Audit and Finance Committee Meeting Transcript – 11/14/2016

[9:09:18 AM]

>> >> Tovo: Good morning. Apologies for the delay. I'm mayor pro tem Kathie Kathie. It is 10:10 -- excuse me, it is 9:10. It only feels like 10:10, and we are meeting in the boards and commissions room. The first order of business is to approve the minutes. Is there a motion? Councilmember pool moves approval of the minutes. Councilmember Renteria seconds it. All those in favor? And that passes unanimously with vice-chair troxclair off the dais. Next is citizens communications. And I don't believe I have anybody signed up for citizens communication. Is there anybody here who wishes to speak? On an item not on the agenda for citizens communication? All right. That brings us to item 3. And actually, I'm wondering if we should do some of the quick items first? Apologies, Mr. Guernsey. I think that 4, 5 and -- at least 4 and 5 will probably be snappier than the neighborhood planning audit. So why don't we skip to 4, the audit of employee health claims and eligibility. >> >> This is an audit where I believe why the presentation will be somewhat quick is this is an audit where we're closing out early without conducting substantive testing based on what we saw. Katie Houston was the assistant city auditor. Rachel castenillan was the auditor in charge and with make a quick presentation. >> Good morning, mayor pro tem and councilmembers. The purpose of the audit was to see how the human resources department monitors the process of health claims and coverage. And our audit scope calendar

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year is 2014 and 15. This is a depiction of how this process works with the three parties involved. At the top you can see the human resources department. And they contract with an external vendor, united health care, to administer the benefits for city of Austin employees. And then annually united health care reports the results back to the human resources department. Separate from that the human resources department contracts with an external auditor, Willis towers Watson, to review the performance of united health care. And then separately they audit certain claims and have communications between each other to identify any errors. And then annually they report the results back to the human resources department. We found concerning the claims processing that united health care had a accuracy to be 95% and Willis towers found almost 99%. Concerning eligibility, we found that the human resources department properly obtains verification to make sure that only eligible persons are covered and they properly remove employees and dependents from the city's health plan when they are no longer eligible for coverage. Given that the two areas in the audit were effectively managed, we did not make any recommendations in this audit. That concludes my presentation and I can answer any questions if you have them. >> Tovo: Thank you. Any questions for the auditor? Is there a motion to accept this audit? Councilmember pool moves approval. Councilmember Renteria seconds

it. All those in favor? And that's unanimous with vice-chair troxclair off the dais. Thank you so much for your work on that. Let's knock out 5, please. This is changes to the boards and commissions presented by the city clerk.

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>> Good morning, Myrna. Clerk's office. Today we have two recommendations. The first is a proposed ordinance change that will impact the recommended bylaw amendment to change the name from downtown Austin community court advisory committee to downtown Austin community advisory board. That will also require a change to article 2, which is the purpose of the board is to advise the downtown Austin community court on policy and operation issues and advise city council about the operations and policies of the board. If you recall, the transition task force made the recommendation that the names be aligned across the board, and our office agrees. >> Councilmember pool moves approval of that name change or recommend that name change to the full city council. >> Renteria: I'll second that. >> Tovo: Councilmember Renteria seconds it. >> Renteria: How long has is -- is this set up to be a permanent task force to look into that? Am I on? >> Tovo: Councilmember, we're talking about the change to downtown Austin community court advisory board name. So we'll get to the environmental commission in just one minute. Do you still want to second that change? >> Renteria: Yeah, that's fine. >> Tovo: Okay. Any questions about the name change? All those in favor? It's unanimous. >> The next change is the environmental commission is requesting the creation of an environmental commission drainage infrastructure and flood mitigation commission that will monitor and make recommendations related to city of Austin's drainage infrastructure, flood mitigation and prevention, structural and non-structural best management processes. The committee also monitors and makes recommendations regarding implementation of the 2016 flood mitigation task force report.

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And staff is here available to answer any questions. >> Tovo: I believe we have one from councilmember Renteria. >> Good morning, chuck Lesniak, city environmental officer. >> Renteria: It was the same question. I was wondering -- this is just a task force that's going to be looking into the flooding and -- and drainage infrastructure? >> This would actually be a permanent committee of the commission. The commission is the -- the environmental commission is the oversight body for the watershed protection department who does all the drainage management and flood mitigation work for the city. As a follow-up to the flood mitigation task force after the task force presented their recommendations to the environmental commission, the commission felt like that there were a lot of good recommendations there, that the department is doing a lot of work in that area and the commission wanted to become more engaged and create this committee as a permanent committee. >> Renteria: So the environmental board is also going to be overseeing this task force. >> It's not a task force. This would be a committee of the commission. It would be made up only of environmental commission members, and so this is a subcommittee of the environmental commission. >> Renteria: Okay. I was just wondering. I know that sometimes these boards are overloaded with work as it is and then by adding another task to them -- >> I think the commission is comfortable with the workload necessary. There was initiated by the environmental commission themselves. They've actually already started meeting as a joint committee of a couple of their existing standing committees. I think they're pretty anxious to continue this work and support the work of the flood mitigation task

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force. >> Renteria: That's great. I'll make a motion. >> Tovo: Thank you, councilmember. And councilmember pool seconds that. All those in favor? >> Pool: I want to make a comment too. I'm really glad to see the environmental commission is moving in this direction. I think probably some of the work that was done that had to do with flood buyouts, it cost us a lot of money over a number of years. We may have been able to get in front of that a little bit earlier if we had had a focused group looking at it and having it out of the environmental commission makes a whole lot of sense to them. And I see the vote was unanimous with one person out. >> Yes. >> Pool: That's really great. And it's also a tip of the hat to the work that the flood mitigation task force did last year. They came forward with a number of recommendations and having this committee in the environmental commission role will also help keep focus on recommendations from that committee and move them forward. >> I think that's right, councilmember. And they've already asked that we reach out to the task force members P invite them to the meetings. And we're also going to reach out to the people that signed up for the email list during the task force, the general public, and just give people the opportunity. We'll create a separate email list so they can be notified when this committee meets and what the agenda is so they can participate. >> That's great. Thank you. >> Pool: There were also a couple of forums. Community forums that the task force held throughout the city. I think there was one in the south part of town for -- I think at onion creek country club for folks in districts 2, 3 and 5 probably. And then we had two forums in district 7, one last year and one this year. So there are also sign-in sheets from those events that could be added possibly to that distribution. >> We'll look into that because what the goal is to

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create an opt-in list that we can just notify people of the upcoming meetings. >> Pool: And maybe have a link on the environmental commission website's page so that people would know about it and be able to sign up too? >> Yes. >> Pool: Great. Thank you. Parties. >> Tovo: Mr. Lesniak, one more question. Because it's a formal committee rather than a work group those meetings will be posted. >> Yes. And minutes will be taken. >> Tovo: Thank you so much. Any other questions? All those in favor? That passes unanimously. Our last relatively quick item is six and then we'll circle back to the neighborhood planning audit. These are the proposed committee dates for 2017. And if anyone has a clean copy to put up to post, that would be super. I have one. >> I have a clean copy. >> Tovo: I have one I can post, but it has my notes on it. Let me just say one thing while these are posting. These are currently scheduled for 9:00 to 12:00 as has been our practice. I would like to suggest -- I think our committees worked productively when they were two hours as well. So it would be my goal to get them to a two hour window rather than a three hour window. So that would be my aim for this group. I believe we should still keep the start time, but try to put it back. Of course I think we're reevaluating committees in the new year and committee chairs and all that, but regardless of who ends up on this committee or who chairs it, I would still creme that it be a two -- still recommend that it be a two-hour meeting rather than a three. I think there's only been two or three meetings where we've had such a substantial amount of information that we needed all of that time. Any other thoughts on this before we go ahead and make

