City Council Work Session Transcript – 01/31/2017

[9:05:56 AM]

>> Mayor Adler: All right. I think we have a quorum and we can begin. I'm going to call to order our work session here on Tuesday, January 31st. It is 9:05. We are in the boards and commission room here at city hall, 301 west 2nd street. We have the codenext briefing we'll start with. Council members, and I think a couple other of the council members may be leaving to run over to Muslim day at the capitol. Certainly, anybody could go, but I think there will be three of us that will be gone between 10:30 and 11:00. And, of course, you all can continue to meet in our absence and discuss these, or you can choose to recess. But I just wanted to lay that out on the table. Yes.
>> Good morning, mayor. I'm on the city of Austin employee retirement system, and there's a meeting at 1:00 this afternoon, so I have indicated my attendance at that, so I may also be gone for a time, depending on -- and will come back to the work session depending on where we're at.
>> Mayor Adler: I still hope we're not still in work session.
>> I do not disagree.
>> Mayor Adler: Okay. Thank you. Let's start with a briefing. Obviously, the codenext -- perhaps the most important, one of the most important things that this citywide will engage in this year, and now the next phase of it is launching. Yesterday, we had the press conference, the community has the document now available online. Today, you're talking to us, and then tomorrow evening, there's the opportunity for everyone in the community to gather for an open house at palmer between -- what is it, 4:00 and 6:00 tomorrow?

[9:08:00 AM]

>> That's correct, mayor. Between 4:00 and 6:00, and then the code advisory group meeting follows a briefing of them.
>> Mayor Adler: Okay, great. Let me turn the floor over to you guys, and tell us how you're going to help our city move in the right direction.
>> Good morning, mayor and council. I'm joined by Dan, the lead consultant. To his right is Jorge ruselan, is the project manager for codenext, in my office, planning and zoning, and then next to him is John Mickey, who is one of the workers at opticos and principals on working on this project. We're also joined by Lisa Weiss, Lisa Weiss consulting, and Peter park of Peter park consulting, he is also here today. I am very excited to be here and have this come forward to you today. This is a kickoff of the process that you mentioned, mayor, that will go over the course of this year. It's very important for the public to have input, and the document is online. And also, the comment section that citizens can make

comments on. As you said, on Wednesday, we're going to have the open house, and there's free parking at that open house, so come one, come all down to palmer events center for that event. Today we're going to cover three major areas. We want to make sure you understand, and also the constituents, stake holder groups, boards that may be watch, because this is the first presentation of its kind. Regarding codenext. Get everything right from the beginning. So we're going to cover the process on how we got to this point today.

[9:10:01 AM]

What are the priorities to improve our quality of life, and then give a preview, basically, to get an understanding of our code. So we anticipate this presentation may take an hour. If we can go run right through it. And we know that there will be many questions that certainly may occur, and we'll be preparing for different meetings out in the districts in the future to talk about those things. So at this time, I'm going to turn it over to Dan and let him continue, and we're going to do kind of round robin on some of the speakers. I'm going to sit back and let someone else come up.
>> Mayor Adler: That sounds good. And since this is a long presentation, this is the first time it's being rolled out. Council, if we could hold our questions and let them have the run so that they can make the cohesive presentation, then we'll double back and get the questions at the end. So, note the questions. Okay.
>> Thank you, mayor. So, I'm going to start with the big picture here and let my teammates kind of dive down into the more of the details, but I just wanted to reinforce that this entire codenext process has been a response to a code that you all recognize does not serve the city of Austin, and that through the imagine Austin process, you recognized and admitted the code was broken, and that you had a problem with your code, and in a process like this, what's really important is the commitment to fix this code means that change is needed. And with a complex and, you know, fairly technical land development code process, obviously, this sort of change can create some anxieties and some fears about -- because ultimately, and sort of as you've seen in the draft, it looks and feels different than what exists in terms of your land development code.

[9:12:06 AM]

And what we talk a lot about when we're doing a process like this is that just encouraging everyone to be open to something different. Because it's going to take something different to also get you to something better. That sort of gets you to the goal of having a land development code that serves everyone, as the mayor mentioned in his state of the city address the other day. And this is just a draft. It's the first public review draft. There's still a lot of work to be done. And what we're really hoping here is that the conversation from this point on can be -- it needs to be critical. Everybody needs to look at this with a critical eye. But it needs to be constructive. Critical and constructive, as opposed to being critical and dismissive, and I think the only way sort of we're all going to work together to sort of get to this code that serves the city of Austin is a critical and constructive conversation, so just want to highly encourage that. And I do want to reinforce that really ultimately, this is not about that code document. What this is about is it's about reinforcing the unique place that Austin is, the unique culture that it has, and the series of themes, or as we call them, priorities that we've defined and sort of as a foundation for the code, because everything we're doing in the code is about sort of -- isn't about the number, the setback, the height, the density, the building type. It's about is what's in this code getting us to an effective clear system to implement the set of priorities that were first established in imagine Austin, and continued through the codenext process. And I think ultimately, we also want everyone in the city to come out of this process with a positive perception of zoning, right?

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It's a shift here. Right? Ultimately, we want people to understand that this is something that -- this is a system that's working for them, and it's really, really important part of this. And so imagine Austin laid the foundation, and it defined that the code was broken, and it needed to be fixed. And over the course of the last three and a half years, we did a lot of additional outreach in listening to reinforce these themes and these priorities, and we dove down a little deeper into what was broken, and in the diagnosis process, defined the top ten issues with the code, and that enabled us then to drill down even deeper as we're drafting the new code. And I think, you know, a theme that I'd like to reinforce that the team's talking about is different but better. And you currently have a code that doesn't recognize the many different types of places you have throughout the city, and this is just one slide that the team members will talk a little bit more about later, but for example, you had a cs zone that was trying to regulate a single family house that had converted into a restaurant, a small neighborhood main street, and a suburban commercial district. And three very different types of places, so let's create a better system to recognize those differences and regulate them more effectively. And we talk a lot about this overly complicated system, and in terms of different and better, it's how can we take the really good intent that's inherent in all of those layers and compress it, and I'm really excited to actually be at this point where we can actually talk more in detail about how we've effectively compressed those really well-intended regulations into a much clearer, more effective system. Because currently, you have a complex system to regulate a very complex place, and what we proposed here is that you still have the very complex and diverse place, but we're creating a much clearer system to help you regulate to achieve your results.

