

City Council Work Session Transcript – 06/08/2021

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[11:30:20 AM]

>> Mayor Adler: Let's go ahead and convene the Austin city council work session here on today, June 8, 2021. The time is 11:30. We have a quorum present. We have 30 minutes. The goal I think colleagues is to try to get through both the legislative presentation and the aedc presentation before we break for lunch at noonish. And come back at 1:00ish with the executive session. Break from executive session, do pulled items and the discussion continuation from what we had yesterday on homelessness. Let's get and start. And manager, if you and your staff could work through these presentations quickly, we all have the presentations so I think that there's a limit to just the a briefing on the presentation we need, but if we could move quickly so people could have a chance

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to ask questions if they have any, I think that would be helpful. Manager.

>> Cronk: Morning, mayor and council. Our first presentation is a recap of the last legislative session and here to present is our intrepid intergovernmental relations officer brie Franco. I want to start by thanking brie and her team for navigating through the session and she will provide some of the highlights again at a very high level knowing that we're trying to get through this presentation quickly and it's in your backup materials. Brie?

>> Thank you, Spencer and thank you for that warm welcome. Brie Franco, intergovernmental relations officer for the city of Austin. Good morning, mayor and council. I'm here to give the briefing. I will go through this quickly. I.T., next slide, please. I can't start this presentation without first thanking our

delegation and the members of our delegation that were so instrumental in this session having some wins and improving some of the harder legislation as well and

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helping to defeat the legislation that would have been detrimental to the city. You all know who they are and you all know some of them personally too. So please when you do see them or even if you don't, please send them a note of thanks for all of their hard work and their staff's hard work. We couldn't have done it without them. Next slide, please. So really quickly, this session was one of the most difficult sessions I've actually worked in in my 20 years, over 20 years of doing this, but we did have some positive legislation passed for the city. The most significant being the reform of the Austin police retirement system pension. And many thanks to representative Rodriguez for making that happen and bringing the parties together for an agreed-to bill, meaning that the city and the pension system both agreed that this legislation should go forward and pass and it did. Got there through at the last minute. Also I want to thank senator

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zaffirini and others in the delegation, representative Israel and others outside of our delegation on the cloud computing bill that would allow the city to issue debt for cloud computing infrastructure. This is effective immediately. It's already been signed by the governor. Before the city could issue debt only for the hardware, but couldn't issue debt for particularly the implementation of large cloud computing systems for larger municipalities and other governmental entities. There's other legislation on here that the city did not lead on necessarily, but was supportive of and I know that some of you have asked about before, including the music incubator bill, which allows bench tax rebate for some of our music venues did pass this session so that's good news for them. Next slide, please, I.T. Moving on to bills that had a more negative effect for the city that passed, and you guys are familiar with a lot of these, first and foremost the two that took up a lot of attention were the city police funding bill

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that passed by representative Goldman out of the house. It only applies to cities 250,000 larger. They also passed a different bill for counties, one million and larger, saying that you had to fund at the same level as your budget for the first two years as the budget passed two years ago if it was greater or the year before if it was greater. And then going forward ovals to fund the police department budget at the same amount as the prior year. The camping ban as you all know that bill did pass and create a statewide law against camping that and received a lot of attention as well. And there are a lot of bills in here that I know this council cared about. There was a lot of gun legislation passed this year. As you

know now it's what they call constitutional carry state meaning you don't need a permit to have -- to carry a gun any longer and so forth. Next slide, I.T. Going back to -- we've

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always said it's always harder to pass legislation than it is to not, only 20% of total bills passed, yet I will once again thank all our legislation and awful you for the bills that didn't pass and the effort that took. That top row was a series of disannexation bills that didn't pass, largely at the end due to points of order called by our house delegation, particularly representative Howard and representative -- I'm sorry, her name just escaped, Vicky Goodwin. We want to thank them for that. That didn't come without some sort of cost to them. For instance, representative craddick after representative Howard called the point of order that affected her district, he kicked her bills off the local consent calendar including a bill that was about new mothers receiving home visits from nurses. So again I want to point out how thankful we are for their assistance. Another bill that was significant for this council and that many of you

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answered the call to arms was was that noise ordinance preemption bill that would have said only Austin had to be in the state law regarding its noise ordinance. That would have been citywide the way the bill was drafted. And again, thank you to many of you for yourselves for reaching out to constituents and sharing the message of how problematic that bill would be. We also had the bill affecting the Austin energy rates, did not pass although it it came very, very close to passing. And the others including ability to still lobby not only for the city to have lobbyists that we have on our team, but to just have an intergovernmental relations, office, that dill been pass although I expect that to come back in the special session. Next slide. Again, this is another series of bills that did not pass that ended up being a positive result for the city. As you can see there were a number of areas that they tried to limit city

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authority and regulate further how a city can do things, including how you can have named monuments and when you can change the names of monuments, just to point out one that may not have received as much attention as before. Next slide, please. And there were some bills that we did want to pass that didn't pass unfortunately. So again, even though Houston has gotten out of the bracket that says that larger cities can have lihtc developments within two miles of each other, we were not able to get that bill passed despite the efforts of representative Rodriguez and senator zaffirini. I know many of you will hear from cap metro soon about their plans regarding the park lease and how that will affect the construct 6:00 project connect still moving forward and items such as inclusionary zoning as put forward

by councilmember pool again went to land and resource committee and did not receive a hearing. Next slide, please. And so you know there's also

