to help address the length of our meetings, but I just -- it would be maybe good for us to go back and review that audit and see some of the recommendations that the auditor made because the reality of the situation is that one of the biggest reasons that we have such long council meetings is because of the way that we handle public input. And one of the recommendations was to make a committee system that was very effective in addressing a lot of the committee's business before it got to council. So we're kind of stuck somewhere in this -- in like -- in a black hole where we're kind of neither

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here nor there. And I mean, even 10:00 -- even 10:00 is too late. If we're going to start our meetings at 10:00 A.M. And not end until 10:00 P.M.? 12 hours is not a reasonable amount of time for us to expect the public to sit there waiting for their item to come up and it's not a reasonable amount of time to expect us to be able to be present and paying attention and making good decisions. I mean, it's -- yes,

it's what we signed up for, but at the same time I want to make sure that we're -- that we are being efficient and effective with our time. So I don't know the answer, but I would certainly support any suggestions or recommendations about what we need to do to address it. And I know any change is not going to be easy because the city has been doing things a stern way for a really long time. It wasn't easy to change to the is it committee system, it wasn't easy to change to limit the amount of public testimony like we did last year, but we need to figure something out. >> Mayor Adler: Ms. Pool. >> Pool: First off, we were a new council for the last year, and there's a steep learning curve that was going on. And we're almost twice as big as the previous council. And so there are a lot more people who are learning, and going off that learning conserve disturb curve and asks questions. There's a lot of additional conversation at the dais. It's frequently duplicative of the conversations that we have in work sessions. And I think that the previous council had put a focus and a value on airing questions at work session that then would be put aside as answered, or at least not re-entertained at a council meeting. And we have not been really very disciplined in doing that. So we are actually extending our meetings by our Numbers, and how often we all speak.

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I did say that I would find out from my staff about where the community engagement task force, and I have a note. First, I want to find out, would this body like to have a briefing before the final report is issued?

We did before the holiday provide them additional time to write that report and get it out, which was late April, early May. Would you like a briefing at the end of March, or the first part of April? In other words, next week -- next Tuesday, or the Tuesday after that? >> Mayor Adler: Ms. Kitchen. >> Kitchen: Just for myself, I think that that would be helpful. >> Pool: And I absolutely agree. I think it would be good to get a report. And I guess my next question would be, would it be work session, or would you rather at a council meeting? Maybe, mayor, you could think about that. >> Mayor Adler: I think that would be helpful. It gives us a chance to touch back on scope. If there's a question like the one that just came up, we say, maybe that's something we want you to comment on. >> Pool: We'll ask the chair of the task force the question that came up about avenues of input at council, the committee versus -- I mean, committee meetings and Thursday council meetings. Anything else you all want to ask that has come in front of your minds during this conversation is fair game. And I would just say that I support the committee system. And I entered into this as wanting every open avenue for the public to come and tell me what they need. And we're trying to show different avenues for people to come and speak to us. So I have grappled with trying to limit the amount of time. And I haven't come to any final resolution, but I do know that as chair of committee for open space, I can grant additional time for people to speak if that wish, and I can shorten the amount of time if there aren't a lot of speakers. We still have the ability, as

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chairs of our committees, to extend or contract the amount of time for public input. >> Mayor Adler: Okay. Any further comments? Yes, councilmember. >> Garza: I think this is a great discussion. I know we all have different opinions. I would say, going forward -- and I know we do -- but I feel like a lot of this conversation has revolved around the efficiency of us and staff. We are all public servants. So when I think of this conversation, I'm trying to think of the public. And I still support the committee system. But in that system, we've also heard that they have to come before a committee. They have to come speak before council. And what the mayor was suggesting earlier, well, maybe if it comes straight from an ifc, maybe that's a good opportunity to discuss it but then postpone it. The public doesn't always watch our

work sessions. They see something on an agenda, they're going to come speak, and it's going to get postponed. Maybe it comes up again, it gets postponed. Every time we've gone after 10:00, almost every speaker that's still there has got up and said -- they thanked us for staying there. They haven't really complained about having to be there. Because I've been in those seats past 10:00, past midnight. And I've been at the legislature waiting to speak at committees. That's what you do when you care about an issue. Every time, they've thanked us for being there. When we're thinking about this, think about the burden that it takes for folks to come down to city hall because this process keeps changing so much, and not knowing, and wanting to be here, and wanting to make sure that their voice is heard. >> Mayor Adler: Yes. Anything else? Mr. Renteria. >> Renteria: Mayor, I guess I'm one of the lucky ones that have a committee that -- I'm chair of one that doesn't