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And there's over 400 different possible combinations of your base zoning districts and the combining districts and overlays. You know, you might look at this new draft and say, hey, but there's a few more new zoning districts. And our response to that is, yes, there might be a few more zoning districts, but you actually have the right tools to effectively regulate this broad range of places that exist throughout Austin, and once you're in that place, you kind of have everything you need to regulate the diversity of places. And so just wanting to reinforce that the ultimate goal of this code, once again, is creating a code that better serves the diverse range of people, serves everyone in the city of Austin, and it's much more clear. It's much more usable. And ultimately, creates a much higher level of predictability, and it's predictability in a lot of different ways, but it's predictability in terms of communities, neighborhoods, in terms of making sure that they're seeing the results that they desire, and it's also predictability from a development perspective of the a developer comes in with the right projects that reinforce these priorities, that they have a really clear sort of process from start to finish. And so that lays the foundation to ultimately creating this community, the city of Austin, having a positive perception of the land development code, and I think that's the ultimate goal.
>> Thank you, Dan. Mayor, council members, we'll take a step back and talk about the priorities that brought us to this point, based on the image that -- on the vision that we created through imagine Austin as a community, some of those priorities started to come to the top, and through the several other deliverables that this project has brought forward, mainly the listening to the community report, also the code diagnosis, and the community character manual, that all started to point toward some of the priorities that we wanted to tackle as a city.

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So as we started to create a framework to help improve the quality of all austinites, these areas related to mobility, community, environment, housing, and permitting started to rise to the top as priorities for the city itself. There's stories that we have built around these themes that the code will address, and they're contained in some of the backup material that you have received with your binders in the code, the informational booklet. Tell us how these stories and how improvements to the code have been made through these priorities. So as we started to hear from the community about how do we prioritize issues of mobility, we wanted a walkable and connected Austin, as we heard from the community, and started to tackle the idea of how we start to connect the city through centers and corridors and creating that human scale design that the current code currently lacks, making those connections between communities and giving options to walk to shops and services as a way to incentivize multi-modal transportation systems. We also heard from the community that we wanted a vibrant and prosperous Austin. This starts to get into the ideas and themes of preserving neighborhood character, and strengthening our neighborhoods, and the character of different neighborhoods in Austin is very special to us. As we realize through the vision that we created in imagine Austin. So we want to start tackling right-sizing the zoning. This project is not about upzoning the city of Austin, but finding the right zoning in how those can be applied to diverse places for people-scaled communities is something that we want to start to tackle, as we anticipate for future growth in the city of Austin. We also heard from the community that a natural and resilient environment is the top priority for all austinites, how we are good stewards of our natural resources from water storage shed to flood mitigation, to urban forest, to parks throughout the city, and preserving our ecological services and systems throughout the city is also a priority of this code.

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As we are entering a time where housing is being strained here at the city of Austin, in terms of the amount of housing that is available, we heard from the community that housing needs to be inclusive and affordable, and that starts with having a more diverse housing choice. So you will see the draft addressing a greater variety of housing choices, and starting to look at standards that allow more units by right and starting to introduce affordability incentives built in in some of these base districts. And allowing for flexible work spaces and connected subdivisions to create the connectivity between places. One of the top areas of concern that we heard from the community is that we need a streamlined and user friendly permitting process. Everyone has a story about the challenging steps that one must take through the permitting process, and those are also included in your informational packet. But a way that we can start to have clear zoning districts, fine tune those Zones, and create a process that is more user friendly starting with a simplified permitting process, so that you have a code that is useful to all citizens. So, I'll turn it over to John Mickey, who will walk us through the preview of the code. I'm sorry, excuse me. To Lisa. My apologies.
>> Thank you. I'm going to give a high level overview of how the code is organized, where certain pieces landed in the code, and talk a little bit about some of the work that's still in process, and I'm really excited to give this section of the presentation. I've been wanting to do it for a long time. So without further ado. This is the new table of contents for title 23. There's 11 chapters. To a large extent, it looks like your existing code, I think, but it has been much improved, reorganized, and new material added. Just a couple of things to point out.

[9:23:02 AM]

All your procedures have been consolidated in chapter 2 and updated. We work really closely with the city attorney on that. Your environmental regulations that you're very proud of have been consolidated and brought forward in chapter 3, so we have tree preservation, water quality, save our springs, and affordability in that chapter, and then the bulk of the work in chapter 4 zoning. As I think we all know, this has been a really, really, really big team effort. We work really closely with city staff over the months and years. This chart just shows -- this table or slide just shows who took the lead on some of the chapters, so we have a yellow box, it was a staff lead. Where we have a blue box, it was a consultant lead, but really, it was a joint effort, and as you see a lot of the chapters are outlined in green, which show that we worked on those collaboratively. Even though this has been a big milestone and a lot of work is done, there's still a few pieces under way. As you'll see in your document, affordable housing, functional green, signage, and some of the street components. On affordable housing, we know this is a top priority of the city. It's in the paper all the time. It was in the mayor's state of the city address. And there's a lot of things in the code that work on affordable housing and approving affordability in the city. Better base Zones. More diversity in housing. Streamline review process. A new site plan review process for missing middle housing from three to nine dwelling units per acre. So there's a lot of things in the code, sort of in different parts, but in addition to that, we're working on consolidating all the density bones program in the chapter. That will be out in April. There is a table of contents outlining what that section will look like, but it's still under way.

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We're working with staff and econorthwest to calibrate citywide and we're speaking with you more about that in the coming weeks. Functional green. This is integrating more nature into urbanized areas. This is also something under way, and this will be out in April of 2017. And then signage. Because of recent court cases related to sign regulations, we need a little bit more time to work with the city attorney on this chapter. This is chapter 8. So this is still under construction. And then in chapter 9, we're working with the transportation folks on a couple of things. The complete street ordinances, creating streets for a variety of users. Tdm. We're encouraging alternate modes of transportation. A section that's still under way. And then the traffic impact analysis and mitigation is still under construction. These are going to come out after the codes are adopted. The technical codes and criteria manuals. The criteria manuals do rely on what's in the code to a certain extent, so those will be worked out a little bit later in the process. And then I talked about this a little bit. We know and we agree the city is very proud of all the environmental regulations that have been created over the years. Save our springs, watershed, the urban forest protection and parkland dedication. Those are all being rolled forward and those are chapter 3 of your existing code, so you'll be able to find those new and improved regulations there. Other things that you'll be able to find in the code. Hill country roadways and historic districts or overlays. I said we did a lot of work on the procedures because we heard over the course of our interviews and public outreach, code diagnosis, that procedurally the code was disfunctional and not working, so we work really hard to consolidate with the city attorneys in chapter 2.