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a lot of work we had to do just to make some bills that started out very negative to make them better. That included some of these bills here, and it again took the cooperation of your delegation, representative Rodriguez, on the bill that would change how the city could issue debt and whether it could be voter approved and whether it counted against our no new tax revenue rate. Also in the press there was a bill filed about whether pipeline preemption and what cities could do when pipelines are moving into areas, it would have actually affected Barton springs, the house member, representative landgraphy Graf was not aware of that and he helped us to fix it. So there are times when legislation filed has unintentional consequences and luckily the members do listen to us when we explain is that to them so those were all made better and didn't have the affect that we were worried about them having on the city. Next slide.

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And then there were some bills that basically came out with a neutral effect, yet still were due to very questionable events happening across the state, particularly regarding winter storm uri. Those bills for the most part, sb2 and sb3 don't have a major effect on Austin energy and the city of Austin operations. I will note that Austin energy received accolades from senator Hancock in the business and commerce committee for how they successfully managed through winter storm uri and helped the grid stay on for the state. Also the statewide broadband bill is largely a bill that was for rural expansion of broadband services so that didn't have as much of an I am Facebook the city as we had hoped. But we also saw neutral affect related to the str bill. This bill, representative Shaheen was more about trying to manage the platforms. There were bills related to str that were the preemptive bills we saw last

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session, the representative who filed them quickly realized they had a negative effect and that was not her intention so she didn't move them forward. So we didn't see any major str bills move forward this session at all. Next slide, please. So this session has ended but the governor has until June 20th to veto bills. He doesn't have to sign a bill to go into law but he can choose to sign a bill and if he hasn't signed it or vetoed it before June 20th it can become law. He can call a special session at any time. It is our understanding that the plan was originally to call one around mid September as you just heard from your presentation at the joint county meeting the census numbers won't be down until about the end of September so they need to populate the maps for redistricting to do that, start having meetings,

hearings and so forth. So the special session would start out actually with appropriating the federal covid funds the state will receive. The house was very much,

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their goal was that they should have input on how those funds are disbursed so the special session will start with that and then move into redistricting. So it might be two special sessions that go from September to October. Whether there will be an earlier special session at this point we don't know. As you all have seen in the press, sb7, which they call their election integrity bill, failed to pass and there were other efforts, legislation behind that bill that also failed to pass during those last hours of the session. So we'll see whether the governor just adds those to the call in September or decides to bring back everyone sooner than that. Next slide. That's actually the end of my preparation. There's an appendix attached. Of course my office is happy to answer any questions. Again, I want to thank the city manager, the mayor and council for all of your help this session as well as all the staff at the city

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because it is a group effort. There are many times I had to send out what I think were calls to arms and also our boards and commissions as well. And everyone responded to those calls to arms, everyone played a part, and I thank you for that part and I thank my wonderful team for all of their hard work and the hours and their dedication. And we'll keep you posted on future news happening with the state. Thank you. Happy to answer any questions at this point.

>> Mayor Adler: Thank you. If you could remove the presentation from the screen, please. Colleagues, any questions before we do the aedc? Councilmember tovo.

>> Tovo: Thanks very much, brie, and thank you to you and Ida and your team for all the tremendous work that you did during this legislative session. I just wanted to say that -- I'm extremely appreciative of those representatives who are just really worked so

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tremendously hard on behalf of the whole state, but also looking at assisting us with the issues that really would have had a negative impact in Austin. As you look to some of the reports that you will provide later, I'm really interested to know how some of our local delegation voted on some of those bills, including the one that is really more limiting to how we move forward with historic districts, for example. And in addition, to the extent it's possible and feasible, I know this information exists out there on the state website, but I'm also interested to know how some of our local cents and organizations weighed in. Because in some cases some of these bad bills weren't brought by -- well, they were brought

by other representatives out of town, but they were largely supported by some of our neighbors. And I'm thinking of the noise ordinance in that regard, that this was an effort among some of our

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local businesses to help pass a bill, to advocate for and then try to pass a bill it that would have really diminished quality of life for residents throughout the entire city. And I think that we need to put some transparency behind those in our community who are advocating against austinites' interests. So that's just a request as you -- I know this work takes a long time and you and your staff really deserve lots and lots of vacation time off or some downtime. So I wouldn't expect any of this information to come forward soon. But when it does if you would just provide us with that information about how our local delegation voted on some of those bills that were detrimental to Austin's interests and then also some of the key organizations that lobbied for some of those bills would be useful information too.

>> We'll be happy to put that report together.

>> Tovo: Thank you.

>> Mayor Adler:

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Colleagues, any other questions? Councilmember Casar.