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a decision? >> A quick explanation. The agenda office proposed dates for all of the council committees based on the council calendar, including factoring in things like the budget sessions in April and through the summer. So the only change here, the proposed adjustment is for my office, which is to -- there was not room for an April meeting due to the financial forecast and other budget work sessions. And so rather than kind of go two months without a meeting, I proposed we meet kind of midway between the April and may. >> Tovo: That sounds like a very good proposal. Councilmember pool. >> Pool: And for

those who may be watching at home, but may not be able to see that, could you just read the or if they're not watching could you read the dates out? Thanks. >> They're February 1st, February 22nd, March 29th, may 24th -- which will now be may 10th. June 21st, August 22nd, September 27th, October 25th, November 15th and December 13th. And all of those are a Wednesday with the exception of August 22nd, which is a Tuesday. >> Pool: All right, I'll move. >> Tovo: Councilmember pool moves proposal of these proposed dates. Councilmember Renteria seconds. All those in favor? So those dates are approved. Do those now need to go to the full city council for confirmation? >> I believe so. We'll prepare the committee report that recommends those to the full council. >> Tovo: Justs a a clarification, the same is true of number five, the proposed changes that we just recommended are also recommendations to the full city council who will take those up before those become implemented. And the same is true then for number 6. Okay. Thank you so much. Our last item on the agenda is item 3, and this is the

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audit of neighborhood planning. Let me also just say I've closed down my speaker system, so I'd have a little more room here. So if anybody does come in -- I don't have anybody signed up to speak on this or any other items, but again if you are here to speak and please want to get my attention so we can recognize you at the appropriate time. Welcome. >> Excellent. In a somewhat rare circumstance, the assistant city auditor morning of this program is Walt persons and it is also his birthday today. I want to recognize that. It doesn't often happen that you get to the city audit and finance committee on your birthday. >> No singing. >> I do not plan to sing. >> Tovo: Happy birthday. >> Thank you. >> In addition to Walt, the auditor in charge on this project was Michael Mcgill. Before Walt begins I want to add a little bit of context. Neighborhood plans adopted in the first 15 years of neighborhood planning amended the city's 1979 comprehensive plan. In more recent years the city adopted a new comprehensive plan and as you know, moved to -- from an at large council to one with councilmembers representing geographic districts. With that in mind we conducted this audit. It looked at how the city's managed communication and governance for neighborhood planning as well as alignment with the current comprehensive plan. So with that Walt will make our presentation. >> Thank you, corrie. Good morning, mayor pro tem and councilmembers. There we go. In 1997 city council formally initiated our current neighborhood planning efforts. The first neighborhood plan was adopted the following year in August 1998. 30 neighborhood plans are in place today. They generally contain high level goals plus specific recommendations for land use, transportation, parks and other area improvements. Most of the plans include a future land use map, which informs finding land use regulations. In each of the neighborhood plans is attached to and

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part of the imagine Austin comprehensive plan. Neighborhood plan contact teams are made up of volunteers who advocate for their neighborhood plan. The contact teams are initiated by the city's planning and zoning department after the council adopts the neighborhood plan. There are 32 contact teams today. Not all plans have a contact team and have plans have more than one. As corrie said, this audit had two objectives to determine whether the city's communication and governance structures are effective in supporting neighborhood planning efforts. And to determine whether neighborhood planning efforts align with imagine Austin. This audit has four findings. The first is regarding the development of neighborhood plans. We have a finding regarding neighborhood plan contact teams. The plans themselves and certain fair housing implications. And we'll expand upon these in our presentation beginning now with our first finding. Our first finding is that the current state of Austin's

neighborhood planning efforts where portions of the city have plans and others do not, can result in inequitable land use treatment. The map included with this slide shows in blue the areas of Austin with established neighborhood plans. Austin's 30 neighborhood plans cover 26% of the city's incorporated area. And about from 45% of the area's population lives in these areas. The yellow on the map indicates planned areas and future planning areas, I should say, and the red indicates areas where neighborhood planning has been suspended. The gray is the city's incorporated land area. In areas covered by a neighborhood plan, stakeholders have a greater deputy to influence land use decisions. That is because changes to the future land use map, which is part of most neighborhood plans, plus accompany associated zoning

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changes. City code requires a public meeting, an additional notice for review of proposed changes by a neighborhood plan contact team. In addition to obtaining approval from the planning commission and city council. This gives stakeholders and areas with a neighborhood plan a greater opportunity to influence their land use in their communities and it also means there are more steps to take at greater time and expense for stakeholders seeking changes to land use designations. Areas without neighborhood plans have fewer opportunities for influencing land use decisions in their communities. We also observed that the city's neighborhood plans lacked robust and representative presentation by stakeholders during their development and adoption. As you can see on this chart, only 13 of the city's 30 neighborhood plans were proven by at least one percent of the neighborhood's population. And in one neighborhood only 19 residents out of roughly 13,000 approved the neighborhood plan. We were unable to locate the voting records for six of the neighborhood plans. We also found that participation by renters was disproportionately low. For example, in one neighborhood rentals make up 82% of the housing units, but renters made up only 10% of the voters adopting the neighborhood plan. Other neighborhoods had as few as one or two renters submitting ballots regarding their neighborhood plans. Our second finding regards neighborhood planning contact teams and we found that interested stakeholders seeking to engage with our contact team would find most of them inaccessible. Within parts of the city with neighborhood plans, nine percent of the planning areas did not have an associated contact team to advocate for their plan. For areas that do have a contact team we found that 55% had not

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submitted contact information for at least one member to the planning and zoning department in the last year. Now, the city's public information office maintains a community registry that allows contact teams to provide the public with information on upcoming meetings. However, our test found that the meeting information for 26 of the 31 contact teams that we looked at was not complete and accurate. When we attempted to obtain meeting information directly from these contact teams, 58% did not provide us information. In one case our auditors attempted to visit a contact team meeting in the time and place specified in community register and found that the library where the meeting was supposed to have occurred was closed. Based on these results it appears an interested stakeholder might find it difficult to find out when and where their contact team is meeting. If a stakeholder is able to attend a meeting we found that they would also encounter barriers to participation. We reviewed contact team bylaws and found that all but one created barriers that exceed the requirements for participation that is found in city code. Examples include not allowing a newcomer to participate in decision making until approved by vote of the existing membership. Imposing a five-year residency requirement. Requiring attendance at multiple prior meetings before being allowed to participate, and this may be compounded

by the fact that some contact teams meet as infrequently as once a year. Some contact teams require you first to be a member of an area neighborhood association. Now, the neighborhood association may not have a website with information on how to become a become a member. And although the city prohibits the charging of dues for contact team membership, five contact teams require membership

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in a neighborhood association that charges dues. Our review of contact team bylaws found that they lack some important transparency elements. Specifically bylaws for five contact teams do not include rules on conflicts of interest and four did not require the recording of minutes, including votes or attendance. We also found that how contact teams are defined is not consistent between the city and the teams and this may result in different expectations among stakeholders. And as currently defined, it is unclear if transparency and integrity regulations, including open meetings laws, apply to contact teams. Our tests found that the membership of most contact teams is not representative to the extent intended by city code. Code requires contact teams to poll members to the practical extent practical from all the member categories indicated here on this slide. It also requires contact teams to submit this membership information to the city, however we found duplicate, out of date and incomplete entries and our tests revealed that 97% of the contact teams, that's all but one, did not identify at least one person from each of the membership categories. The records also indicated that there are only seven contact team members citywide who identified as renters. Staff from planning and zoning department is responsible for maintaining membership information reported by the contact teams and staff as a department does not actively update or verify the information. Our third finding regards neighborhood plans, which the city has not been updating. Our review of the city's 30 neighborhood plans found that 70% of them are greater than 10 years old and the median age is 14. In addition, our city

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charter, our code and many of the neighborhood plans themselves stipulate an update cycle ranging from three to seven years. It's true that neighborhood plans are more specifically the future land use maps are regularly amended on a piecemeal basis. However our review found that no neighborhood plans have undergone a comprehensive update since their adoption. Despite the number of years that they have been in place, we found that 59% of the recommendations contained in the neighborhood plans have not been implemented. In fact, only eight of the 30 plans have seen more than half of their recommendations implemented. These recommendations can include such things as service changes or infrastructure improvements. We also looked at the relationship between neighborhood plans and the imagine Austin comprehensive plan and we found some inconsistencies. Neighborhood plans are considered to be attachments to and part of imagine Austin. And city charter requires the elements of the comprehensive plan be coordinated and internally consistent. However, while imagine Austin emphasizes household affordability, only half of the neighborhood plans include affordability as a goal. In addition, the city's neighborhood housing and community development office has issued negative affordability impact statements for four of the plans. While existing neighborhood plans were taken into consideration during the development of imagine Austin, we found no evidence that imagine Austin has informed the neighborhood plans that were previously adopted. And as mentioned earlier, none of the neighborhood plans have been updated since their adoption. On the other hand, the one neighborhood plan that was developed and adopted since imagine Austin clearly documents the alignment of its goals with the goals of the comprehensive plan.