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So there are things on appeals, noticing, amendments to the code, all of that is in one place. About a lot. Dan mentioned. I it's been coming up again and again. There's really layers of design regulations, right? Compatibility, and over time those layers have made the code more dysfunctional and more difficult to use. I think in the beginning, they were really intended to raise the quality of design and construction. They've just made it more difficult over time, and this really gave us the opportunity to look through all these regulations, see what's working and not working, and incorporate those standards into the base

zone and building types, and that's what you'll find in the code. In addition, conditional overlays, which is a heavily used practice right now in the city. It's not really considered best practice. And it has not been carried forward as a regulatory tool in the new code. It's difficult to see, but I think once we work through it, and we test it, there's really a new approach on the process with the new base Zones and the used permit tables, relying on a permit approval process and not too many rezones and not too much of a transactional basis system. This came up a lot, but existing policy documents stay in place. Neighborhood plans, small area plans, and nccds. Those are not being touched. Those will all remain in place. And then just a little bit on formatting and numbering. Because the code was amended numerous times over 30 years, it was difficult to use. This is just the before-and-after, where the after is much more graphical, better layout. We spent a lot of time kind of working on this early on. This is your old system.

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It's not consistent across chapters. Sometimes you have sub chapters, sometimes you don't. Sometimes you have sub parts. So we've broken this apart. The new system and title 23 is chapter article with division and section, so -- in this example, you have title 23, chapter 3, article C, and then division section is 3010. And this is a layout of how it looks with heritage trees in chapter 3. Another thing we have is all these table of contents at the beginning of the chapters and beginning of division. Another good navigation tool. And then lastly, just other things that make it easier to navigate and find your way around are better headers and footers so you know where you are. And with that, I'm going to turn it over to John.
>> Thank you, Lisa. So Lisa got a chance to talk a little bit about the fundamental way that things have been reorganized and the way that we present the current document that you have in the binders in front of you. How we've worked on feasibility. But looking back to some of the things that Dan talked about, introducing new tools, new tools that are more refined to reflect the place that Austin is, the diverse places. To do that, we've used an approach that we've used in many cities of looking at creating what is a hybrid approach, where we have both your existing zoning districts that you have today, which are referred to as non-transect Zones, and another set of tools which we'll refer to as the transect zone districts. And these Zones are really talking about creating and defining a form, the character of the place that we intend to find, and then talk about uses. In our approach to creating your land development code, and specifically in the zoning code, we're using a hybrid approach where both of these types of zoning districts exist in your code, but they rely on many of the same parts.

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So in this diagram here in the middle, your overlay districts, many will apply both transect Zones. The corridor, that is a kind of overlay that doesn't necessarily matter what kind of zoning district you have at the base. It is saying you will protect these views to the capital. And you have things like your waterfront overlay. But we have other standards. A lot of supplemental standards, whether it be screening, landscaping, parking. These are many things that will be held in common across the system that is used in the new land development code. And so we have these slides here that reflect a little bit of how this might work. So we're talking about reinforcing neighborhoods, and reinforcing neighborhood main streets, how you can have a mix of using transect Zones and non-transect Zones in the same area, how different parts of the land and development code, whether it's the transportation and mobility efforts, the affordable housing efforts, or it's the tree preservation under the urban forest protection and replenishment. All of those things come together in your land development code in defining what happens in each neighborhood and the character of that place. And that also happens in the

neighborhoods, but also in the centers and corridors that you all have in imagine Austin. This is a drawing that was done last -- well, 2015 when we did a sound check. When we had a chance to work with the community and showing some ideas of what might happen in the future. And here, again, you can have a mix of both transect and non-transect Zones. An area in which humans live, so there's everything from the natural environment where you don't expect to see people very often, to your most urban places, which is your downtown, and all the different places in between where you can find people.

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And this diagram that's here is a diagram that is really a generic diagram, talking about the three intensities -- sorry, the six intensities of human habitat. But for Austin, we've looked at that, and we said, really, in Austin, in the most rural and the most natural areas, your existing tools work. You have great tools to protect those places. But as we move forward and we think about those places where one might think of here and t3 as your single family neighborhoods, what kind of refined tools can we provide to reflect the place that is Austin? Moving all the way up to t6, which is the most urban, defined in imagine Austin as regional centers, places like the domain or downtown. What are the tools and kinds of places that you need there, what do you need to regulate that? And you'll note in the transect Zones that we have these t3 through t6, but we also have the form descriptors, what is the character you should expect to find in this place? We have descriptors like neighborhood, and neighborhood really talks about the fact that you want to expect to see house forums, where you have a building and a space between a building, and there's this constant pattern of space between buildings and buildings. Whereas a main street or your urban environment is more like your downtown or more like your old main street is like south congress, where you might expect the building to be more attached to each other. There's more continuous building frontage along the street. And these are important things to help convey the concepts and clearly present to the neighborhoods and to developers and to the community what is expected. And so you'll see as we go through the transect Zones, we define these in different ways. You'll see that in the neighborhood. In t4, we're providing neighborhoods, but we're also providing main streets, and I'll talk a little bit more about these in detail in a second.

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T5, it's really talking about the larger mixed use buildings that you're getting today, an urban environment, where you expect buildings to be attached to each other. And t6, really your regional centers, the domain or downtown. I think one important thing to point out here is that in these Zones, when one is shifting within a t3 Zones, or the t4 Zones, one can expect that the character of each of those places is going to be relatively similar. But when one shifts from a t4 or t5, when one changes in terms of the T numbers, the question should be raised, is this the appropriate tool? Is that the right tool? Because you're asking that the character of the place change, and so we believe that that's a key distinguisher in why you keep these descriptors in t3 and t4, t5, and t6. One thing about the transect standards is they're much like the standards you have today. They talk about buildings, they talk about height, they talk about use. But they also add in a few other things. We talked a little bit about buildings. Building types. And this is an important feature of the transect Zones, that we're diving in and we're really thinking about what is it that makes the character of that place, and what are the particular parts of that building that are important to think about? And so here, we list a series of building types, and these building types came from the analysis that we as a consultant team and staff did, it came from the community character manual where over 4,000 pictures were submitted by citizens of Austin, who participated in a process where they were able to photograph their neighborhoods, so we could get a

better sense of the diverse 103 neighborhood reporting areas that you have. And we're able to take that information, distill it down into these types of buildings that you find in the city and think about those characteristics that make them different from a small house to an accessory dwelling unit, to maybe some of these main street buildings that you find in your community, they're more historic.