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require a lot of time. Usually I get the briefings, and that's what I really love about my committee, is that I'm also learning. But I am a co-chair of another committee that we stayed up until 2:30 in the morning taking input. So, yes, I've been on both sides. And I have no problem with staying up late. I'm a person that enjoys staying up late anyway. If there's other people there, residents from Austin, they want to spend midnight with me, I just love that. So -- but whatever y'all -- my colleagues want to do. I mean, my committee meetings in housing hardly ever go over three hours, you know. So I'm not experiencing that pain of having so many people wanting to speak before the committee. But we have to realize that there are very emotional issues that have been coming up for us. And, you know, I remember the sos ordinance here, where they went up to 5:00 in the morning, you know. That's the way Austin is, you know. I mean, I ran for this position knowing that there was going to be times where I'm going to be up here until 2:00, 3:00 in the morning, because you can't take that away from citizens. We have citizens that are really emotional about issues. And they're willing to stay here until 5:00 in the morning and come back the next day at 7:00 in the morning if they have to. That's just the way they are. But I'm willing to work with my colleagues on whatever is decided, because I know that we're going to make decisions. But there are going to be issues that we're not going to be able to help it, it's going to go late. >> Mayor Adler: Anything else? Mayor pro tem? >> Tovo: Yeah, I've been thinking a lot about this issue, especially given that there's concern about going beyond 10:00. And, you know, I think we all

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should look at how we spend our time during the day and what we can do to be more efficient. I completely agree with councilmember Renteria, though. I believe at the end of the day we are going to have meetings on Thursdays that go late. I think the challenge is to make sure that that's, sort of, the only day that can expand beyond its boundaries, because it's unworkable for our staff and for us if we have a Tuesday that goes beyond the boundaries, and committee meetings that do, and whatnot, as I spoke about earlier. But, you know, I would ask us all to look at ways on hour council day that we could really use our time efficiently. Because we don't have control over how many people are going to show up and talk about certain items, and I want to preserve that time for the public to come and speak. And so using the q&a process is really important. Making sure we're not asking the same questions on Tuesdays and again on Thursdays. Sometimes I see the same question in three places. You know, that's something that I'm trying to make sure I'm not doing in our council meetings, to really make sure that our discussions are kind of advancing beyond the q&as, and not just duplicating that information. We could give signals

to each other. I'm going to have a lot of questions on this consent agenda item six. I'm not prepared to ask them today. That would help us plan our time better if we knew four of the consent agenda items

are of real significant interest to councilmembers who aren't prepared to talk about them today, so we can understand better, we're not going to be able to hit some of our targets. I think having some targets throughout the day would be of help to keeping us move along and understand whether we're going to hit that 4:30 time certain or whether it's really going to be more like 11:30, so if we're not going to extend past 10:00, which I would really be concerned about that happen, that we vote at 10:00 to close down a meeting when we have a half an audience there waiting, some of them, who have maybe been there for hours. So, you know, at 7:00 I think we should take stock and say, look, I don't think we're going to hit these items. If we're really ending at 10:00, we're not going to hit those items. Maybe we can all be thinking about ways that we can communicate with each other about the issues we're really going to want to spend time talking about, and make some assessments as a group of whether that's viable within the time we've allotted. >> Mayor Adler: Ms. Kitchen. >> Kitchen: I'll just say one last thing, and then we can all brainstorm about this more. I think that that's a valuable suggestion, that we take stock at different times during the day. Because really, it's about time management as much as possible, understanding that there's always going to be things that we can't control. But if, ahead of time, if we know that an agenda is probably going to take X amount of time, and we've done our best to make sure it's an agenda that's do-able, and then during that day, if something throws it off, but we need to acknowledge it during that day, and not wait until the end. So I think that that might be helpful. >> Mayor Adler: Okay. All right, so let's move on, then, to the next item.