>> Casar: I also just really want to thank you, brie, and your entire team who worked so hard and to thank the full team of lobbyists and community advocates that we work with, many of whom who just went above and beyond, especially those who did all the really hard scraping of bills and finding points of order and getting community members to come talk is just -- was such a horrible session for is cities and in many ways for Texans. And there was all that extra work being put on you and your team and the folks that we have on contract given that community members didn't have as much access to participation as times past. So I really just want to double down on acknowledging that work. And even though it was such a horrible session, we didn't get the things we really needed on addressing the grid, on addressing the

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pandemic, and instead are dealing with continued attempts at voter suppression and addressing and hurting people's basic rights. It still could have been so much worse, and there are thousands of people in our state who will be able to stay in their homes because of work that you did. We will have greater

tax equity because of the work that you did to make sure that folks who are a part of the city have to pay for the same services that everybody else that are a part of the city. So there is -- you made a really, really big difference, everybody who worked on this, the whole council and everybody on the delegation made a big difference even if it was such a horrible session. So I also want to extend my thanks to the folks in the Travis delegation and the state reps across the state that chimed in to do the right thing. So just thank you.

>> Thank you.

>> Mayor Adler: Councilmember alter.

>> Alter: Thank you. Like my colleagues I appreciate all the work that

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you did, brie, and Ida and your staff and our consultants to help navigate this session. I wanted to highlight the aprs bill and first I wanted to see if that had been signed yet.

>> It has not been signed yet, but since it passed towards the very end of the session, I'm not surprised it hasn't been signed yet.

>> Alter: Great. So once that is signed, I think it would be really helpful if the city manager's office could prepare a memo on that for those who are not familiar, that is a solution to our pension situation with the police retirement system. I think this was something that we have been negotiating over a long time. As chair of the audit finance committee, myself and the other committee members have formed a working group for the pension systems and this is one of the first solutions out of it. I really want to appreciate

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representative Rodriguez representing us to get this over the finish line and to bring everyone to the table so that we could address a shared problem and find a way forward. I appreciate Ed van eenoo and the city manager's office for helping us to prioritize a solution there. This is really important for the fiscal health of our city and for making sure that we are taking care of our officers in retirement as was promised when they joined our employment. So thank you on on that, but I do think that much of that work was done behind closed doors because it was a negotiation and I don't know that the community, our office, etcetera, fully appreciate the investments and the fiscal soundness of how we approach that. So if we could do that, that would be great. I'm really excited about the cloud computing.

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I know that's really technical, something that I added to the legislative agenda a few years ago. I think it was representative Israel who helped with that, I believe. And I would just like to ask -- I would like some follow-up to understand how much that's going to save us since that should switch stuff from o&m to debt and those expenses are getting larger and larger, which is all that much more important as we have the three and a half percent rate level. And then lastly, can we get some more information about the medicaid item and what that's going to allow us to do? I've also been doing work where we've been trying to find ways to take advantage of medicaid and medicare and other insurance offerings that the city has not traditionally used. So we would love some more information on that.

>> We will get that to you, thank you.

>> Alter: Thank you.

>> Mayor Adler: Colleagues? Yes, councilmember Kelly. And then councilmember pool.

>> Kelly: Thank you, mayor

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and thank you, brie and your staff and everyone at the city who worked really hard on all of these issues throughout the session. There's so much that came at us, the fact that you were able to keep us updated on a regular basis was extremely helpful. Finally I want to thank everybody in the community, no matter how you felt about every bill, fact that you showed up to talk about it and get engaged in government is extremely important. And I urge everyone who cares passionately about anything regardless of how you feel to reach out and let your voice be heard among those elected officials who lead our government in all levels of our government. Thank you.

>> Mayor Adler: Councilmember pool.

>> Pool: I want to give a real specific shout-out to representative Eddie Rodriguez for helping us bring home the atrs bill. That was a major accomplishment. I am happy to have been part of the concerted effort that bring and Ed organized and

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pulled this all together and got us in those virtual rooms together. It made a difference, the good organizing you guys did. And Eddie, thank you. Thank you. It sets the predicate for the next round which will be for for our funds, and that affects the firefighters pension and that will be the majority of all of the pensions with the city of Austin. So I feel really good going into the next legislative session in 2023 that we will enjoy an equal success. Look forward to continuing that with you, brie.

>> Mayor Adler: Colleagues? Yes, councilmember Ellis.

>> Ellis: Thank you, mayor. I will echo the sentiments of my colleagues and thank

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you for your tireless work or tire some work. I don't know how you would phrase it. But I know those somewhere really long, hard hours. You did a great job of keeping us up to date as a council and individually and just letting you know of things that should be brought to our attention. So I appreciate you keeping me up to speed, especially on the disannexation bills, which would have had a detriment to our community. So I really appreciate that and thank you.

>> Thank you.

>> Mayor Adler: Colleagues? Councilmember Renteria.

>> Renteria: Yes. I also want to thank you for the outstanding job. Every 10 years, just here in the last, since I've been involved in politics, you know, every 10 years the state comes out and just wants to punish Austin. And it's just -- it's

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getting very frustrating to continue to see this happening over and over. We're the lifeline of the state. We provide them the energy that they needed to keep it -- to keep Texas from going into a major disaster with the blackout. So I really want to thank y'all, for your effort and our representative that work really hard. This de-annexation part of the legislation that you helped us and kept it from going into failure, which is a great job. And I just really want to just say thank you.

>> Mayor Adler: Colleagues? Councilmember kitchen.