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All the way up to your larger buildings that you find in downtown. And so diving into a few of these Zones to talk about those characteristics, here we have a t3 neighborhood, which is really about emphasizing your single family kind of characteristics that you find today. Single family houses, duplexes. And this case is called the neighborhood edge, because these are houses that are generally a little bit wider. The spacing is a little bit more between the buildings. They're detached. They're up to two stories in height. And this zone is really afforded by both the input provided by the community, through the community character manual, through our own analysis, so it was informed in this particular case from neighborhoods like cressview, other neighborhoods that were built around the same time that have a lot of the same characteristics. We have other neighborhoods like t3 neighborhood intermediate setback, and these Zones -- this is different. These are -- these houses aren't as wide. They might be a little bit closer to the street. And in this particular case, in this neighborhood, what we found was you had these historic little cottage courts. Small little one-story buildings built around a common court. Sometimes they happen on a corridor of a street where you have three small houses on what might have been one large lot in the past. And that was really influenced a lot by what we found in east Austin, particularly in chestnut hill or foster heights. And even in this aerial, you can see there are small little cottage courts here. Tease are just small, one singleal story buildings often around a courtyard. We had other neighborhoods where what we found was the buildings were a little bit bigger.courtyard. We had other neighborhoods where what we found was the buildings were a little bit bigger. They tended to have a mix of types of buildings. It wasn't necessarily single family houses. They might be small four-unit buildings. Might be eight-unit buildings. And that DNA, what we found in terms of the size of those buildings, the footprints of those buildings, it really came, again, from east Austin.

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We found some in old west Austin. There's some great little four-unit buildings in old west Austin. And even in Hyde park, hiding in the neighborhood are some great wonderful historic buildings that provide incremental four to eight-unit buildings that are at the scale of single unit houses. And we talked a lot about this in t4 main street, this idea of you think about your historic main street. So the small main street that you have in Hyde park, or if you think of south congress and the older buildings, where you have these buildings at the back of the sidewalk. They're one to three stories tall. They may or may not cover the full lot. But they're really kind of the pre-1960s commercial areas within your city. Moving on to kind of your more urban areas, this zone here was created to reflect the fact that you have csvmu across your area, these Zones that are allowing five to six-story buildings. A little bit more intense. But we distinguish these -- this zone from the t4 main street, because the t4 main street is that historic one to three story main street that you have, versus these newer buildings, which tend to be closer to four or five stories, sometimes six stories. And so, again, this was afforded by looking at many of the new buildings that you have today and understanding how can we continue to build off of your subchapter E standards which are informing a lot of the designs and the compatibility standards that you have today. And then, again, your most urban Zones, your t6 Zones, which are reflective of what imagine Austin calls for as the regional center. So areas like the domain or your downtown, where you have these large

buildings that are 12, 16 stories tall, or in some places, really your current zoning is unlimited, it's really just limited by the capital view corridor and by your F.A.R.

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Standards. So, again, this was really informed by your downtown. And why I talk about this a little bit is to emphasize that these Zones that we've provided are diverse in many ways, and this example we're showing you, the diversity of height. So you can understand that a lot of the t3 Zones that we talked about are primarily single family and duplex and ads, and your t4 neighborhoods are starting to introduce more of a seminal. They're all the same scale, all at the two-story height. They're all neighborhoods, so we expect there's going to be breaks between the buildings, that you have opportunities to have trees between buildings, or trees in the backyards. And then moving on to your t5, where it's very much like some of the bmu that you have today, and understanding the height of those buildings, and then as I mentioned for t6, which is really only intended to be applied to regional centers as defined by imagine Austin. Other things that we have here, we're presenting is just that these Zones also relate to each other in terms of their setbacks, so that when you see in the zoning string, in the name of the zone, it says shallow setbacks. That means the same thing across a t4 or t5 zone. When you see intermediate setbacks, that that again is common across Zones, so that you understand that many of these Zones can coexist next the each other because they have the same kind of setbacks, whether it's the front or side setbacks. They have the same kind of heights. So that built into these Zones is a level of compatibility in terms of how they relate to each other. One graph that we don't have here for you all today, we will present in February when we come back is also impervious cover of building cover. How these relate to each other and how they relate back to existing standards. One of the things Lisa mentioned earlier that's still a work in progress is functional green. This idea of how do we incorporate nature into the city of these more urban sites, that when you reach 80% of previous cover or higher, that we want to look at ways of continuing to implement imagine Austin's concepts of bringing nature to the city.

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How do we provide more ecological services. So that will be a little bit -- we'll come back to talk to you later in February. With that, I would hand over the presentation to Katherine from Lisa Weiss's office, who is going to talk about what improvements have been done in the non-transect Zones.
>> Thanks, John. So, I'm Katherine, I'm with Lisa Weiss consulting. I'm going to be walking through the non-transect Zones, the land uses, and the overlay Zones. So, the goal for the non-transect Zones was to roll forward and improve the existing residential, commercial, industrial, and other Zones from title 25. The non-transect Zones complement the transect Zones in preventing a full set of rules to regulate all contacts within the city, making it better suited to city conditions. To go from 42 to 32 base Zones, we evaluated and compared existing title 25 Zones, and based on similarities and intents, allowed uses and development standards, we identified Zones that could be consolidated into one. An example here, you see three existing commercial Zones on the left-hand columns.
>> I'm sorry, I just want to clarify -- can you explain what is the difference between transect and non-transect Zones, so I can make sure I have this in the right context?
>> Sure. Did you want --
>> Sure. The non-transect Zones are really the use base system you have today. Non-transect Zones are really -- sometimes either conventional Zones, and they're a system of zoning that thinks about separation of uses. So you have your residential areas, you have your commercial areas, you have your

industrial areas. And they came out of the thinking in the '20s, '30s, and '40s, that you really shouldn't have single family houses next to heavy industrial.

[9:46:21 AM]

That it's better for the health of the city to have those separated. And that system over time has really led to what you see in the development of many cities where you have areas of the city that are just single family. You have areas of the city that are just commercial. Areas that are just industrial. And as Dan mentioned earlier, what many cities realized over time is, well, that's kind of work, but we want these places where we can mix things, and so that's the origination of your mixed use overlay, or your vmu overlay. The idea that, wait a minute, we want to get back to the ability of combining these things and having more than just one use of a place. So those are your non-transect Zones. They're really talking about separating things, and you have all these layers that we're trying to say, how can we actually pull these back together so that we can have places that we are used to the more historical things that we have seen. The transect Zones came out from a thinking of, wait a minute, if use-based systems are thinking about separating things completely and you're trying to pull these back together and tie them together by having overlays and mixed use districts, what do we think about the character of the place we want to create? What is the form? How tall do we want them? How much space do we want between the buildings? How deep on that lot can that building go? What are those patterns? That says, let's think about those patterns and then say, what are the uses that are appropriate there? And in the past presentations, we've had a chance to present to the cag or planning commission, and we've talked a lot about one of the slides that Dan showed earlier, where it shows a single family house that is being reused now as either a restaurant, store, right? In your current zoning, that is cs, because it is a commercial use. But it is treated exactly the same as the building that was shown next to it, which is a small one-story -- sorry, it was a two-story main street building.