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Ms. Troxclair, do you want to talk about the nondiscrimination, item number 6? >> Troxclair: I was -- there's two related items, I understand. >> Mayor Adler: Six and 17. >> Troxclair: When I pulled them both, I wanted to better understand what the reasoning was for each, but I understand one's being withdrawn? >> Tovo: Yeah, I'd be happy to give a little background. Item six appeared on our earlier agenda and was postponed. We made changes to the resolution, enough that it caused a change to the posting language. We can't make changes to posting language that's already posted. That's why there are two different items that are very similar. Six will be withdrawn, is my expectation, or I will propose withdrawing item six on our agenda on Thursday and moving forward with item 13. And I'd be happen and I to talk about the changes from one to another, or just go to questions. But, I will say as a general point, that the changes that I've made are -- that my sponsors have supported are in response, in large part, to the concerns the human resources department raised about the plan we brought forward a couple weeks ago. >> Troxclair: Can we go ahead and talk about item number 14? Can you explain the differences or the reasoning behind the changes? >> Tovo: Sure. There are a couple additions to 14, and a couple changes. Initially, we were initiating amendments or asking the municipal civil service commission to initiate amendments. In this version, we have asked -- we have handled that a little differently. Let me just jump to the be it, therefore, resolved. In this version, we are doing several separate actions. We're asking the municipal civil service commission to consider

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what its potential role might be in reviewing or providing feedback about antidiscrimination cases. And also cases related to harassment and retaliation. And so rather than initiate amendments or ask the human resources director to initiate amendments, the charter, let me just say, has some very specific language about the municipal civil service commission. And some of it is a little bit different than other passages. And so figuring out even how to initiate amendments required a lot of discussion with city legal. And I'm not sure I would let them speak for themselves, but I'm not sure they were comfortable -- I think it's fair to say they were not comfortable with how I handled it in the first resolution. Would you

say that's about right? In any case. So, this handles it differently. It directs them to consider an expansion and to report back to council on the result of their discussion. It directs the city manager to initiate -- to provide some recommendations for a third-party appeals process. In my conversations with Mr. Washington, one of the things you and I talked about is that if there was a desire to have an independent appeals process, that perhaps one way to handle that would be, rather than expanding the role of the municipal civil service commission, one way to handle that would be akin to when we did before the commission existed, which was to hire an independent hearings examiner to in essence hear those appeals. And so this resolution, now, in the revised version, would direct the city manager to consider what a third-party appeals process might look like and to report back on -- with a few recommendations. It asks -- the other addition in this one is that it asks the -- it would direct the city auditor to look at the way investigations are currently being handled, to look back at five years' worth of investigations regarding discrimination, retaliation, and

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harassment, and look at the investigatory procedures that were used in each one of those instances, and to look at the outcomes, and to provide us with some information about that, and also to look at best practices both in other cities, but also in private industry, to see whether there any practices that we might want to consider having in place here at the city of Austin. The fourth action that this resolution would direct is to move forward with some of the recommendations from the human rights commission. And I think we've had an opportunity to talk generally about the background here, but the human rights commission began almost a year ago last may in looking at -- talking with staff members, compiling information about everything from particular cases and outcomes of cases, but also looking at roles throughout the workplace, and analyzing information for disparities in terms of executive-level positions and others throughout the workplace. So they've been doing a whole lot of work. They made some recommendations, several of which I'm suggesting we advance and move forward, and directing the city manager to do. And then other recommendations, sort of, provided the groundwork for the other actions here. And, again, I'm happy to answer any questions. >> Troxclair: Sure. If I remember correctly, we didn't really have time to have a full presentation from hr, as was planned in the audit and finance committee, because of the time crunch. I'm wondering if we're going to have that presentation from hr in front of the council, but sometime before we vote on this resolution. Because I would like to understand -- I think that there were some interesting points that you highlighted in the committee. But, again, I don't think we had

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time to really go through the whole presentation. So was there -- I thought there was a plan for the council to hear that before we voted on this resolution, but maybe I'm mistaken. >> Good morning. We have shared information -- some correspondence that was sent to audit and finance, subsequently, the council. But we also -- and someone can correct me if I'm mistaken, but I thought the presentation materials were forwarded as well. We forwarded the materials, but which not -- have not had a chance to explain. And we're happy to do this. .>> Troxclair: That would be helpful for me, if we have time on Thursday, to have a presentation before we vote on this time. It sounds like mayor pro tem tovo has been responsive to, maybe, some of the preliminary concerns. And I'm still processing the -- I guess the affect of the changes. I was looking forward to that. If it's possible, I would like to have that presentation. >> Mayor Adler: Mayor pro tem. >> Tovo: I would just say that the presentation was really my -- I mean, I think it would be interesting, and I would encourage everyone to read it. It also became the substance of at least one memo that we've received, possibly two. I've lost track. But I think a lot of -