>> Kitchen: Yes. I would like to add my thanks to our wonderful delegation as well as to our staff and to brie and her

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team, Ida and everyone. This is very difficult work and really appreciate all the efforts that you all have made. I would also like to ask you to give us some more information if you can follow up with the changes that the legislature made with regard to telemedicine, and particularly as they relate to telepsychiatry. I'm aware of what the legislature did, but I haven't dug into the details and that will be very helpful for us as we continue to think about things like our mental health project that we adopted

last year, the mental health diversion project that we work with APD on, the use of telepsychiatry, telehealth can be useful in that project. I would like to understand more details about exactly what was adopted. I know that that's one of the good things that Texas did this year. So thank you.

>> I'll follow up.

[11:55:40 AM]

Thank you.

>> Mayor Adler: Okay. Councilmember Fuentes.

>> Fuentes: Thank you. Brie, my question is what does the interim look like for your office in working with council offices? Is there anything that I should be expecting or owe I know during the interim is going to be committee hearings and all sorts of things going on. So what's the best way that council offices can engage with your office on the work that you're doing?

>> So good question. We will keep you apprised of what is going on in the interim. So first we're going to have to get past the next special so let's keep in mind that I think the interim is going to be usual specials have been immediately after a session and we're not going to have at least one of them that we know of until the fall. And so I don't see interim committees being announced until after that. But once they are announced and we are -- and we do track those committees, we do determine whether we're going to offer testimony and

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so forth, and we do work in the interim on preparing ideas and concepts either that we're again defending or that we want to promote, and we will develop a process and we will keep you apprised of all of that going throughout the interim. So I'm is going to just highlight though, and I appreciate all the things that going into the special it will be like going back for round two. And that's -- even though the governor issues a call, any member can file any bill on anything. And so we're going to have to go through that, another round on a lot of legislation that didn't pass. I wouldn't be surprised to see it come back. And then we'll go into hopefully a real interim after that. And to be frank, the next session will be here before we know it. It will go real quickly.

>> Fuentes: Thank you. And then for I think it was hb5, the broadband plan bill, I mean, has that been

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signed yet?

>> It has. Let me double-check. I don't believe it's been signed yet. S that not been signed yet.

>> Fuentes: Okay. I'm still very curious and following and tracking that piece of legislation as it relates to broadband access. I know we were going to look at an urban perspective on the council. So I think that is one that is especially important for my area and for southeast Travis county and expanding access to wi-fi and looking at those disparities. I would be curious in monitoring how quickly they're able to establish that statewide broadband map.

>> Yeah. We will monitor the implementation of that as well. And to your point, that is part of the work we will continue to do is monitor implementation. Some of these bills do require rule-making authority, we'll comment and weigh in on that and keep you apprised of that as well.

>> Fuentes: Gotcha. Thank you.

>> Mayor Adler: Colleagues? Brie, I want to thank you

[11:58:46 AM]

too. Proud to have been part of that legislative office 20 years ago when you got your earliest and best training and helped launch this, your career. To your staff, as everybody knows, there's not a lot of sleep involved. Special thanks to our delegation. As a city we do not make our delegation's work easy. We make it hard and we make it hard on so many different levels as they have to defend the work of our community, but also it impacts their ability to be able to push forward on their initiatives. Special thanks to the people that will really compromised or put in danger their agenda in order to protect the city in ways that we were asking them to do Israel, Vicky Goodwin, also

[11:59:49 AM]

really stepped out in really visible ways, in ways that -- that have real prices to pay for them. But everybody in our delegation paid prices, everybody stepped up when they were asked to do that. Gina did, Aaron did, everybody did as we went through this. Yes, my appreciation to representative Rodriguez as well. He actually saw an opportunity that no one else saw. And then was able to deliver on that working with the larger group as councilmember pool pointed out. He saw that opportunity early when no one else did. Thanks to senator eckhardt again. Senator zephyr, in her district. That is in Austin. So thank you.

[12:00:50 PM]

>> Thank you.

>> Thank you.

>> Mayor Adler: Do we have -- do we have time, manager, to do the ac before we break for lunch. Councilmember kitchen?

>> Kitchen: I have a small number of questions that I'll need to raise.

>> Mayor Adler: Okay.

>> What time are we scheduled to take a lunch break?

>> Mayor Adler: We said noonish. I wanted to see if we could answer some questions.

>> I think it will take 30 minutes. Realistically, it's going to take 15 to 30 minutes

>> Mayor Adler: What we're going to do is take a break then at noon. We're going to reconvene back in executive session and then come back out for the presentation for items and discussion. When we go into executive session, we're going to take up

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three items pursuant to 55107. We're going to discuss legal issues related to house bill 1900. Pursuant to 55107-1 and 2. We'll discuss legal issues matters related to historic preservation, affordable housing question. On item pursuant to 55107-4 of the code, we'll discuss personnel management related item 5 employment duties and dut I was the manager. The Austin energy item really came -- on Thursday. That's the director that's not with us. E-3 to be moved until Thursday as well. That's the strategy question. 7-3 we'll be trying to get through that. Without objection then, 12:02. We'll reconvene at 1:00. Before we do that,

[12:02:58 PM]

councilmember?

>> I had written down that historic preservation was going to be Thursday. Was that wrong?