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Our last finding is that fair housing choice was not specifically considered in most neighborhood planning efforts. As a recipient of housing funds, Austin has to affirmatively further fair housing through its efforts. However only one neighborhood plan mentions fair housing. In addition, the bylaws template that the planning and zoning department prepares for contact teams does not include language that stresses fair housing choice and the department has not provided trainings for team members on topics related to fair housing. In addition, two reenters identified barriers to housing choice related to neighborhood planning. For instance, the analysis of impediment to fair housing choice reports cited regulations that limit housing choice and the code diagnosis report completed for the city as part of the codenext process identified elements of code as being complex causing delays directly related to affordability. In order to address these findings, we made several recommendations to the planning and zoning department director. Our first recommendation is that the department initiate a policy discussion that holistically covers planning, including neighborhood planning as it relates to a neighborhood comprehensive plan and/or geographically piassabassed council system. We also made several other recommendations addressing the issues described in this presentation. Planning and zoning concurred with most of our recommendations. However they did not concur with a recommendation about maintaining an accurate, complete and up to date list of contact team members and they partially concurred with our recommendation to ensure that the city's neighborhood planning efforts implement a coordinated citywide vision. The department would prefer to balance the

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value of the recommendation in light of any policy decisions that come out of our first recommendation. That concludes my presentation and I'm happy to answer your questions. Questions? Councilmember Renteria? >> Renteria: I was very concerned about this because I know there were efforts made -- I know may my contact team efforts to update their planning. And they tried. They reached out and for some reason city staff wasn't ready for them to do any of these updates. It was supposed to be done every five years, is that correct? And there was no follow up on that. And I know some of the contact teams, they were ready to go through that process. In fact, some even started, but they never got a response back about why. I don't know what were the reasons for that, but I know that that happened, and there was a lot of concern there at the neighborhood that they weren't able to update their plans. So if someone could tell me why or what happened, I don't know. >> Councilmember, Greg Guernsey, director of planning and zoning. We do annually have a window where individual property owners can do amendments. And also the contact team can approach us to do amendments, and we periodically bring those to you. Some of those -- I think the most recent one was actually in oak hill regarding some trails issues and amendments to the plan. But it's correct that we have not gone back and

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done a comprehensive update of previous neighborhood plans. My staff is concentrating on finishing the ones that have been in the queue because there are neighborhoods that were promised new neighborhood plans. Currently working in north shoal creek. We'll probably go on to rosedale, and those are the neighborhoods that are on our list and due to some staffing issues that's the path that we're continuing on. That's not to say that existing neighborhood planning contact teams can approach the city with individual amendments and we would still continue to process those as they're turned in, but not a comprehensive update of a complete neighborhood plan. >> Do y'all have any plans on doing a complete comprehensive update on the contact team? Do you have a timetable? >> I think we would go back and take a look at those. Certainly the ones that we're bringing in now we're looking at how they

would relate to imagine Austin, but even on the ones that are currently being processed, there's not a clear path to go back to look at those older plans. >> Renteria: And how are you going to implement the fair housing choice on the contact team? Do you have any plan on doing that? >> Yes. And we agreed fully with what the auditor had said. We're going to work with nhcd, neighborhood housing conservation department. And take a look at training issues to be more inclusive, to work with them on something called the affordability impact statements as we bring plans in. The early plans where we had a different planning tools, a lot of those neighborhoods back in the late 90s -- actually the early 2000s, adopted mosts they have tools. The earlier neighborhoods have not adopted those and I think that's where

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they've come back with some negative ais reports. But we would go look at changing possibly the bylaws to be more inclusive and provide training for contact teams. And we agreed with what the auditor's conclusions were. >> Tovo: Can I ask a quick point about that last one? As I understand about that is there was not training provided during the neighborhood planning process and there's not specific consideration. There was not a finding that the neighborhood plans are in violation of fair housing? >> No -- >> Tovo: I want to be really clear about that. >> But the contact teams were not made aware and we would include that into our process. And certainly the most recent plan we're working on would probably recognize the fair housing issues. >> Tovo: Okay. Thank you. But still that was not an assessment of whether or not plans are in violation of fair housing. There was not a finding that suggested that. Okay, councilmember pool? >> Pool: I was curious which one plan aligns properly. You mention understand your presentation that there was a plan that -- -- >> I think we can figure out what that is. One of the things is we were trying to get away from naming specific plans. This plan did this well, this plan did not do this well and really focus on it comprehensively. >> Pool: Well, if you don't want to -- the reason I was asking is we should dissect that and figure out why that one succeeded and maybe it could be used as a model going forward. I get the sense that we're not really talking about the neighborhoods falling down on the job, but rather the city didn't provide sufficient training. We didn't have a robust mechanism in place to stay in touch with the people. People move. They get busy. These are volunteers. We're not.

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So I think that the onus is on the city. If this process is to be successful and I want to be successful, the city has to bear significant responsibility for ensuring that any gaps that we identify -- and I thank you all for identifying them, but making sure that we're not leaving a neighborhood kind of out there to operate independently and hope to hear from them. We have got to have real oversight on this process. So you don't have to tell me which one they were -- that got the a, but I think it's important to know that one of them did do well and that we should look at that and figure out why that one did succeed. >> Councilmember, we can provide you that offline. The one that you're speaking of have the benefit of being repaired after the adoption of imagine Austin. So they had -- >> Pool: So first out of the chute. >> So had the benefit of having imagine Austin in place. >> Pool: So the level of comprehension and currently as far as imagine Austin was really close to their preparation of the plan. >> That's correct. >> I think that's important to know. So the next question I had was how does staff frame the plan process when beginning it? North shoal creek as you mentioned, Mr. Guernsey, has had two meetings now for its neighborhood plan, and that had been -- that had been delayed for a couple of years. Both on their part. They weren't ready, but also making sure we had staff available. So can you talk a little bit about how staff framed the process for the neighbors as they were preparing to undertake the process. >> So

in north shoal creek and we've had our second meeting. I think we anticipate probably I think having four or five more

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meetings. We have changed the neighborhood planning process with regards to north shoal creek to actually reduce the timeline so we're not losing participants along the way. We anticipate sometime probably in the spring when we would probably wrap this up and start bringing to commission and council, but we go in and basically the first meeting is more of an introduction, what are areas of change that may be occurring in the neighborhood. Kind of frame the process. The last meeting we just had dealt with the issues of mobility, transportation. And I think the next one is talking about land use issues. We'll actually talk about housing, some environmental issues in an upcoming meeting. So we're trying to concentrate the topics that are there. We've also made probably a stronger effort probably to reach out to property owners and renters in this process. Prior to imagine Austin fair housing issues didn't come up because they weren't discussed as much as in the old Austin tomorrow comprehensive plan as they have been in the imagine Austin plan that's been adopted by council. So those things have been introduced into our process. >> Pool: So who is responsible for outreach? >> It's actually my department. My staff goes through and makes that. We work through the community registry, which is a tool where neighborhood organizations. We also contact property owners, utility customers as part of that process. >> Pool: And what do you do to address the rentedders' issue. >> That's part of the utility customers. In the past up until a controversy over Northcross mall we didn't really reach out to utility customers as much for site plans, zoning cases, subdivisions, or our neighborhood planning process. So that engages those of utility customers, which