- you know, if -- just in looking over the feedback and recommendations on page 11, it talks about expanding the role of the commission, and a couple reasons while, the next page says expanding the role is not recommended, more reasons why. The last two pages, again, are headed by expanding the role is not recommended, and more reasons why. So I think quite a lot of this is aimed at talking about -- is

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really aimed at the first resolution, which quite directly asked for some amendments to be initiated to expand the role the municipal civil service commission. So I'm certainly open to having a presentation. I would just say that this presentation was, it seems to me, pretty targeted at what is now a conversation we're asking our municipal civil service commission to have, but is not the main thrust of the resolution. >> And for me, this fits with the concept I mentioned earlier of having an ifc that initiates a conversation, that has people coming back. So as I read the whereas clauses in this, it's asking the manager to review policies. It's asking for an audit. It's asking for recommendations, for options to have a third-party appeal. It directs a board to consider something, in asking the commission to advise. So in my mind, the policy decisions associated with this I'm happy, mayor pro tem, that you chose to amend it in this way. I think it enables us to move forward and get that counsel and advice. >> Troxclair: I think I agree about the first two be it further resolved clauses, but I'm just -- because I am interested in the information about reviewing the existing policies and protocols, and maybe having an audit review to understand how things have been handled over the past five years. And if there is a need for changes. I know that there were several concerning statistics that were mentioned earlier in some of the whereas clauses. But I don't have the -- I would want to see the results of that

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audit and information about, for example, are these Numbers -- the number of complaints that we're getting, and the number of cases that are sub-substantiated substantiated in our department, is that in line with other cities of similar size? I don't have context to identify the problem what it is and understand what the scope is, which I think the first two be it further resolved clauses would address. But I guess when you were then jumping to stated that we have a desire to create an objective third-party appeals process, I just don't know. For me personally, I would prefer to have all the information before I make that. That is making a policy statement. Or that is asking that we move forward in a particular direction. And I think -- I know mayor pro tem tovo has been working on this issue for a long time, as you stated, as well as the human rights commission. And so I trust that after you've reviewed some of the information that you've had access to, or some of the complaints you've received, that you are comfortable making this policy decision. Because I haven't been involved in those conversations, I don't know that I'm to that point yet. So I would prefer that we move forward with the first two, knowing that we can kind of come back and make a policy decision about whether or not a third-party appeals process is needed, or appropriate, and have a better understanding of the scope of the municipal civil service commission, whether or not this is an -- would be an appropriate expansion of their roles. And I guess my last question -- or one other question -- I just want to understand. You know, I was reading -- I do want to understand from our legal department a little bit more about what the -- what's -- I have what's in our charter. And it does seem to be pretty specific. So I want to understand what this would be amending. >> Mayor Adler: We have the

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intent to go into executive session on Thursday to discuss the legal issues. >> We will provide a legal analysis before that time. If there are questions, we can talk about them in executive session to address the bigger picture about municipal civil service. >> Troxclair: Okay. Thank. Thanks. I know it's a really complicated issue, and I want to understand better -- we have the Texas workforce commission, and the eeoc that already, kind of, have a role as a third party in this process. So I think it would be helpful to have a better understanding of that before we move forward. But that's just me. >> Mayor Adler: Okay. Ms. Pool. >> Pool: Yeah. I'd just say that I think it's important for us to recognize that this is the assembling of additional information for us to make the decisions. And we're not making any decisions on what the final ordinance will look like, but this is a way for us to get all those questions that councilmember troxclair is raising. And I would ask staff -- I'm sure human resources folks would be willing to meet with you and your staff, or any of us and our staff in order to dig into the questions that we have at a level that may not be possible from the dais so that we're amply prepared for when it does come, and so that we can also focus our discussion on the dais the way we were talking about during our discussion on how long our meetings take. >> Mayor Adler: Okay. Ms. Houston. >> Houston: I have a question of mayor pro tem. Can you -- the pages are not numbered. Can you tell me where the management committee is located? And who that is? >> Tovo: Yes. I'm going to find my list, which is in my email, but not printed out. >> Mayor Adler: Did you want to say something? >> Tovo: It looks like our city attorney is going to bail me out here. >> I think the management integrity committee is the city manager, the assistant city