>> Mayor Adler: There was a change in plans during the break.

>> Okay.

>> Mayor Adler: E-2, e-4 and e-5. With that, at 12:2, we'll take this meeting into recess. I'll see you at 1:00 in executive session.

[12:46:06 PM]

[EXECUTIVE SESSION]

[4:32:34 PM]

>> Mayor Adler: We're out of closed session. In closed session we discussed legal items related to item e2. We discussed real estate items related to e4. We discussed personnel matters related to e5. The time is 4:32. I am reconvening the regular council work session. We have 30 minutes left before we have a hard stop at 5:00 so the commissions can take over the room. So what I think would be appropriate at this point is we have lots of pulled items and we also have the presentation with respect to the aedc, and we have the homelessness and related item discussion. We're not going to get to the latter one.

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What we are going to do is go through the pulled items with an idea of not having a complete conversation, but mostly to let people identify issues that they want to identify for colleagues and for staff and we will be bringing those things up on Thursday, but a head's up to what may be relevant. Manager, I will do the respect to the aedc presentation which we can also do on Thursday, but if for whatever reason there are issues or items or whatever needs done with respect to the aedc before we get to Thursday we can do that as well. I'm going to run through the items. I'm going to call the items that are put on the pulled list, 5, 16, 37, 77, 88, 96, 91. I'll go back. Councilmember Kelly has pulled item 3 and then if we

[4:34:36 PM]

get those done we can do the aedc item.

>> Kelly: Mine was pulled in database any council members have any -- in case any council members have any questions about it.

>> Mayor Adler: Okay. Item number 5, councilmember tovo should we come back to that at the end?

>> Tovo: Yes, I wouldn't mind if you do the others first.

>> Mayor Adler: Item number 16.

>> Tovo: I pulled this because in the context of the conversation that some of us have had cap metro and with others about the bill they had proposed to the legislature there were various issues to which they were going to negotiate those and put them into the joint powers agreement. It wasn't clear to me

what relationship 16 has to that joint powers agreement. I actually thought it was the joint powers agreement and didn't understand why some of those components weren't in it. It is now my understanding that what we're being asked to do is a component of the joint powers agreement so I'm not sure -- I'm not entirely clear on why we're

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doing this now. If staff -- if my understanding at the moment is not clear, it's not accurate, if they would confirm that this is the -- that this is the joint powers agreement because then I do have bigger questions. And I think councilmember kitchen does too.

>> Mayor Adler: Is staff going to confirm that this is just the one narrow --

>> Tovo: I trust the answer I got. So if I'm wrong if they could just let me know.

>> Mayor Adler: Sounds good. For what it's worth if councilmember tovo is wrong, let all the rest of us know because that's my understanding as well.

>> Van Eeno: Mayor, Ed van eenoo, financial officer. This is not the jpa.

>> Mayor Adler: Ann?

>> Kitchen: I have concerns about this amendment, about this document, this Ila and I asked a series of questions that are posted on the message board. I may have an animal for it

[4:36:36 PM]

or several amendments for it. I'll be talking with staff tomorrow. I am very concerned that we're bringing forward this Ila in the context that it's isolated and separated from a discussion about the whole flow of funds because what this does is -- I think it's important for our -- for us to understand is it commits our transfer of tax dollars to atp, and with no-- with this document never coming back to us. This document can be amended in the future, but it takes the agreement of both a atp and the city. So we're making a commitment now. Now, I want to say, and there are some judgment calls made in this. Most of this is set by the contract with the voters and we know that we'll be transferring these dollars, but there are a few judgment calls that are made in this document, and the biggest concern that I have is we

[4:37:37 PM]

have not yet had the conversation about how our city staff is paid. So the we send dollars to atp. Atp sends dollars back to us but atp sends dollars back to us for staff. We have not had that conversation yet

and I am uncomfortable going -- I'm uncomfortable approving a document that has -- it doesn't have a term limit on it. So what I would prefer is since we're not going to have that conversation right now, and I know the funds are needed by atp, I think the easiest way to address my concerns is to just make this a one-year term only or make it a one-year term or until, until we get the jpa. The jpa will have a lot of details in it. You know, councilmember tovo to that. We're not going to get it now until probably October

[4:38:37 PM]

or so. And we're also about to go into a budget process where we don't have -- any information at this point yet about how we're paying for city staff. So I have some other concerns about it that I'm sharing with staff that are more wording kind of concerns, but that's my overarching concern at this point.

>> Mayor Adler: And you've posted these to the message board?

>> Kitchen: I have and I've let staff know. So just a head's up that I'm going to be proposing that the simplest way to address my concerns is just to change the term of this requirement and then that gives us time to address everything else as part of the jpa when it comes back.

>> Mayor Adler: Okay, thank you. Let's move to item number 17. This was -- councilmember tovo.

>> Tovo: This is me too. Councilmember kitchen, did you put them in the q&a is that what you mean?

>> Kitchen: Yes. They're supposed to be in the q&a.

>> Tovo: Great. You said message board. I just want to be sure --

>> Kitchen: I'm sorry. I'm sorry, it was q&a. It was q&a.