[9:48:22 AM]

And it is treated the same as an office building that's set behind parking. So the transect Zones are saying what's a form that we want, and what are appropriate uses.
>> So an individual person would have both a transect zoning and a non-transect zoning?
>> No, the individual parcel would have either transect Zones applied or non-transect Zones. But they have similar types of standards. So we still have heights, setbacks, land uses that are allowed. But there are -- really, the transect Zones are for where you want to prioritize one of the slides Jorge presented, which is walkable and connected. So, imagine Austin talks about compacting connected, and one of the things that we encourage the city to talk about is compact and connected doesn't have to mean the same thing across the entire city. You can have places in the city where compact and connected is your -- you're going to find out at like 183 and Mcneill. That might be a place where you're talking about redeveloping a shopping center and creating a walkable place. But you may not -- it's not the same across. So the transect Zones are really where you want to emphasize walkability.
>> Okay. Thank you.
>> Thank you, John.
>> I know we're really trying to stay on the high level here, but since you mentioned an example, I just have to ask a quick question about it. In your discussion about main street or something, I think I heard you say the historic -- you know, that tends to be kind of older historic stock and the floors are set from one to three, but looking at some of our historic zoning stock, you mentioned along south congress, the buildings are really one and two stories. So can you help me understand, in an example like that, why you would set it from one to three, because it would seem to me that that would incentivize the

potential demolition of those historic structures for three-story buildings, when really what you have are traditionally one and two stories.

[9:50:38 AM]

>> Sure. So I can -- I can talk a little bit about it. So there's a balancing act. A couple things, the t4 main street particularly the one I was talking about is one to three stories. That comes from both analysis of the city, and as you mentioned, most of the city's historic main streets that still exist today tend to be one to two-story buildings. There are some examples of three stories in the city. But it also comes from looking at your neighborhood plans, where your neighborhood plans have asked these commercial districts where they exist to stay under 40 feet. So they ask for these things to be at about the three-story height, so 40 feet works out pretty well to be a three-story main street building. So it's bouncing both what you have today in terms of taking these layers that you created as a city over the years, and translating into new Zones that they can accommodate, but starts off from the get-go saying, yes, that main street building is cs, but because it's in a neighborhood with co, that co has brought it down to 40 feet or 45 feet in height. Instead of having to go through the math of saying, well, I start at 60 and I chop it down maybe, because the neighborhood plan is there, and the co says that, we're going to start off with the zone that just says, from the get-go, it's three stories, as opposed the kind of working back down to the number.
>> I guess I understand what you're trying to achieve in compressing the Zones. I guess my main question would still remain, if you mostly have one and two stories, why set it at a maximum of three? But we can continue to have conversations like that.
>> I think it might be a distinction, though, between what's on the ground and what the existing regulations already allow and trying to find a balance between those, so we don't take away entitlements and property rates.

[9:52:40 AM]

So even though it's one and two stories, the current regulations might allow three stories, and we're not really -- we wouldn't be changing those, we would just be implementing current regulations.
>> Okay. Except not in the examples you mentioned at 35 feet, that would typically not be three stories. Anyway, we can tease out -- I'm just trying to get a sense of in those circumstances how you made those balancing choices.
>> Yeah. And we saw the council conversation about demos and renovations, so we want to hear more about your thoughts on some of those over time.
>> I would urge us to let them get through the conversation. Because the context as we go through it might actually answer some of the questions that we'll be asking, and we want to have a video and a tape that the public can pull back up to try and get the flow of the whole presentation in as short a pocket as we can so that it becomes a tool for the community to be able to use. Commissioner pool, do you have a question?
>> Pool: I want to make a small correction in terms of neighborhoods that may be in my district. It's on page 57. Let me see if I can find it. Where you have crestview, rosedale, and alandale as inspired by, I think is the term. Am I on the right page for that? And the point that I wanted to make -- here we are. Sorry. Page 59. This is t3 ne.wl. I wanted to make a very specific point that rosedale lots are not wide lots. Most of them are about 70 feet to 80 feet wide. Very different in alandale. They may be twice that wide. But when we get down to -- and so people who are listening will see that or hear that you are comparing as the same two very distinct size lots and you are looking at just the width.

[9:54:46 AM]

So I wanted to point that out to y'all, and maybe make some kind of a correction, because it will be pointed out to you. And if you are looking at the width of the lot, we're looking at a 4900-square foot lot on the 70 X 70, and that substandard is our standard lot size now, which we lowered from 7500. But in allandale, you can have them around 9800 or 10,000 square feet, so they are significantly different. Thank you.
>> Mayor Adler: Okay. Go ahead, see if you can complete the presentation.
>> Okay. Thank you. Great questions. I'll keep moving through the non-transect Zones. So as you see in this example, there's three similar Zones in the existing title 25, and we found opportunities to consolidate into a single zone the nc zone, neighborhood commercial, and the proposed title 23. But we also work with staff and stake holders to identify gaps in existing title 25, where new Zones may be needed. As a result, we developed two new Zones. One commercial, and one industrial. An example here, we developed a new commercial, the rc zone, that addressed one of the most common conditional overlay packages combining different intensities and use restrictions. Another way we simplify the code was to improve the existing Zones was to bake in layers of overlay regulations and directly into the base Zones themselves, so this example shows how the mixed use overlay was baked in as an open sub zone, allowing residential uses in a commercial base zone. We also simplified the way that the information is presented to the user. We grouped all relevant zone information into a single division, so there now is one division each for residential, commercial, and industrial non-transect Zones.

[9:56:55 AM]

This introduces the need for the user to flip back and forth between several different sub chapters, articles, divisions, and sections. And the result is 32 non-transect Zones, so that is the residential, commercial, industrial, and other. This does not include overlays. The non-transect Zones have been renamed to be intuitive and descriptive. You'll find that each residential, commercial, and industrial zone ends in an R, a C, or an I respectively. The O indicates an open sub zone, so similar to the transect Zones, an open sub-zone allows additional uses within the same standard development regulations as the base zone. The goal of reviewing and modifying the land uses was to simplify the increasingly long list of land uses, and while still maintaining the appropriate level of distinction between uses to allow the city to regulate uses appropriately. We also created a framework to accommodate change over time and be user friendly and clear. So on the right, you'll see an example of a new land use table in in title 23. The first column lists the land uses alphabetically by use category. One difference between current title 25 and proposed title 23 is that the use categories are more descriptive, so whereas title 25 has commercial uses all lumped together, title 23 breaks these out into distinct categories, so retail, restaurants, entertainment, recreation, services, to help the user find their appropriate use more quickly. The second column is a new column to this table.