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gets to the rental portion. It's always been difficult, I think, to get renters to come out. We try to make an effort to make sure that they are included in the process for the very reasons that the auditor had found. Property owners they feel have more of a stake, I think, in their property and they're more familiar with it because usually they're living it for a longer period of time. But we recognize that there are more renters in Austin than there are property owners and so their voice is very much of a concern of ours. >> And if the rent -- okay. Can you just expand a little bit on that, about why you say that renters are a concern? >> Well, it's hard to engage someone who has less of a stake possibly within the neighborhood if they're transitioning from moving from one apartment to another or moving from rental property in one part of the city to another. So we make that effort through the list that we gain at our first meeting and second meeting. We have a list of people that we have and try to make sure we maintain them. The neighborhood organizations that are listed usually are more inclusive and certainly when we get to the contact team we actually need representation to have a balanced contact team as part of that process. But that initial outreach is really through the utility customers that we have. >> Pool: Do we ever separate out long-term renters who maybe have lived like maybe older folks who have lived in an apartment as an economic choice. Maybe they had owned a home and they sold it and they're living on the proceeds of that nest egg in an apartment? Or people who are new to town who have taken an apartment until they can find a part of town they want to live in? There's different reasons for renting. Do we ever go out and poll people to find out their reasons for

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renting? >> Not to my knowledge. >> Pool: That might be helpful. If we are trying to identify renters who wish to participate in the planning process, and I think you're right, that you want to have a stake in where you live, and different people have different reasons for, you know, renting or owning. And if we can identify the people who are long-term renters, who really do feel like a part of the neighborhood, which I think is what you're talking about, to get their involvement we may want to reach out and find reasons for why people rent versus own. And I know in the last five to six, seven years since the great recession, getting a mortgage loan has been probably the biggest impediment for most people who may want to own coming up with a higher down payment is a harder task than it was I know when I bought my first house. And we can't -- that's the banks and we don't have a lot of control over that, but that may be something where we might have some creative ways to help people. But I think my point being if we can identify which group of renters are more likely or more interested in what goes on in their neighborhood we might have a better ability to encourage them to participate. We can't mandate people's participation, but we can encourage it and make it seem like a positive experience. And then I wanted to ask the contact teams are inaccessible point in finding 2. Is that again a responsibility -- where does responsibility for that lie? Is that a shared responsibility? Do we lose track of people from lack of contact? >> So our contact teams are basically self-created. >> And volunteer, is that correct? >> And volunteer.

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The city, although I have the ability to perhaps introduce the contact team when they're initially appointed, there's not a mechanism where I can go in and say -- to have the authority to force them to have an election or force them to maintain a certain level of status. I think that was partly recognized last year by the city council when there was a resolution to go back and amend the planning contact team rules because we had some contact teams that as the auditor pointed out correctly, have some membership requirements that may say you have to reside in a particular neighborhood for five years before you can really be a participant in a neighborhood planning process. Although there is a provision in our code that was approved by council, this council last January that has a provision where someone can bring, I guess, a complaint or a protest to me, there's not a corresponding rule that would make me go back out and to ensure that contact teams are as responsible as perhaps they should be. >> Pool: So you have bylaws for the contact teams or for the -- >> We do. And we have >> Pool: And do they allow for charging dues? >> That is something and I agree with the auditor on this point as well. We would have to go back and to look at. I was not aware of that fact until the auditor brought that to my attention. That someone would have to belong to a particular neighborhood association before they could be a member of a contact team. It's certainly not the intent of a contact team that would require you to belong to a separate organization before you could join a contact

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team. >> Pool: I mean, I can see some value in having people who have lived in an area for their institutional knowledge about the area, although I don't know how many years that means. So that would be an interesting question to unpack. And I'm concerned about the charging of dues. >> Yeah. Contact teams do not charge dues. I think it was alluded to that there are some contact teams that may require relationship in some neighborhood organization and that's something we agree with the the auditor we'll have to go back and look at, but that was certainly not the intent of a contact team that you have to be part of a dues-paying organization. And it should be representative of business owners and renters, property owners, also neighborhood organizations can be part of that, but not that you are forced to join a particular group that has to pay dues. >> Pool: And my understanding is most

neighborhood associations if they charge dues they're fairly low. Like five dollars or $15. >> The city of Austin does not monitor, regulate neighborhood organizations. They are representative of homeowners associations, groups of citizens that may live within a group or several hundred -- within a block or several hundred blocks. They can be created or disbanded as well. So that makes it as a challenge working in Austin with a neighborhood organization, we may have -- the city dimmographer plotted a map for me about 15 years ago and I think there was area in east Austin that was covered by 16 different neighborhood organizations. There were 16 different neighborhood organizations that all claim that same area as part of their boundary. It's challenging enough to work with contact teams as opposed to

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working with different neighborhood organizations. >> Pool: And yet the networks are important to our work so it makes sense to -- >> They are. And it is a way for the city through all our communications on various applications and including neighborhood plans to reach out to different groups. >> Pool: And I guess my last question for today is why do you think the contact team effort is so problematic? >> I think you have individuals in neighborhood planning areas that feel real allegiance to their neighborhoods, which is a good thing. But a lot of our neighborhoods, especially in the areas where we have neighborhood plans, which are the areas probably we've had the most change in the last 10, 15 years. They're seeing things change around them and they don't necessarily agree with all the changes that may be happening. And so you end up seeing some rules where you have to participate in three meetings before you can really be a member of a neighborhood planning contact team or you have to reside in the area for a certain number of years, and I think those are some of the reasons why you see some neighborhood planning contact teams, particularly those that are probably more represented by property owners coming forward because they see it as a way of kind of defending, I think, their status quo and maybe rebelling against some of that change. But we really do need to embrace those new folks that are coming into the areas and those businesses as well. Both renters and businesses are probably underrepresented and there are neighborhood organizations that will certainly reach out to businesses, but may not in a lot of others.

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So that is I think some of the challenge. Unless there is a particular change that a property owner has initiated in land within the neighborhood planning area that may affect a business or may affect a renter, usually it's the property owners that will come out and give that voice. >> Pool: Well, I think there's two things I would say in response to that. One, as an example, political clubs that make endorsements. In order to ensure against stacking, which is when a whole lot of people join at the last minute in order to vote for a particular candidate and maybe skew the results, they have implemented some meeting attendance requirements. In advance of a time frame for an election so that you don't have spiking membership in order to effect an outcome. So I can see why some of the contact teams, because this is an official capacity and it's really important to the neighborhoods, that they would want to make sure that the people who are having the official voice with the city understand what the situation -- what the circumstances are of the neighborhood and that there's buy-in from the people who live. Because isn't that also an important part of the contact team? They're supposed to be reflecting back what the neighbors are looking for. Is that correct? >> That's correct. And it's very important we work with contact teams annually to make sure, and we spoke to implementation, but they are the ones that we interact with to ensure that those things that are within a neighborhood plan can be achieved for all the list of recommendations that they have. That they have. >> Pool: You want a -

- the second thing I would say to that is the feedback from the city and the education and the framing of the conversation is really, really important so that if you have a lack of