[4:39:37 PM]

>> Tovo: Thanks. And I -- I appreciate you raising them and I share those concerns. 17 I pulled because it's about a 500 page, 498 page hazard mitigation action plan that seems very relevant to the conversations that we're having on council and in the community and via our audit about our emergency response. I see in the rca that there is an intent to giant it based on the -- update it based on the result of the recommendations that come in the after action report, but I needed to ask staff if there's a time sensitivity. I doubt very many of us will be able to really give that document the attention it needs this week given its length and everything else that's going on. So is there a time sensitivity? And I understand there may be because of FEMA requirements.

>> Hello, councilmember tovo, this is Eva standing in for Juan Ortiz. So yes, there is time

[4:40:39 PM]

sensitivity. The planning process for the hazard mitigation plan is a fairly lengthy process

[audio disruption]. It goes to FEMA to preliminarily approve. They will then approximate officially approve it once it has been adopted by council and we have until the date of the last plan expires to have it approved. And the last plan expires in August.

>> Tovo: Gotcha. Thank you. And that's of concern, but I'll mull that over. 37 --

>> Mayor Adler: Hang on a second.

>> Tovo: I would be interested in knowing what the actual date is.

>> Alter: I also pulled 17.

>> Mayor Adler: Before we

[4:41:40 PM]

go to 37, councilmember alter, anything on 17?

>> Alter: I had the same question on the urgency for it. I'm really concerned that this doesn't have the storm uri report in it. Can you explain how that Preece works?

-- Process works.

>> Yes, council member. As I mentioned, it is a fairly lengthy process so it really occurred prior to the winter storm uri. We do recognize obviously that was [garbled audio]. And it will be reflected in an addendum to that plan. The plan was preliminarily approved by FEMA prior to the winter storm.

>> Alter: Okay. Does the addendum come back to council?

[4:42:46 PM]

>> I will check in with my office on that. I think we can certainly make that happen.

>> We will make that happen, council member.

>> Alter: So I have those concerns. Also I would like to put it in the q&a and know what are the major updates to the plan relative to before the little I was able to review there was not a lot of clarity in what was updated and what was new. So I will need that -- they were some things that were missing -- I looked at a couple of places, for example, table 7.3 doesn't list what facilities are available in high risk

wildfire areas. The wildfire areas are not listed in the high risk areas. I question some of the conclusions that were made

[4:43:48 PM]

on this in terms of wildfire, which was a section that I need to look at. I need to see what's appropriate if you can document in the q&a the issues for approval I would appreciate it. I understand we have to get it approved and you may have to outline a process where we can revisit it and outline the needs of FEMA and if we as a city are not using this plan to guide us when it's not up to date and up to speed from some of our issues.

>> There were multiple stakeholders involved in this process and we can make a summary of what date and provide that as well.

>> Mayor Adler: Okay. Let's go then to item number 77.

>> Tovo: I think you mean 37, mayor?

>> Mayor Adler: 37, rather.

>> Tovo: This is the item that I referenced earlier.

[4:44:49 PM]

I don't know how to address it here today but I'm interested to know with regard to 37 I want to explore the notion of -- I want to explore the question of whether we can draw down any of the 30 million that we intend to -- that we had intended to generate with the possibility of using it for homelessness. And I want to talk through the fact that waller creek conservancy was able to draw down some of their money early and whether this is an option. Basically I want to talk about it in the context of the American rescue plan. That's my issue with waller creek item. Or that's a question I have about 37 so it's really one to be addressed within 77.

>> Mayor Adler: And whether 37 passage in any way impacts our ability to be able to draw down the 30 million. Even if we weren't doing it at the same moment. Thank you for that.

>> Alter: So I pulled 77 and 78. I didn't realize we had a

[4:45:50 PM]

discussion item to talk about those. We won't have too much time to talk about the arpa, but that's why I pulled them. I did have one question for staff, though. I think it's on -- I'm not sure which of the

numbers, but in terms of depending on what we figure out, how do we handle the corresponding budget amendment piece, I understand this was meant to be kind of global, but how do we make sure that happens appropriately in the course of our meeting on Thursday? If we make changes from what the staff proposed? Do we have to prepare amendments to the budget piece or just the framework piece?

>> Mayor Adler: I think the framework piece. I think the only budget ordinance relates to

[indiscernible] From that point forward. The framework piece that would be capable in the amendment.

>> Alter: Okay. Does that mean that we're just amending the exhibit part?

[4:46:52 PM]

>> Mayor Adler: Of 77.

>> Alter: Yes.

>> Mayor Adler: I think so unless other people want to make amendments. That's certainly a possible way to do that.

>> Alter: Okay. I wanted to make sure is that we're mindful about whatever we are doing and changing. There is a piece that it looks like we're going to put money in for the creatives. I have an item later on that is specifying to get money out to the creatives for the non-profit sector and that money needs to be in the budget amendment so that that money can get out the door. The whole point of that amendment -- the whole point of my ifc is to make sure that we don't get to August or September before we have money out to the creative non-profits but that we get it out sooner. So I just -- I need to know what -- assuming that we pass a framework for arpa that has money for creatives or if we don't, I need to know what has to happen for that budget -- corresponding budget amendment because I was told not to make a separate budget amendment.