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manager mark Washington, and the city attorney, the chief financial officer, and the auditor. Who am I missing? That's it, I think. Apd. >> Tovo: Apd special investigations. And the city auditor is a nonvoting member. >> Mayor Adler: Okay. Dr. Marshall. >> Thank you, mayor. I would just ask, as the city attorney looks at the revised resolution, the revised resolution, is the last "Be it further resolved." >> Mayor Adler: Okay. And we'll address that before we take a vote on it in executive session on Thursday. >> Tovo: And if I may, I just want to -- I think, councilmember troxclair, I understand -- I understand, kind of, the question you're raising. And I will ask -- I received -- so the human rights commission asked for some information about the outcome of different cases and whatnot, and that was, I believe, provided to some of them through a public information request. And then I received it as well. And so if there's a way to make some of that available through our backup, that might be useful so that people can review the Numbers on their own. I would say that the actions we're directed in the first two "Be it, therefore, resolved" -- I think the audit will provide us with some information relevant to it. But I would say that at this

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point, just based on the recommendations that I've heard from the human rights commission and from, you know, that have come to me through various channels, I believe that it would be very helpful for the city of Austin to have a third-party appeals process. And so that is -- you know, I am prepared to move forward with that. And I guess I would ask Dr. Washington if he has concerns about providing us with some recommendations of what that could look like at the city of Austin if we chose to have that option available for employees who wanted to avail themselves of it. >> I think we're very supportive of making sure that there's due process, and whatever the outcome of a claim or complaint, that we get it right. And having a third party review a decision, or another level of review is prudent. We just want to make sure that it doesn't not add additional complexity to what's already a current -- very procedural-oriented process within civil service. So I think we're certainly not opposed to coming up with some other

alternatives for a third-party review. >> Mayor Adler: Okay. >> Houston: Mayor. >> Mayor Adler: Ms. Houston. >> Houston: Could part of that be what the cost would be associated with the third-party reviewer? How much it would cost if we contracted with a third party? >> We certainly can look at those options. As councilmember tovo mentioned earlier, we had a process similar to that in place with the use of a hearing officer. We could also look at other resources in the organization as well, so we can certainly look at that. >> Mayor Adler: Okay. Let's move on to the next item, then. Ms. Kitchen, do you want to talk about the flood mitigation task force? Thank you very much. >> Kitchen: I just wanted to

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briefly bring this up in case anybody had any question. Basically, this is in response to a request from the flood mitigation task force. I've had a few questions about where this came from. But it's from them. And they're simply asking for a little bit more time. It's not a lot more time. And they are expecting to present a final report, including their recommendations, not later than the end of may. So I believe this is about, you know, a month or two additional time. So I just bring that up in case anybody had any questions. >> Mayor Adler: Any questions? Okay. Thank you. The next item is the -- 14 we just hit. 15 is the adopted wage provision. Mr. Casar, do you want to explain why that's appropriate to raise as an ifc here? >> Casar: Yes. This is an item that we initiated last may. We passed a resolution to ask the city staff to look at options to plug holes in our minimum wage policy. We currently have a minimum wage of \$13.03 for our own city employees, applying to the employees of contracts that work for the city, the employees that clean the Austin energy building and other contracts we've had before us, that \$13.03 applies to them. The staff, through a task force that has been working for several years, have identified that subcontractors, below those contractors, as well as some contracts where workers are doing work that's not totally similar to existing work are not included in that same policy. So the economic opportunity committee recommended that we plug those holes.

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However, there were, as you know, some legal questions about plugging the hole around construction contracts. So we had an executive session about that and brought forward an ifc after that executive session because having executive session at committee and then back at council doesn't seem particularly efficient. And so this is something that was initiated by the council back in may. And now has been reviewed by committee, and now is up for a vote this Thursday. >> Mayor Adler: Okay. Does anybody have any questions about this one? I wanted us to touch base on it because, again, in my mind, this is something that's being brought as an ifc, but it's something that has gone through a significant vetting period and a public discussion period. Thank you. Thank you for coming. The next item that we have is the fair chance hiring issue pulled by Ms. Kitchen, who is not in the room right now. And I think that's our last item. Is Ann outside there? >> Casar: I'm happy, also, to start passing out some paperwork to explain my message board post. >> Mayor Adler: Why don't you go ahead and do that. >> Casar: It includes some amendments. >> Casar: If you'll pass that out for me. >> Pool: That was a good press conference that you and your staff put together this morning. >> Casar: Thank you. >> Pool: Thanks for doing that. I was pleased to be a part of that. >> Casar: I'll pass them out slowly so that councilmember . . .