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trust built up in a neighborhood that is showing up in a contact team response to something that the city is trying to do, that conversation hasn't happened probably at the level it needs to with the group it needs to so by the time the contact team is hearing they have a more balanced of people most affected would feel. So rather than choosing sides, rebelling, as you would frame it, enough people are understanding what's going on so they can keep up with the change. And I think that's really our challenge, especially us on the dais, our job is to make sure that one of them, is to make sure when things change with the city, the residents have sufficient time to hear about it and to understand it and to raise questions or concerns that they might have and then we can answer them so we are in a place where we really are making change that is coherent and there's buy-in from the residents because that's our best scenario, right? That the change that comes is understood by the people to whom it is affecting, who are affected by it, and also that they may give us the benefit of their good insights about, well, this piece is really good, but this one over here if you just tweak it a little bit it will be better, and then we don't have the conflict or not as much. >> Tovo: Councilmember Renteria. >> Renteria: I know when we passed or amend the contact team ordinance that we also asked that y'all would hold elections on January because

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that was the biggest problem we were facing is that people wouldn't -- they weren't allowing people to participate. There were some contact groups that, like you said, we're only meeting once, twice, three times a year only in so-called important zoning changes. So they were not -- they were having a lot of problems so that's why when we amended the ordinance, it was it gave the city more power overseeing the contact team. At one time you all didn't have the power to tell the contact team that they had to have election. That they had to -- now you all do have that. So I hope that, you know, when come January that some of these groups that have not had elections, that have been -- they have their -- their rules for people cannot attend these meetings will have a vote and they are having to use contact meetings at places that weren't public, businesses and so we want to make sure they are done the right way where it is a very public place and people that show up are allowed to vote. You know, I know that some contact teams have different -- they divide their neighborhood into sectors, neighborhood sectors and they have representatives from each neighborhood, but we need to really look at how they operate because, you know, we have contact teams that -- in my district, and we've been going out and telling people, hey, these neighbors, these neighborhood associations like govalle and Johnson terrace have never been allowed to

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participate. They are the ones that, you know, runs the whole neighborhood. They got to be inclusive and that's why we amended that contact team. >> And councilmember, certainly we can make sure that, you know, their bylaws follow a template. I don't really have -- I guess a hammer to make sure that they approve bylaws that are strictly enforced. I think that's the challenge that I have when we go out -- have neighborhood planning contact teams, perhaps come in for quarterly basis, we can certainly encourage them to be more inclusive, to probably have more meetings, but I think the challenge for me and my staff is that I can't dictate, you know, the location of the meetings. I can't necessarily dictate the

exact time when they have their meetings. And if they don't follow their bylaws to the letter, unless someone complains, which I am grateful for mad cow, although there has not been a formal complaint filed, citizens have a way to say my contact team has not been included, at least I have that mechanism. But there's not a mechanism to really police them to make sure they are following their bylaws. >> Renteria: We also have groups out there that have been complaining that they've been trying to form a contact team and there's other groups that didn't want them to form. And I hope that you all can recognize the groups that really want to form an exact team and let them just go ahead and form these contact teams. You know, because that's why I amended the ordinance so that they can have these groups. We have people who their meeting comes in neighborhood groups that meet and there's over 60 people and the contact team has only three people out there making all the

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decisions, that's not fair, especially when you have a group like holly that says, hey, we want to have a contact team. And we need to just say okay, you are going to become the contact team. >> Yeah. Holly in particular I spent probably a year and a half with a mediator the city hired on my own with our department and the result was when we got to the final meeting the neighborhood rejected -- >> Renteria: I was there, but yeah -- >> And it was -- >> Renteria: I think it's changing quickly too and we need to take advantage of these groups that really want to form a contact team, you notice, because back then they thought maybe by not forming the contact team they would keep development out but it doesn't happen that way. We need to really recognize the people that really want to work with us on their neighborhood and plan it out and not, you know, resist the few that are the loudest out there screaming at the top of their lungs they don't want a contact team while the rest of the neighborhood really wants one. >> We stand ready to try to create contact teams that are fair, equitable, however, you know, like in that particular case my parting words to the neighbors is that if you want us to come back please invite us, biotite -- but I'm not going to force a contact team on a neighborhood that does not want one. >> Tovo: I have some questions that get back to the decision not to talk about which teams are doing what. I've thought a lot about that since I got the briefing from the auditor. For example, you have -- you noted one planning team, I believe it was one planning team that requires membership in a neighborhood association. And it's not clear to me

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whether that neighborhood association charges dues or not. But it sounds to me like that's either a violation of one or two of the principles that we have set out for neighborhood planning teams, and I would actually like to know which one it is. In part because as we started talking, I think I heard it used in the plural, that there are neighborhood planning teams that are requiring neighborhood association membership. So, you know, it -- and I'll get to my concern about that later, but, you know, as we -- I'm not asking you to tell me what it is now, I'm just registering a concern that you've made some strong findings about membership challenges, and we want to work to get rid of those barriers because I think the council and we have some very set rules on what neighborhood planning teams are able to do and what they are not able to do in terms of having membership. And if some of them are charging -- are requiring or if one of them -- and again, it's not clear to me whether there's one or several that are requiring due, then they need to stop doing it and they need to be cautioned that that's not okay. On the other hand, you know, I think it is a challenge for some of these neighborhood planning teams to come to council and present their case with an audit like this in the background that suggests that there are flaws all over the place, when frankly I think there's some isolated instances of practices that can -- some of which can be easily corrected, some of which I think need to be monitored. I just express that

as a concern and I wondered if you could address how that -- how that factored -- a little more about your thinking about which neighborhood teams -- it's not even clear to me how those cross and overlap. Is the planning team that's requiring neighborhood membership, degrees that

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neighborhood association require dues. You know, it's hard for me to align these issues when we're not naming names, right? >> And I think so a couple things. One, I believe there are at least five contact teams that require membership in the neighborhood on,. Whether or not those organizations charge dues, we could not always determine. The team may have more on that. From my perspective, one of the things we're looking at really the city, our -- we were auditing the city and the way that the city interacts with the contact teams. So rather than having it come across more of an audit of individual contact teams, that was the reason I didn't want to get into naming them specifically. We don't name them in the report, we name them all in the report in an in a appendix. This was a cross-cutting issue. There's some teams that are doing everything exactly as we would want them to, but it seemed to be here and there. Some had bylaws more restrictive, some had participation requirements requiring membership in a neighborhood organization. So we saw issues I think in a lot of different teams across the city and so rather than kind of name, well, this team did this or this team did this, we wanted to look at it from what's the city's role in this and what can planning and zoning do as the liaison to these groups to try to improve the transparency, the consistency, et cetera. >> Tovo: Well, thank you for that explaining. I think that helps. So I guess then my question would be back to Mr. Guernsey. I hear you say that you can't -- you can't monitor or police those, but certainly I hope that you are aware of which neighborhood planning teams had some of these issues so that there can be communication from neighborhood planning and zoning and, you know, hey, you are requiring something that's

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not permitted within our code. So do you know which of the -- which of the associations are having particular kinds of problems and what is your plan for at least communicating out? I understand you can't monitor and you can't necessarily be aware of violations, but you can certainly communicate out what the expectations are with all of our planning teams. >> And I would probably go back and probably talk with the auditor about this same issue, but it's not just talking to one because there may be others that are thinking about this. So I would go back and probably talk to all of those -- >> Tovo: That's what I said what is your plan for communicating with all the neighborhood planning teams about the expectation? >> Probably in one of the upcoming quarterly meetings, we meet and invite contact teams to come in on a quarterly basis. One of the issues we would probably end up talking is fair housing and conflicts of interest which I think it was also brought up by the auditor. That would be our means of speaking out and maybe updating the bylaws themselves, the template and reporting back. See if we can make those changes to make that you are sheer more inclusive. >> Tovo: And certainly I hope and I would expect part of that would be communicating about where they should be meeting and how they should be publicizing the meetings because that's also a very serious -- I agree that's a very serious barrier to participation if people don't know where the meeting is and at what time. >> We agree working with the community registry or seeing if there's a way to work to publicize the meetings that they have to a tool that's in the community registry or expanding that. >> Tovo: Great. And I know that, as you indicated last year, I think it was last year, there were some changes to the bylaws for neighborhood planning teams and so my hope is that some of what we're seeing in this audit is a lack of understanding about what some of those -- some of the