[9:58:56 AM]

It is a cross-reference to additional information by use. So it is very clear up front that there may be additional standards for their particular use. And the third column is similar to what the city has today, so it's permit requirements by zone. During our analysis, we identified the opportunity to consolidate overly specific uses into one more general or generic use, which overall simplified the table. So you'll see that there are several business and professional service type uses that are regulated similarly and have similar impact to their surroundings. They could be collapsed into a single use, and prohibited or allowed

similarly as they are today. We didn't just consolidate uses. Sometimes improving clarity and predictability means that we had to add a new use, or in this case here, we broke out a single use into several sub uses. So this example shows subsets of just general retail use, but broken out by size and potential impact, so with an increasing degree of regulation as the potential impact increased. So you go by a discretional use conditional use permit. So the code diagnosis has been mentioned already, has highlighted the complexity and problems resulting from over 21 combining in overlay Zones in title 25. These combining and overlay Zones have added over -- they have been added over the years as band AIDS to fix problems with the base Zones, while well-intentioned, the multi-layered effect of combining an overlay Zones has made it difficult, if not nearly impossible, to understand what is really allowed on a given property.

[10:00:57 AM]

So our goal was to simplify the many layers of overlays and create a predictable and understandable regulations. So we integrated many of the existing combining and overlay Zones into the base Zones themselves. You know, baking in the requirements, the processes, or the incentives into the new Zones. When we weren't able to bake in or integrate these combining in overlay Zones regulations into the base Zones, we rolled them forward. But we did improve them and simplify them for clarity and consistency with the new layout and format and language of the new code. The result is 11 overlay Zones in title 23 down from the 21 in title 25. I'll hand it over to Peter park to go over our next steps. >> Thank you, Katherine. So I'm going to wrap this up and talk about next steps. The draft code is available today. The next step will be mapping, and of course, the adoption process. And as John and Lisa and Katherine have described, the new draft offers a hybrid approach. And so with regard to the draft, there's a range. There's a better range of zone districts than you have today. For those who were concerned, you'll see there are still single family zone districts proposed in codenext. And, in fact, we predicted that the majority of the land in Austin will remain single family in the future and for a long time, but as Katherine described, you have a better range of Zones to do this work that the new organization improves navigation. What you also heard from John are the transect Zones, or the T Zones, and that hopefully everyone understands that T Zones by definition are not upzoning.

[10:03:09 AM]

They can aid you in up-zoning areas where you have plan and policy guidance, but as John described, they also can -- are very effective at shaping and protecting the small scale in the city. And the T Zones that are being proposed, in fact, are doing the work that you currently get done in a very complicated sort of zoning sandwich, right? These multiple layers that you've created. The new code has better navigation, which makes it more predictable and easier to use. And as Katherine just mentioned, there are things that are carried forward as is, because they work. I mean, the bottom line is, if it works, we're not going to try to fix something that's not broken, right? But some things are being carried forward and they're improved. And then there are things, if they're unnecessary, we're proposing not to carry them forward. So, it is important that as we look at this draft, it's not about what's missing. It's not about what's gone. It's focusing on what's improved. And there are a number of things that are addressed differently, addressed better. The work is still getting done. But this is a different approach. Some people might be concerned about this draft being more than a thousand pages. Okay? I thought this was going to be simpler, how could it possibly be simpler if it's a thousand pages? Well, here's the deal. The nature of cities are they are complex, and you have a lot of aspirations for your city, and you have a lot of differences across the city. It's a complex thing. That is one of the natures of cities. They're complicated. They're messy. And right now, your system is a complex approach to deal with your

complexity. And what we're really striving to do is to offer a simple approach to dealing with the complexity of a city today and a city going forward.

[10:05:13 AM]

The draft map will be coming out April 18th. Staff is working on that now. And when it comes out in April, it will give us more time to better understand the text, and the map will really inform better how the code works, so in these next two months, what we are really urging is folks, look at the new draft. Get used to a new structure. And understand how the new code construct operates so that when the map comes out, then we can get into deeper conversations about how well it works, how we might need to tweak it when they come together. The adoption process, we're looking forward to many productive conversations over the next six months, so that we can start the adoption process in the fall of this year. So what we're also offering are some tools to help. There are materials that you all have. There's a booklet. There's a series of posters and materials that will be available at all the public events. They're downloadable from the website. This is information that really is about explaining how the code meets the priorities that John -- that Jorge mentioned, and how imagine Austin is implemented. This material is the guide to explain that. To help people to understand that. What we also have created -- and this is live today -- is a survey tool, and the survey tool is really intended to provide feedback and opinions about how those priorities and how those priorities in imagine Austin are being met. That's what the survey tool is about.

[10:07:14 AM]

In addition to the survey tool, there's a code comment tool available, and on a line by line basis, anyone can make comment and share their thoughts about the draft code, and that's available online today. Next is we will continue the viewpoints where various groups can submit their papers, community issues papers, their ideas as organizations, and this really becomes a platform for the distribution of those ideas and that input. We're going to be starting a series of five open houses across the city. In February and in March. The first three have been confirmed and scheduled at Crockett high school on February 18th. On February 25th at Lanier high school, and March 4th at lbj high school. March 25th and April 8th are currently the other dates, and we are in the midst of confirming the locations and times. In addition to these five citywide sessions on open houses on the code, there will be a series of topic talks on codenext. Again, to further reinforce how these priorities about affordability, about an approved streamline code, protection of the environment, protection of neighborhood character, and enhaning walkability are addressed in the code around specific topics, and those will be five events beginning late February and ending in early may. So we are in -- we are starting into phase two of this project. The code is released.

[10:09:17 AM]

We'll spend two months in these open houses, the five open houses across the city. In April, April 18th, the map will come out, and so for the following four months, the code and the text can be discussed, leading up to August, where we'll take all the comments, receive in-person, online, whatever form, face-to-face conversations, and those will inform what will become the second draft of the map and the second draft of the text for the planning commission. So, a couple ending thoughts. As Dan mentioned, Austin has recognized that the code is a problem and you've chosen to do something about it. And this draft is culmination about a lot of years of what to do. What to fix. It didn't start when we started. You have been talking about this for a long, long time. Draft one really presents a way forward toward

meeting your aspirations. And as Dan mentioned, what it requires are conversations. There will be a lot of them. But they need to be constructive conversations, critical conversations, as Dan mentioned, not dismissive, and not driven by doubt, but by shared desire for a better code for your city, and more importantly, an even better city. So draft 1 really is a starting point for these conversations as we see it. Now we've got something to respond to, now we've got something to talk about together. But it's not done. So this is really, as we described, the first of multiple drafts that will improve with each iteration.