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>> Pool: This handout is from you and your staff? Okay. >> Casar: If we'd like, I can get going on it. >> Mayor Adler: Why don't you go ahead and get started. >> Casar: I'll go ahead and get started. So, as

many of you know, this has been an issue that the council also initiated early last year. It's gone through a full stakeholder process, has had multiple committee meetings associated with it. The committee actually recommended an additional stakeholder meeting. Our staff has been working very diligently to collect that input, and the committee did recommend an ordinance that was published to the council last month. And we've dedicated several work sessions over the course of four weeks to review that final language. There is a breadth of community support, as I've described. However, there were, sort of, throughout the process, concerns highlighted by those opposed to the ordinance. And so I wanted to lay them out here, because, sort of, throughout this long process, there have been lots of concerns. And I think this shows that well over a dozen of them have been addressed. The very first concern that we heard from those opposed to the ordinance was that businesses should be able to run a background check at some point in the process. And that was always the intention. And so I want to clarify that up front, that the ordinance as drafted allows those background checks, but at the end of the hiring process. We heard very clearly, those who had concerns about the ordinance wanted impact on small businesses to be reduced. A couple of cities I'm aware of have this apply to all size of private employers. Our draft only applies to those with 15 or more employees. The committee recommended ten or more, but I believe 15 is prudent, because there are federal guidelines that align at 15 employees. This reduces that impact on

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small businesses. Also, we heard very clearly from people opposed to the ordinance that they did not want additional records retention to be required. As a matter of fact, councilmember troxclair during the committee was the one dissented vote, but she did note records retention, right before voting, was one of her primary -- if not the primary -- concern. I said I hope once the ordinance addresses records retention in a reasonable way, we could earn her support. The ordinance as drafted actually requires no additional records retention. In other cities such as San Francisco, records must be retained to show compliance with this ordinance, otherwise you're violating the ordinance, and assumed to be doing so for three years. This requires no additional records retention, so I hope that allays concerns. The original proposal had dps background checks being mandated, but this ordinance draft does not mandate dps background checks. Any legal background check is allowed to be used. Another concern we heard was about some ordinances that require bizs to explain to advocates what they saw in their criminal history that gave them pause. This ordinance does not require that. Other cities have appeals periods where those who are rejected for employment because of their criminal background can appeal and have the job be held open while they appeal. That is not included in this ordinance. There were a lot of concerns around that. That is not included. People brought up to me that they wanted education instead of immediate enforcement. So the draft that I plan to bring forward on Thursday, for the first full year, has no citations of the ordinance. Nobody will be issued a citation during that first year. We'll have an education campaign. We also heard concerns about the draft where some employers could be cited after that year and never have a chance at getting a warning. So I believe that if it secures us a large majority of council

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and more community support, I would be willing to consider an amendment that gives employers, always, the opportunity to get a warning for their first time violation as long as they participate in some training that lets them know what the ordinance really means and does. The goal is not to go after the bad guys, but to get compliance across the city. I also heard concerns at a recent meeting with board members in the chamber of commerce that they didn't want the city creating new guidelines for how

criminal history should be assessed, because there's existing federal guidelines that businesses have been taught to learn about. And so I'm also including in my original motion for Thursday a draft that uses those existing guidelines, so the city isn't creating new ones. I think that was councilmember troxclair's second-most important concern. And that one is addressed through this amendment that I'm willing to put in if that secures us swift passage and broad support. Another concern that was brought up just recently -- it was not brought up at any point during -- that I could tell very strongly during the stakeholder process -- was employers wanting to share their background check process. If they couldn't run the background check, at least tell people how they plan to run it. I'm willing to consider an amendment that would allow those employers to share their background check process in writing, and I've posted that on the message board. Some concerns have been brought up throughout the process that businesses with fewer resources may not know how to follow best practices. So I have included an amendment posted on the message board that the city not only will conduct an education campaign, but post a website developing and showing what those best practices are. These are the best practices already recommended by the employment and opportunity commission, and I think it's important to share that. People ask the that law not require an employer to reject any applicants, because some of you may have received an email insinuating that this ordinance requires businesses to whittle it down to just one applicant,