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clarifications were. >> Yeah, and I think earlier, as I said, in the year we went back and worked with the different neighborhood planning contact teams. I think we had, based on the information I had, we had I think 110 stakeholders, 291 responded to neighborhood planning contact teams that were working well, what kind of training, what things that need to be overhauled that came back in response of creating the ordinance amendment that council approved. So there was buy-in for that process and buy-in having some more standardized templates. And so we have implemented those, but I think we can go back and look at those things about fair housing, conflict of interest, making sure that they are more inclusive and those are things that we'll probably look at the template again. >> Tovo: But some of them, I thought that the by law changes also spoke to things like publicizing the meeting, membership, who can belong, what you can and can't do such as charging an admission, I mean not an admission, membership dues. So those I thought we had address understand that by law template. >> They were in -- what's in the bylaws I don't have necessarily a way to make sure that they are enforced. And so if there's something in there that maybe is not as clear, then we can work on trying to make that more clear in a standard by law template. If there are things that they are doing that I'm not aware of, then those are things I'm not sure how I would get to. But we would reemphasize those three things I talked about, the inclusion, conflict of interest, fair housing, so make sure those things are followed, that profess those when we do our training, but I don't necessarily have a mechanism to know if somebody is in violation of those

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things when they happen. >> Tovo: But I thought I understood the audit to have been conducted by looking at bylaws. That that's how they assess some of the divergence in membership. If the auditor can find that by looking at the bylaws, I'm not sure I understand how planning and zoning can't, hey, this violates from our policy. I understand things can happen in practice that you are not aware of, but if they veer from -- veer from our expectation and our standard on the face of it, then that should signal an issue. >> Right. And I agree and we would probably point that out, but I don't necessarily have a mechanism to force that contact team to do something. If I have a complaint, then there's a way for me to follow and take that perhaps to mediation, then going to the planning commission and perhaps even city council, but I don't have a way to systematically disincorporate a contact team if they don't follow our template exactly or exclude someone from their process. I don't have a -- a stick other than maybe letting commission know and letting council know, and more particularly having a conversation with that contact team saying look, these things are important. You're not following the by law template. But I can't make -- >> Tovo: I understand your point about enforcement, but I guess my question is, is your staff looking over that and seeing those issues and then communicating with the planning team? >> And that's what I'm saying, I'm agreement if those things are in there, they will go do that. >> Tovo: You are not having a situation where you are finding the same issues the auditor did, you are communicating with that planning team and they are refusing to make those

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changes. I mean it doesn't sound like we've gotten -- >> I don't think -- I can't think of a particular case where I've had a contact team rebell, you know, put a formal protest, but certainly what was mentioned buoy the auditor about saying someone has to reside in the neighborhood five years, that is a difficult one and we would certainly have a conversation, but I think I would go back and then work -- try to work with that contact team to try to bring them more into compliance, more into alignment with what we desire of contact teams. >> Tovo: I think that's really appropriate. And then if they have something in

there that is in clear violation of the city's prosecutions for planning teams, -- plans for planning teams, I think it's perfectly okay to communicate with council and the land use commissions. If that's the case. My guess is planning teams are made aware of the ways in which if they do veer from the expectations, I think if they are made aware of them, most are going to make that direction. That would be my guess. Okay. So then I have some other more specific questions. On 9, page 9 of the audit, there is a finding that neighborhood plans have not been fully aligned with the city's comprehensive plan. And then there is a recommendation I think later or is it in the response? In the recommendations on page 13, that is sort of reasserted. Identify where existing neighborhood plans do not reflect the goals of imagine Austin and work with community

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stakeholders to approve alignment. And I'm real interested in hearing some examples that you found in your audit where neighborhood plans did not align with imagine Austin. I don't believe I saw any cited in here. >> Okay. And I think I mentioned that in our presentation. One is regarding -- let me find it here. Okay. Household affordability. That only half of the neighborhood plans include affordability as a goal and that is one of the goals of imagine Austin. And so that's one example of areas where we saw that they are not in alignment or -- >> Tovo: So they don't mention the word afford affordability -- >> They don't include affordability as a goal. >> Tovo: Okay. Do they include -- were you also looking for all the other goals of imagine Austin like historic preservation, et cetera, and sort of checking them off to make sure every neighborhood plan -- >> Michael Mcdill. >> One of the things we were looking at was the code diagnosis from 2015 that did a review of all the goals from the neighborhood plans and put them into broad categoriesment and in those cases they were summed up by how many times they occurred and by how many times they occurred in each plan as well. And in that case we found only 15 of them had affordability as a goal within them. So that was one example. What we did not find was any similar example of how many imagine Austin goals existed in the neighborhood plans themselves.

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>> Tovo: So, for example -- I mean affordability in that term, were you also looking at plans such as the [inaudible] Plan that identified affordable houses as a goal? Would that have qualified if they didn't use the word affordability? >> We saw no review of this occurring. So the alignment efforts, we did observe a planning process with imagine Austin to review the neighborhood plans as they existed at that time and look how that could be incorporated into imagine Austin as it was developing. What we did not find was that those plans were also reviewed after imagine Austin was completed. And so as one example, the -- the neighborhood plan that occurred after imagine Austin was adopted specifically talks to how neighborhood plans are there to implement a complete community, which was part of the vision of imagine Austin which includes multiple goals and so that would be the expectation that those neighborhood plans involve multiple goals from imagine Austin. >> Tovo: I think I hear a couple different things though. I think you are suggesting that existing neighborhood plans that -- especially those that were done before imagine Austin should go back, review their plan and use some of this language. I mean complete communities was not a phrase people were using 15 years ago. If you have a neighborhood plan from 15 years ago, it's not going to include that phrase. I don't think that's the same -- I'm not sure that really supports a finding that that neighborhood plan does not reflect the goals of imagine Austin. And that is the finding. It is not that they are not being updated and made current. Well, you are saying they are not updated, but the finding are some that do not reflect the goals

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is a pretty strong finding and I would like to better understand what some of the examples are giving rise to that. >> Marion, I think -- and -- mayor pro tem, I think Michael said it correctly when we did imagine Austin, we looked at the neighborhood plans, contact teams, the planning commission independently looked at their plans and they were not in conflict with imagine Austin. But it is also correct, and if you look on page 10, there's these little arrows that show going one way how we took neighborhood plans or small area plans and looked at them in light of the comprehensive plan imagine Austin, but that is correct, we have not gone back and then applied the eight priorities to each of the neighborhood plans and introduce and revise each of those neighborhood plans prior to imagine Austin to reflect imagine Austin goals and priorities. They are not necessarily in conflict, but then we're not actually going back and amending those. And I think the challenge is in going forward to do that would take quite a bit of time to go back and update all those plans, and I think -- and we had a very frank discussion I think over maybe two or three meetings with the auditor's office about how to balance the recommendation of taking imagine Austin and going back and amending those small area plans, at the same time trying to move forward with new plans, and I think it's one of the few times I think that the auditor and I didn't agree because we were looking at recommendation number 1 about trying to provide equity and balance for all the different neighborhoods in Austin and looking how we might do smaller plans in the future that may be beyond neighborhood planning boundaries, and at the same time concentrating my staff and efforts of looking at the old ones and trying to bring them up. >> Tovo: Yeah, I think I'm understanding what you are talking about about the