[4:47:53 PM]

>> Van Eeno: Council member, this is Ed van eenoo, budget officer. You won't need a separate budget amendment. Item 78 is to appropriate the \$49.4 million and we will allocate those dollars to the programs that you approve as part of the framework on item 77. The fiscal note for item 78 does show an allocation based upon staff recommendation, but that's just a fiscal note. The ordinance itself is appropriating the funds and will put those funds into the buckets that you approve through your framework.

>> Alter: Okay. But if we don't approve the framework I have the other two million which I was hoping that we could still move forward with. So it would just need to be watch offul on Thursday if that's where we land. I don't know if that's where we're going to land. I just want to make sure.

>> Van Eeno: I'll follow up with Lela fire side. I still don't think it would be a problem if you approve the framework if you only wanted to approve the two million dollars we could authorize this ordinance for

[4:48:54 PM]

an amount lower than the \$49 million. We can't authorize it for more than that once it's posted. But I'll follow up with that. I think we'll still be able to dom indicate you within what's posted.

>> Alter: Great, thank you.

>> Mayor Adler: Okay. Item 86? Councilmember tovo. You're muted.

>> Tovo: Yeah, sorry, I hit the leave event button instead of the mute. I pulled this one because I have concerns about this particular lease, but I am concerned that we -- I am not aware that we yet have a consistent policy for our leases with regard to non-profits that is reflective of the findings of the 2019 audit. So just quickly, the 2019 audit on city leases pointed to several findings, that there's not a consistent process for developing and awarding leases at below market rent. There's no guiding policy on how to select tenants and

[4:49:55 PM]

make rent rate decisions. Little to no documentation on how tenants were selected, how rate rent amounts were made. Not consistent in performance measures. There are other findings that are relevant, rent owed to the city was not paid in a timely manner. None of these are concerns I have about our lease with the red cross, but I am concerned -- this is one of the areas where I think the city's relationship with outside entities has developed in an informal way and we need a firm and consistent process. So I'm prepared to support this on Thursday and, of course, of course the American red cross has been a tremendous partner and support their continued use of that space and the lease. And a lot of our other non-profits who are leasing space are also good, but I do believe that we need -- we really do need a very fair, consistent, really administtive process. I don't really believe that

[4:50:56 PM]

these should be policy issues. I think they should be -- it should be a different kind of process.

>> Councilmember tovo, this is Michael Gates, interim officer, real estate services. So we have a draft of that policy addressing non-profit leases and we should have that ready for review shortly.

>> Tovo: Great. I'm glad to hear that. So we don't need to initiate any changes in that regard. We'll be reviewing the policy that you've drafted and that should answer some of the concerns that I just raised that were present in the audit.

>> Indeed.

>> Tovo: Thank you very much, Mr. Gates. Manager, I look forward to our being able to review and act on that. Prior to any future leases. So soon. Thanks very much.

>> Mayor Adler: Okay. I still need to better understand this so I'll pull it to better understand because the leases and what

[4:51:56 PM]

the existing lease is with the red cross, but only indirectly with the red cross so there are some details that I just need to better understand.

>> Tovo: And mayor? Thanks for saying is is that. That flagged a question that I have that I guess we could address on Thursday. But there was some language and then it shifted in the one draft to another, but there is some language that seems to be allowing them to redevelop the site and I want to be sure to understand whether that's redeveloping it for the American red cross and their existing mission or other purposes. So that I think links to the concern you just raised or the question you just raised.

>> Mayor Adler: Okay. Next item, item number 91. Councilmember alter.

>> Alter: So again this is related to the arpa and I just -- you know, I have some questions about this coming from reserves when we have arpa and I think I have a potential solution. I just want to flag that it -- I don't know whether

[4:52:56 PM]

the solution works with the posting language for this, but it works with the framework. So I guess as soon as I have enough clarity on my proposal I will bring that forward, but I do want to flag our discussion from the other week or the other day. It feels like the other week. That we have the 22 million in rental assistance and we had asked for the renew one that we would like to come and we make sure that we have bridge funding in case it didn't and we want to meet the need for eviction but there is some uncertainty about what the level of that need is. But it really makes more sense to discuss is in the context of the whole overall arpa. I just want to kind of flag that. It's my understanding that you no longer have the requirements that you had under the cares act and that arpa can meet the needs of the people that we're trying to reach with the arpa

[4:53:58 PM]

funding through the rental assistance.

>> Mayor Adler: All right.

>> Casar: Mayor, I also want to flag based on our conversation, whenever that was, I think it was yesterday, but whenever it was, that Katie powers has circulated a new draft that adds a new part to the ordinance and it reads that as part of the upcoming budget process the city manager may recommend returning any remaining funds to the reserves if the funds are no longer needed to prevent widespread eviction. And so I would intend to move this forward such that if it turns out that we aren't getting a surge in applications and that our staff evaluates it and they aren't needed to prevent widespread eviction that during our budget process we could allocate these to other use. I think the bridge funding is potentially important, but even if those federal funds do come in, I think

[4:54:58 PM]

even the most -- really the most conservative estimates are that those federal dollars are not going to get us there. No matter how conservatively I estimate it, we're going to need more money than the federal dollars come in at. And in my view I would be willing to -- if we're having that kind of a significant issue, that would be something I would potentially consider for even going below 12 percent if that's what we're potentially facing, but what we're proposing is not even going below the 12%. So I'm interested in what solutions, other solutions folks might bring forward, but I would hope that this one might be helpful to say if our staff evaluates it and we don't need this level of funding that in the budget process we could, we could wash it into reserves or to another need.