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run the background check. And what if that one applicant has a criminal background that excludes them from the job. I think we can get a lot of clarity from our city legal staff that this ordinance does not do this. And so that concern has been addressed in the existing draft. We heard from employers that they wanted no mandate that employers cannot withdraw conditional offers and employment for any legal reason. That's explicitly stated in the draft ordinance. Finally, we heard concerns that sensitive positions where a background check is required should be exempted from the law. So that is the examples that get brought up, what if you're running a daycare or a police officer, and you need to get a criminal background check run. All of those jobs are exempted explicitly in the draft ordinance. And so, over a dozen of those concerns from those that were brought up almost a year ago to those brought up just in the last handful of days, are already addressed in the draft ordinance, or I'm willing to address with the amendments posted on the message board. The only one that has been brought up that I cannot support is, sort of, going to the core of the ordinance and saying the background check shouldn't be run at the end of the process, it should be allowed to be run somewhere in the middle of the process. Best practice, the eeoc recommendation, what we've been talking about from the very beginning is moving the question and inquiry about conviction history from the beginning to the end so that you get the best shot possible, so that we create the most opportunity for people. And so I've been trying my very best to balance all of the interests and all the concerns. These are well over a dozen concerns that I'm happy to address. But I just disagree with opposing just the policy generally. So if somebody opposes the fair chance hiring law, then we can just agree to disagree on that. But I think we've made every accommodation possible to make sure that a very wide swath of the community is supportive.

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And if any of you want any of the support letters, I think I passed them out at our first work session. I have copies here from the many community members and community organizations that support this, including the CEOs and presidents of many of our chambers of commerce. >> Mayor Adler: Ms. Kitchen, you had pulled this. >> Kitchen: Oh yes. I pulled it so that we could go through this. And I want to thank councilmember Casar and commend him for putting together this information. It's very, very helpful.

And you've done a very thorough job of working with the stakeholders. So I want to go back to one of these, because it completely answers any question I had. And I just want to make sure I heard it. And that was the concern that's been brought up recently that an employer would have to reject applicants for a job save one, to whom a conditional offer is made. And then be stuck, and they wouldn't have anybody else, and they'd have to go back through the process. So I'm understanding that the ordinance doesn't require that. So there's a lot of different options for employers. For example, they could make a conditional offer to one person at the end of the process, and then -- but not dismiss the other folks. And then run their background check. And if they weren't able to, you know, move forward with that one, then they'd still have, you know, a couple other people they could go back to, right? And I see you shaking your head yes. Because you are our expert on this hiring process. So, do you want to speak to that? >> What you're describing is consistent with our experience here. >> Kitchen: Okay. >> In the city of Austin. So you don't have to eliminate anyone to make a conditional offer. You can make your conditional offer and wait and see the outcome of the background check. >> Kitchen: It doesn't require you to go back through the whole process. >> Absolutely not. >> Kitchen: It doesn't have you ending up losing people because of having to go back through the process. >> That's not been our experience.

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>> Kitchen: Okay. >> Mayor Adler: Okay. Any further questions on this? Yes, Ms. Troxclair. >> Troxclair: I don't have a question on this specific -- I guess -- I appreciate you going over these responses. I just wanted to point out that I think this is one situation where the committee process worked pretty well. I mean, we did spend a lot of time on it in economic opportunity, but it was a much more complex issue than what I had originally thought on its face. And there was a lot of legal work that went into it. There was a lot of stakeholder work that went into it. There was a lot of hr staff work that went into it. And I think it probably got us to a point that is a little bit more thought through than the original proposal. I do wish that the chamber had expressed their opinions earlier so we could have also taken their thoughts into account during the committee process, because I knew that that was a voice that was missing. But I just thought I would point that out. So, thanks for your work on this. >> Casar: No, and I appreciate that. And if the councilmember recalls, in our original resolution as passed, we explicitly listed all the chambers as stakeholders. They were invited to every stakeholder meeting. I called them multiple times. As a result of that, we got a lot of really good work done. But if, in the end, there is opposition just to the core of the ordinance, then everybody has their vote on that issue. >> Mayor Adler: Yes. >> Casar: Thank you for chairing those several meetings. I appreciated your patience. >> Pool: I just wanted to stay, if the amount of the number of emails that I've gotten in support of the fair chance hiring resolution that you're leading on is any indication of a general support around Austin proper, our community wants us to move in this direction. Yes. So, thank you. >> Mayor Adler: Ms. Garza. >> Garza: Similar to what councilmember kitchen said, one of the main concerns I heard, including from the chamber, was