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updating. I guess I'm still -- if the auditor has any example, any additional examples, I still would like to understand where the existing neighborhood plans do not reflect the goals of imagine Austin. I think I would like to hear some more examples of that. >> So again, we are using our word choice is alignment and not conflict and so what we are looking at is the alignment efforts. Long-term planning was also the subject of an audit approximately ten years ago, and at that time neighborhood plans were found to not have a consistent vision for the city and so those plans that were found to not be consistent with a larger vision for the city have not been updated since that time either. In the ten years since. >> And although at the time staff did not agree with a lot of what the auditor did have to say, I think maybe three out of four points of that audit, we did move forward with imagine Austin because a prior comprehensive plan would have gone back to 1980. And so we did move forward with a new comprehensive plan that did get adopted that would help align new ones, but a lot of the older plans were done, although the Austin tomorrow comprehensive plan recognized the importance of neighborhood plans, it perhaps did not align them as well to the old comprehensive plan for which is majority of the small area plans prior to imagine Austin were following the -- more of an independent course. >> Tovo: Okay. I think that -- I think I'll just register that I'm not certain that I understand -- I understand what you are saying about updating and that appears to be the case. I'm not sure that I'm convinced that there were specific findings that there are existing neighborhood plans that don't reflect the

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goals. But we'll just leave it for now. >> And I think -- I know Michael said this, but just kind of to reiterate, we're not talking about these plans conflict with imagine Austin. We are talking about there was no effort to align past plans with our more recently adopted comprehensive plan. Certainly we can talk internally and provide more examples of that. >> Tovo: I think if it said if, identify if existing plans do

not or, you know, but it's a pretty clear assertion there that they -- that there are examples where they don't. And so that concerns me given the lack of examples in the report itself. The other area where I would name that, and I'm not saying it's not true that there aren't examples, they are just not in the report, and that's on the same page -- let me just see if I can find it again. Developing an approach to address existing plans and associated zoning where barriers to fair housing have been identified. And again, there certainly may be barriers in our neighborhood plans, but in this audit I don't -- unless I'm missing it, I'm not clear what those barriers are and how many plans exhibited barriers, but it's a pretty clear -- I mean there's a pretty clear assertion where barriers have been identified, there should be an approach to make changes. And again to me that's a if. If you don't have a list of the examples of neighborhood plans that have specific bear whyers to fair housing. And again maybe I'm missing the specific examples as they fall within the report. So I would ask the auditor to respond, especially if there are some examples that I'm not catching.

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>> Sure. So on page 11 there is a quote there from the analysis impediments to fair housing choice from may 2015 that cites a couple of different factors or impediments as they identified, those were also included in the city of Austin's action plan which it submitted to hud in both 2015 and 2016 as identified impediments. >> Tovo: That seems to be -- I see the quote overly complex land use regulations. >> That is correct. >> Tovo: So that's the main example that there are impediments within neighborhood plans for fair housing with regard to fair housing that there are overly complex land use regulations. >> It was also identified in the code diagnosis as well. >> Mayor pro tem, that is being addressed, the fair housing in codenext. That was something we did agree and we're making sure that codenext does address fair housing issues. >> Tovo: Okay. Councilmember pool. >> Pool: Wouldn't that be a policy decision? And -- well, let me ask, the analysis of impediments to fair housing choice is who wrote that? Is that a city document? >> It was commissioned by the city of Austin. I believe it was bbc and associates who also prepared the comprehensive housing market study, and it was also included in, as I said, city of Austin's action plan which nhcd prepares and sends to hud. >> Pool: And were there any -- okay. Let me go back to what the mayor pro tem was talking about. The word choice of affordability, was that a document search for the word and what other elements of the code were looked for and was

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affordability defined? >> For that the events we relied on was the code diagnosis. There's a -- which talks about the categorization of each of the neighborhood plans. >> Pool: How many times can historic preservation show up in the plans? >> I would be happy to look itaipu and send it to you. >> Pool: I think the point is -- >> It was one of the categories, yes. >> Pool: As is connectivity and connectivity is not just with cars but pedestrians and bicycles. There are eight elements, I think, to imagine Austin? >> There are eight priority programs. >> Eight priority programs. I can't say what the auditor found as far as etch. >> One as their word search. >> Pool: This goes back to my question about setting the framework and were the contact teams aware of the elements that they needed to have in their bylaws and in their operations and what review was done by staff and on what schedule, and I think you all have answered that you didn't have sufficient staffing or time to have a comprehensive oversight of the contact teams? >> Well, the -- yes, those things are true, but again, we looked at the neighborhood plans in context of imagine Austin and maybe not vice versa. We didn't have imagine Austin and apply them to each of the small area plans, neighborhood plans, prior to imagine Austin and look to revise them because of issues of staffing and time addressing those at the same time moving forward with the plans we've already promised we would go forward with. >> Pool: Well, I just join my colleague, mayor pro tem, having a

number of concerns about the findings in the audit and probably have additional conversations specifically about which contact teams are working and

why and what robust education and oversight and enforcement elements that staff has or we need to give them, what resources you may need. I think that for this system to work properly the city has to be an active participant and guiding what is going on and maintaining active oversight as well so that we don't fall down some holes and having things going awriter. But I thank you for your -- awry. Thank you for pulling this together. It certainly races questions. >> Tovo: I have additional specific questions. So when another recommendation on page 12 is to consider appropriate roles for the planning and zoning and zoning and platting commission and later on it suggests or somewhere else in the audit report it suggests merging the two. Now, this was certainly a recommendation that received a lot of discussion during the discussion about the boards and commissions and was rejected because of the workloads. So I'm curious as to how the audit -- it's not clear to me even why the audit concerned itself with that piece of it. I'm not sure how that arose as a finding or a recommendation supported by the audit. So if you could help me understand that context, please. >> Sure. And in footnote 1 we do note that it was the recommendation from the transition task force and that it was heard by the city council at that time and that was it was not adopted. There was one section of recommendations with regard to a joint small area planning subcommittee, the two commissions, zoning and platting that was adopted. We're we're looking at is the difference in land use treatment where you ever in a neighborhood planned area or not. One of the things noted to us is that you go to different land use commissions based on where you are in the city. >> Tovo: Yet that in and of

studiously look at the issues and understand them. They are basically just dealing with different geographic areas. City. So can you help me understand how that supports one of your findings and which of those findings does it relate most closely to? To me it's a bit of a policy recommendation rather than a natural recommendation stemming from one of the audit findings. >> So I think it supports our overall finding which was that there is different planning processes for areas with neighborhood plans and those without. And then we're just citing that. >> And in terms of the bullets, you'll note within that recommendation what we're saying is that there should be a policy discussion about this topic and that that's one of the topics that should be included in the discussion, not -- we are not recommending -- we're basically recommending that policy discussion include consideration of the roles of those two commissions. And I think that's come up in more than one, but certainly most recently in the board and commission task force. So we're not specifying what that role should be, we're saying that should be part of the discussion. >> Tovo: Okay, I thought elsewhere in the report it actually suggested that the two be combined, because the staff response was to not concur -- I mean was to concur, but saying staff is in favor of having -- oh, okay, so maybe it was the staff who are saying. I apologize. It was the department staff who are suggesting one land use commission. >> Yes, mayor pro tem, and previously the zoning and platting commission, and the platting commission together make a land use commission. And the zoning and platting commission was anticipated to have a limited life. To get through the city's comprehensive plan and probably beyond codenext and then that commission, the zoning and platting commission would be sunset. And then we would just have a

planning commission. In the long run, I think that is probably the best thing is to have a single commission that would look at all of the issues involving our city as far as land use recommendations and recommendations for council for recommending policy changes. I think the challenge right now by the -- the board and commission transition task force was they recommended that the zoning and platting commission handle all the zoning cases, subdivision cases and platting commission handle all the plan amendments, comprehensive plans, cip. The difficult part for that, and staff would disagree with that recommendation is that a neighborhood organization, a contact team, a property owner would end up having to go to two commissions, one that would go to planning commission to hear recommendations as they relate to a small area plan or the comprehensive plan, and then appear at a different commission, the zoning and platting commission, to have a zoning case, site plan or subdivision to be considered. And actually would create a second step if you were in one of those areas. Right now we think it works better to have those decisions actually separated because you are only dealing with one commission and not two. And the one commission, the planning commission, although we might capture in minutes very briefly, unless a zoning and platting commissioner heard what happened at the planning commission, they would be disjointed. So we agree that there are two different boards, they serve two different parts of the city, as the auditor pointed out, and may not necessarily be as balanced because they are looking at different issues or different boards or different individuals serving on those. We would certainly recognize that. Staff would say that a board