[10:11:17 AM]

But it takes everyone's participation to make it better. We need this input. I don't think we're worried about getting input in Austin, but we do need it. And we need to recognize that it's a big change. I mean, it really is a big change. So these constructive conversations require openness to change, and openness to the possibility that change could be better, right? We're not doing this to make it worse. We're making it -- we're doing it to make it better. The change is inevitability and progress is a choice. So the question for us really is, how are we going to choose? We think that draft 1 represents a whole set of better tools for you to implement imagine Austin and provide more predictable development outcomes, both for those who build your city and those who live in the city and operate businesses in the city. Equipped with a better code, Austin can more effectively implement your plans, but equipped with a better code, you can more effectively update your plans, right? And get to the business of planning your city. And it's the opportunity to move beyond, as other cities that have improved their codes are doing, move beyond rezoning to engage the city, to engage your community in planning proactively, rather than rezoning case by case reactively. All right? This is what -- this is the situation you have. It's one of the reasons why probably you hear concerns about, well, this is going to be a big debate. Or this will be very controversial. Because it's kind of all you know about zoning. That's the way it feels. That's what it's associated with.

[10:13:17 AM]

So, yeah, that's going to happen here. But if you really want to move forward, this is the opportunity. And we're very eager to start these conversations with you all, and at this point, I think we're open to questions.
>> Mayor Adler: As we open to questions, I want to say thank you to the consultant team, to the staff team that has been working on this for so long. Obviously, a mountain's worth of work here, and it starts the process. I thought, Peter, your comments were really well-taken. And no matter how important this is, this does not stand alone. This document does not have the promise or potential of making our city an affordable city. If we want to do that, there are lots of other things we need to do, too, but this is certainly one piece of having a city that is -- feels and operates the way and protects the way that we want it to. So, thank you all. At this point, any questions on this? Comments or anything? Ms. Houston.
>> Houston: And I want to thank you all again for all the work that you're doing and to try to listen to, but people in the community are saying and really listening. I heard some things, so I know you're trying to do that. On page 50, where we begin our transect -- part of the transect Zones form description. Help me understand how those transect Zones merge when the urban, urban core is now moving into the neighborhood edge. How does that work? Because in some of our older neighborhoods, that's what we're living in, or were, was the neighborhood edge, and now the urban, urban core, t6, t5 are moving into that.

[10:15:24 AM]

So how does that work when those two things collide?

>> Sure. So, council member Houston, I think there are a couple parts of that. One, there's a little bit of the -- as Peter was talking about -- the mappings. As we get to part of the mapping, one of the things we know staff is working hard with is understanding in each of these Zones how it can best implement existing policies on the ground, whether they're working with the neighborhood plans, and all of these come from that, or the compatibility standards. So understanding where each of those Zones best fit, and then at the same time, understanding what does it mean when they're next to each other, so what does it mean, as you described when you get these larger buildings, these five-story buildings up against historically single family neighborhoods that were one-story. And, you know, our efforts right now are really to look at what are your existing policies that you have today, because I think we've mentioned this a few times, we like to continue to emphasize that codenext is about implementing policies you have today on the books. So we're looking to those to say this is based on policies you have today, based on the existing conditions you have today, based on the zoning you have today. What is our first pass of the map? And I think when that map comes out in April, it opens up the opportunity to then talk about, you know, is that really the intent of where the community wanted to be? And so I think a lot of these questions about how these things interact with each other will be most effective when we get to the point where we have some maps in front of us, and we talk about really specific cases, and what was the zoning, what is the proposed zoning in the future?

[10:17:27 AM]

>> I have a couple questions, and I don't know if they're too specific for this forum, and if they are, I'm happy to take them offline. First of all, I want to thank you for all of your hard work. It's very exciting to actually be able to have this giant book, to be able to understand better for those of us who are not zoning experts, kind of where we're going, and I heartily agree with the goal of finding a way so that we can move to planning from having to take every case as rezoning and just end up with a haphazard kind of process, so I'm excited about that. I had a couple of questions. One was about the transition process from how do we get from where we are now to there. I know that for some zoning cases that I've been involved with, if they are submitted under the old code, the old code applies, and then the new code doesn't apply, and I'm just wondering what the plans are for that transition process. Not the transitions between neighborhoods and urban core, but that transition process from where we are now to the new code kind of from a legal perspective. So that would be my first question.

>> As we transition from this code to the new code, there is a transition period, and because once you actually adopt the code, we have to make sure that all our abilities to accept and application, to review the application, that staff is fully trained, all that needs to be done before I guess the go live date goes into play. And so we're working right now with the other city departments to make sure that that is going to work efficiently. That there's not just training just for staff, but there's also training for the public, so they understand what they can anticipate, and when they send in an application, what that will go through.

[10:19:37 AM]

We do not have a particular number of days or months for that time, and we're working on that diligently right now. There will be a time where you will have applications where the code will be submitted, before the new code goes into place, and most likely, those are -- that only protected by the rules that are set out in state law, but also by local ordinance, because they're vested to certain regulations, and the city's not able to change those regulations even with a new code, because they started their project under a prior code. And when our conversations that we've had with our

consultants and what they've taken elsewhere, you may have actually applicants that will give up their application that they have, and to choose to fall under the new code, because it's easier to comply with, where there's some enhancements that they want to take advantage of, and so we anticipate that as well.

>> I would just say that I like that you're presuming that we're going to be adopting it. That's awesome. The -- and what do we do next? That this is something, as Greg mentioned, that we almost can't know it right now. Part of it is we need to understand what else needs to change in the code and to what extent does the difference in the code need time for both staff and users of the code to understand it. I think from our experience, what happens is when you make a better code, people learn it faster. People can understand it faster. When you make a better code, folks will want it to be applicable sooner than later.

[10:21:40 AM]

Because it's better. We want the better thing. And our experience has been that, you know, we've had projects, developers, who have waited for the availability of the new code, because it definitely was superior, and neighborhoods really hoping that developers would use the new code, because it was better.

>> Alter: I hope we'll have more clarity on that as we move forward in the process. I just think there's going to be some anxiety over that, and it would be good to have some clarity over those processes on that. The second question that I had on slide 70 where you do the transect zone comparisons and the building height. I was just wondering if you could speak to a little bit about the choices that were made, you know, particularly for t5 in there in terms of the building heights. You know, what is the kind of -- the reasoning behind the choices here for the building heights.

>> Sure. So the building heights from t5, again, were imported by much of what you're saying today, but what is the market providing. Looking at five to six stories, usually two stories of concrete construction. So what this table is showing is just that it's the form, the reform that we see potential under the Zones as six stories. But you may not be able to achieve that without the affordable housing incentive program. So in other words, you might, as a residential developer, be entitled to six stories, but the amount of units that you could actually build in that building might not be enough that you would actually get to six stories. So much like you have today in your bmu program, the bonus program is what then says, well, as a developer, if I take advantage of the housing incentive program, I get more units, which means I might get closer to actually achieving those six stories.