>> Mayor Adler: Okay. We'll look for that too. All right. Next item is item number 91. Oh, we just had that. So item number 2,

[4:56:02 PM]

[indiscernible], that's been addressed. Yes, Kathie.

>> Tovo: Item 5. I said I would go last and we have zero time to discuss.

>> Mayor Adler: I want to give the manager a minute. Is there anything on the aedc presentation, manager, that you wanted to identify before we actually heard the presentation on Thursday?

>> Cronk: Just note that it is in your backup and we would encourage you to take a look at that to make sure that if there are any other questions you could put them in the q&a and we can address them at that time as well.

>> Mayor Adler: Okay. Kathie, did you want to hit five? Did you have something on Eda, Ann?

>> Kitchen: You're muted.

>> Kitchen: I had pulled the item, but it didn't show up as pulled because we had the presentation, so yes. This is just a head's up. I have asked staff to make an amendment related to addendum 3, which has to do with the creative space bonds. The current language in the document does not reflect

[4:57:05 PM]

the agreed upon scope of the -- the funds that had been reflected in the rif. So I had asked for a change to that language and if it's not able to be changed then I will be bringing an amendment. I have some other questions about it, but I can send those questions and those relate to the role of the aid and some of those questions but I can share those with staff.

>> Mayor Adler: Okay. Kathie, number five.

>> Tovo: I'm sorry, I have something on the aedc as well. Probably more by Thursday. I just want to highlight that in the rca it does not -- it talks about several areas of -- several focus areas for the aedc and it talks about creative and cultural spaces without referencing historic preservation, so that is actually part -- supposed to be a component of the economic development corporation and it is in addendum number 2 that talks a little bit more about iconic attempts and use of

[4:58:05 PM]

historic buildings and structures. I want to call my colleagues' attention to that because it connects back to the conversation that we had in executive session on real estate matters. And also consistent with the fact that our board is comprised of an individual who also represents historic preservation. Item 5, we got a memo about this this morning. Item 5 would have us approving and giving the authority -- I'm going to summarize it. This is probably not how the staff would say it. But it authorizes the use of the construction manager at risk process for the convention center, for a convention center expansion and it also according to the memo today would allow and initiate the process whereby the city goes forward and issues an rfq and hires a designer. We've had a lot of conversations about the convention center and a possible expansion over the last several years and it is critically important in my

[4:59:06 PM]

opinion that we have on that site a world class, fabulous building along the lines of what we have now at the central library. And so I have brought forward a resolution -- I've forgotten what number it is, 90

something, to create a design competition for the convention center that appears to have run into a few glitches with regard to our purchasing process. So my staff has been talking with purchasing about some possible alternatives, but I hope that we can get to a place on Thursday where we are not just initiating - that we are initiating a process that will 3D to a really great design and I don't just mean a design that creates a functional convention center. I think we really owe it to the palm district planning efforts and the growth and vitality of that quadrant of downtown to really make sure that we get a design on that property that especially

[5:00:07 PM]

braces the pedestrian scale activity that we want to encourage, that interacts in different ways with waller creek. It doesn't turn its back on it. It doesn't create a big block but it embraces the fact that waller creek is now-- that the buildings are now reorienting themselves to waller creek. That it creates a beautiful connection to palm park and all of the other goals that we talked about in the palm district. So at the moment we're working as I said on some amendments, among other things, if there is an initiation of the car process it would include a checkpoint where the staff come back to us and review that request for qualifications or that request for proposals. I forgot which is contemplated. So that the council can see whether this is -- does this accurately capture the vision of the facility before you go forward and come back to us with recommendations of design programs. We didn't have that check number in with healthsouth and I think that got us a little bit further down that

[5:01:09 PM]

process. That would have been wise. So I want to make sure is is that we have those check-ins with the council prior to coming back with a design. And again, we have -- we've had a lot of conversation around the convention center. I don't think the initial design that came forward was one that inspired -- was one that our community members found terribly inspiring or that it addressed their concerns about the interaction of the convention center and the way in which it embraced the need to be present and exciting for residents. So I'm hoping to get us on a different path with these. With my resolution, which is evolving.

>> Mayor Adler: Okay. Anything further? Greg?

>> Casar: Mayor, I'm sorry, I sort ever rushed talking about 91 and forgot to include one additional piece of information that we

[5:02:09 PM]

pulled from the staff. But the last two months we've been spending eight million a month on rental assistance, so just conservatively if the eviction moratorium and all that stuff eases out through the end of the year that's about 48-million-dollar need. So we still wouldn't get to that even with this item. So that's the current trajectory that I'm looking at even without calculating the absolute surge that we would see as the protections start to phase out. So I just want folks to get a scale of why it is that we put the item on.

>> Mayor Adler: Okay. Colleagues, two minutes after 5:00. I think we've addressed all the issues. I'm going to adjourn the work session and we'll see each other on Thursday. The meeting is adjourned.