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and commission transition task force recommendation, we would not endorse that because then it basically has a decision going to two different places. Almost results in the same thing, but maybe at different levels, and we would advocate some day that we would have a one commission that would look at all the issues, take care of the equity issue expressed by the auditor, but at the same time you would have one body that would consider the plan and the actual action on a zoning case or site plan. >> Tovo: Okay. Thank you for that clarification and apologies I attributed it to the merger and audit rather than department response. One probable last question, there is a recommendation of providing equal standing to all applicants when petitioning the planning commission for plan amendments or updates. I want to be sure I understand that recommendation. >> So again, this is part of recommendation 1 which was a suggestion for to be part of the policy discussion, which I believe staff contoured with. This really stems from the fact that in article 16 of the city code there are additional privileges to contact teams to create -- or excuse me, amend or update a neighborhood plan. The charter in article 10 states that the planning commission is responsible for the comprehensive plan and all elements or attachments thereto. So what this is suggesting is to review the possibility of the planning commission fulfilling that charter received role and allowing for a petition from all or any interested party inclusive of contact teams for [inaudible]. >> Tovo: I missed the last -- >> For [inaudible] >> Tovo: So in other words

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that is a recommendation that the discussion include whether or not to remove the -- remove the current piece of the process that confines recommended -- the plan amendments to planning team during a particular period. I mean they have a particular period where they can make recommendations. Other people can apply for any other applicant, a property owner can apply for an amendment outside of that period, they just have to pay for it. Isn't that accurate, Mr. Guernsey? >> If there is a particular property owner that would like a change to the future land use map, they have a many a time period. Our point was -- have an annual time period. Someone could petition the planning commission asking

them to do a change, but we do recognize that contact teams exist and they have certain rights within their area, but I don't think it stops anyone from going to the planning commission regardless of who they are and saying we would like to see this change. I think it's just a policy decision that councils have made many, many years ago to establish contact teams and empower them in a certain way, but it doesn't necessarily preclude someone from going to the commission and appealing to the planning commission, asking them to do something else even though they might not live within that boundary. >> Tovo: I would like to hear from the auditor again how that -- why that's a recommendation based on your findings. >> So a number of of the findings did pertain to the contact teams, the accessibility of them, the representation of them, and so the planning commission as imagined in the charter is a citizen body appointed by the council to be -- as representative as the council wishes to oversee that.

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And so this -- it also has staff support, it also has the obligation to follow city code of ethics as well as Texas open meetings act and public information abilities. So many of the concerns that we heard regarding the accessibility of contact teams are already addressed within the body that is set out by charter. >> Tovo: So the recommendation -- so based, I guess, on the findings of need for better notification and standard membership practices, that drove the conclusion that the neighborhood planning team maybe shouldn't be the body hearing requests during that time period to forward even though they had another avenue? >> I think the recommendation was just to open the door and it would also address those contact -- excuse me, those plans that do not have a contact team as well. >> Tovo: Okay. >> And regarding the open meetings act, it has been staff's practice in consultation with our law department contact teams are not necessarily subject to the open meetings act of the state of Texas. I think that's been our position for quite a while. And to have really an alignment of a neighborhood organization outside of a neighborhood planning area and our neighborhood planning contact team to have the same standing it would be difficult to do, but not impossible to do, but you may end up getting to a point where either you start eliminating the powers of your planning contact teams and then empower neighborhood organizations that maybe do not have overlapping boundaries because of concern of maybe you would have multiple neighborhood organizations all saying that

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they have the same power as a contact team. It is a difficult situation. We still think someone could come before the commission and certainly make a position to have an amendment to a neighborhood plan, but short of doing away with all the small area plans, neighborhood plans, and putting contact teams in the same level as a neighborhood organization and having equity among all the neighborhood organizations, I'm not sure if you could really get to a place where there is true equity throughout the city of neighborhood representation. >> Tovo: Okay. I had some additional questions, just very quickly. Thank you for laying out who -- the kinds of groups that were part of the discussion on page 3, interviewed planning and zoning staff. I think there's also a reference to community groups engaged in neighborhood planning. I wonder if you have a list of those who were interviewed as part of that within the appendix? [Inaudible] >> Tovo: Okay. Other questions? Is there a motion to accept this audit? Councilmember pool moves acceptance of the audit. Councilmember Renteria seconds it. Any discussion? Also I really appreciate, I think some of the findings are very important and I hope staff will move forward in really making sure there's consistency when people are meeting and how they are publicizing it. Especially those who may be veering away from expectations and standards. I will say I'm starting to understand my concern about a few of these findings and I think part of it is I have some discomfort with

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assertions that sound like there are barriers or conflicts in some of the neighborhood plans based on an assessment that was done by our code team. You know, not -- rather than finding and citing particular examples in the plan that gave rise to that, there is an assertion, you know, the me, I'm talking too much with my hands, some assumptions and points made by our code team and the code diagnosis. And that try angulation is of concern to me especially one one of the general comments is, you know, overlie complex land use regulations. To me that's very general and not -- anyway, so I'm going to vote to accept it, but with that expression of concern. I think there's a lot of value in here, but I do have those points of concerns with those findings. But thank you very much all of you for your work and comments. >> Pool: Mayor pro tem? I'd like to -- I'd like to underscore and repeat the concerns that you have. Some of the language that's in the audit is judgmental and I'm not sure that is necessarily appropriate. I think it should have been more objective and there may have been some emphasis put on some sources that maybe had not been vetted through this council as far as policy. We, for example, haven't -- haven't adopted some of the pieces that were under the fair housing in here, but this is presented as if it was policy for the city. As far as lot size, for example. And we did have some very clear changes to the ordinance for ads earlier this year

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and I don't think that was reflected in the pullout quote on page -- >> Page 11. >> Pool: Not page 3. Where is it? I'm sorry? >> 11. >> Pool: Page 11. And so I echo the mile an hour's concerns, but also thank you for the work. I think it provides us with an opening in the door to see where there are some issues that at the staff level, and my comments are strictly directed to staff because the contact teams are volunteer organizations. It's really incumbent on us to Mike sure they are operating properly. I look forward to the additional conversation going forward and hoping we can improve the process. Thanks. >> Thank you. >> Tovo: Any other thoughts? >> Renteria: I just want to to -- [inaudible] [No audio] >> Renteria: It's going to change the -- oops, my goodness. It's going to change anything after January because I put a lot of faith in the amendments that we did so that we could give the city of Austin staff more power, monitoring what's going on in the community with these contact teams. Because if we don't stay on top of that, we're going to end up being in trouble when we do have codenext and the Austin plan, you know, when we implement all this change and if we don't have a contact team on board, especially making sure the neighborhood is participating in these contact teams, I think we're going to have some problems

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coming here next year. So we really need to make sure that these contact teams are being represented by the neighborhood. Thank you. >> Tovo: Yeah, thank you, and I want to thank my colleague, councilmember Renteria, for your work in bringing that forward and reiterate thank you for the work you did in looking at the membership and the discrepancies. I think that really shows the need for just that kind of changes and ordinance changes. So thank you. Okay, all in favor? And that is unanimous with vice chair troxclair off the dais. That is our last item so we stand adjourned at 10:52. Thank you.