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the scenario where they'd have to start the process over again. And in reality, you never do that anyway. Anytime there's a job opening, regardless if you have to -- you know, if this process is in place or not, you never tell number 2, 3, and 4 no before you hear from number 1. So, yeah, I think this addresses many of the concerns that I've heard in opposition of this. >> Mayor Adler: Okay. Mr. Casar, how does this compare to a city like San Francisco's? >> Casar: San Francisco was one of the first cities to pass a fair chance hiring ordinance. I believe that San Francisco's ordinance is restrictive to businesses in several ways that this is not. You want to make sure it was tailored to Austin. San Francisco's, for

example, does not allow any criminal record at all to ever be considered that is older than seven years old. They also do not allow, at any point in the process, event at the end, for any juvenile criminal history to be considered at all. It also includes an appeals period where if someone thinks that their criminal history was considered but not properly considered, that job actually has to be held open. And nobody hired into that position until that is resolved. Furthermore, as I stated, record retention requirements, and for the business to explain why they take adverse actions. Throughout the process, I heard that those were issues that several business leaders had with the San Francisco ordinance. And so we didn't include any of those. The San Francisco ordinance does allow the criminal background check to get run earlier in the process than this proposed ordinance, but in conversation with national experts that have compared this ordinance to other cities that do have it at the end like New York, Baltimore,

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and Washington, D.C., and Columbus, Missouri, they have found that the very end of the process is really what gets us the most opportunity for an individual. And I think that's the goal of this ordinance, not to be punitive to businesses. And so I think our ordinances are easier to comply with, the draft ordinance is easier to comply with in many regards compared to San Francisco's. >> Mayor Adler: Okay. I appreciate that our -- that, one, we have multiple chambers of commerce in the city. And the black chamber, the hispanic chamber, Asian chamber, the lgbt chamber, I think all spoke in favor of this. I was appreciative of the consideration that the greater chamber made of this. I appreciate that they indicated they were directionally supportive of the policy involved here. I think if we're concerned about affordability in this city, we have to be concerned about jobs. We have to be concerned about people being able to be able to afford an apartment without a subsidy, and a life without a subsidy. And I think this goes to that. We've seen it work here locally with governments. We've seen it work in other cities. There were some concerns that were raised by the chamber and some other businesses. You put them on your chart here. You indicated those were things that you were willing to do. My hope is that you'll indicate that you'll, in fact, put those amendments in. And I would support it. >> Casar: I'm very happy to include those amendments if it ensures your support and the support of the rest of the council to include those, not go further -- beyond such.

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>> Mayor Adler: Any further discussions? >> Casar: And, again, you can go look at the message board for those amendments. They're already included in the ordinance. And I can just make the motion to pass the ordinance already with those amendments included. Even though we went through multiple committee meetings both sometimes, the testimony was limited to a certain number of speakers. And I would expect this time we do the same. I believe there's an action alert coming out from the chamber that they would like to bring some folks to speak. So I think 30 minutes on each side will summarize the issue nicely. >> Mayor Adler: Okay. That would be good. If you would present it as one package, I think that will help us also, on time. Anything else? Then I'm comfortable with the limitation, given the fact that we had the stakeholder process and we've gone through significant debate already, to 30 minutes on each side. I think that is everything on our agenda. That gets us to the executive session on the three personnel matters. So the city council will go into closed session to take up three items pursuant to section 551.074 of the government code. We're going to discuss item e2, e3, and e4, evaluating the performance of the city clerk, the city auditor, and the court. E1 has been withdrawn. If there's no objection, we will now go into executive session.

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>>Mayor Adler: We are now out of closed session back into regular session. In closed session we discussed items E2, E3 and E4 we are now adjourning the work session.