[10:23:48 AM]

And, you know, one of the things that we trend slides for this presentation, because we knew that we had a limited amount of time with you all, but we will get a later chance in February, that we will be meeting, and we want to talk about, while it says six stories there, the rules and regulations that you have today about compatibility, a lot of those tools are now baked into the Zones so that we have the ability to scale town buildings as they get closer to your single family neighborhoods, to your T3s, your lmdrs, in the new parlance of the code. So while it says six stories, it's baked into the Zones to scale down to adjacent neighborhoods.

>> And if you look at page 70, you the see that in terms of the Zones, there are one, two, three, four, five, six T Zones that limit to two stories, right? There are three -- or two that limit at three stories and so forth. So these are calibrated from -- again, from existing conditions. They're calibrated from what's your existing zoning, and as Lisa mentioned. And so if -- as the conversations go through these get recalibrated or we need to add T Zones, that's part of the whole intent of the conversation. Again, I can

tell you that every single time we do this, there are new Zones. There are recalibrations that go on in the public review draft discussions.

>> And again, when the maps -- as staff is preparing these maps, as we continue to discuss with the public, that is often when we come to understand that we need additional Zones, that we might need a few more of those Zones that are three stories.

[10:25:49 AM]

We might need some Zones that are less than six stories, that fall somewhere in between. It's often when we get into the mapping and we're talking about specific places and specific conditions, specific entitlements that we get a better understanding of that. This, again, both of the transect Zones that we provided and the non-transect Zones is simply a framework by which we are starting from, so as Katherine described, she described that two new Zones were created where we found common things that are happening with conditional overlays. As we do the mapping, as we dive into these individual -- the 12,000 parcels if your city that have conditional overlays, there may be other non-transect Zones that we realize we need as well to accommodate something that's very common.

>> Mayor Adler: Ms. Pool.

>> Pool: Thanks, and thank you for a comprehensive overview. A thousand pages, that is pretty hefty. I had a couple questions or comments on the portion that Jorge offered up. He talked about permitting, and I wanted to ask what do we do to ensure that small projects aren't put at the back of the line, that they're not disadvantaged with the large projects? And it sounded to me a little bit like the expedited permitting process that we've been talking about.

>> Right now, development services is already working on an expediting permitting process, but this will actually benefit, whether you're just adding on to your home or remodelling, to someone building a shopping center, because the codes will be easier to use, easier to understand, and also, for the designers of those projects, for them to come in and prepare the materials. There are some changes that make a provision for missing middle that John had described, where there are three to nine units that there will be standards for the middle that may be re -- for the submittal that may be relaxed, but no tea the requirements.

[10:27:55 AM]

So saying-wise, we're trying to make diversity for the housing and allowing that to move through more quickly through the process, rather than going through the same process that a 400-unit apartment might go through.

>> Pool: Okay. And then I wanted to true up some of the previous statements that we've heard from folks here, and also with some statements made today. Again, in Jorge's presentation, he talked about more living units by right in those areas. So my question is, he's talking about in those targeted areas, but not everywhere; is that correct? Because we've also had promises that existing neighborhood plans will be respected and that the city is not looking to change lot sizes in, you know, in areas like allandale, for example, that has rather large lots because it wasn't originally a suburb of Austin.

>> It kind of revolves around the permitting. You're not guaranteed that you're going to get a set amount of units just because you're in a particular zone, because you still have constraints of quality, drainage, parking.

>> Pool: And compatibility.

>> And those things are baked into that district.

>> Pool: Okay. And that would also hold for our connecting. Again, we talked about compact and connected. I struggle to make sure that everybody also understands that that is in context with what is

in the surrounding areas, the compatibility, if we're talking compact and connected, we also have to say compatible. So, again, this would not be everywhere. It should be where it's justified and if we are connecting, it should be for more than cars,
>> Pool: A pedestrian pathway would count as a connection?
>> It could be one of many, bicycle, pedestrian, transit. There are different modes.
>> Pool: Okay. Great. And then I just wanted to in Lisa's presentation, I wanted to thank you.

[10:30:02 AM]

It's page 36 and 37. And to all who worked on this draft for recognizing the foundational regulations that we have, this community fought pretty darn hard, for example, to pass the S.O.S. Plan and to put that into ordinance and we fought the legislature in order to retain it. So it is really important for a number of these regulations to be, as you say strengthened and maintained. And I like shifting them to front of the code where they can be tripped over more quickly than buried elsewhere. So my question was on page 37 where you talk about --
>> Mayor Adler: I'm going to -- before you ask the question, I'm going to now leave. I'll come back at 11. I think from a scheduling standpoint, if you want to continue the conversation, I think it might be five of us leaving or so. My thought would be that at 11:00 we could get the briefing on the city manager process because we have a lot of guests coming in for that. Excuse me. And then if we needed to we could break and hit the committee stuff or the meeting stuff after lunch or any additional items that we weren't able to hit before. That would be my suggestion. If you would go ahead and -- if you want to stay here.
>> Garza: I was going to say if five of you are leaving it might not make sense for us to continue the conversation.
>> Pool: I think we can continue the conversation. We don't plan to take any action anyway in a work session, but I would like to at least do as much work as possible because I'm going to have to leave fanners board meeting myself in -- leave fanners board meeting myself.
>> Mayor Adler: And that's fine because it's a work session.
>> Pool: So the question I had was on page 37 we're not planning to change any of these standards, right? They're being integrated --
>> Mayor Adler: Sorry, one last time.

[10:32:04 AM]

Ms. Houston, can you take the chair now and as a group you can decide what you want to do, the ones that are left.
>> Houston: Thank you, mayor. Where is mayor pro tem? Is she coming back? Okay. So thank you all for doing this for three of us. I'm not sure that --
>> Pool: And also for the public.
>> Houston: Well, the public is still listening. So if you would go ahead and ask your question, councilmember pool, we'll continue.
>> Pool: And just as a note, I had considered going as well with our colleagues, but I realized that it would really leave just very few of us here, so I opted to stay here to continue to ask the questions for our community. So my question is on the standards, we're not changing any of the standards and mostly I just want a public confirmation. And the same with overlaying things, and they're being integrated, but not changed. And that would be page 38.

>> On the hill country roadways and the historic districts, those are being overlaid and improved. We have clarified and improved and added stuff to the procedures on that slide, but it was just to make the process more transparent. So that's in chapter 2.

>> Pool: So no changes to -- maybe some clarifying changes to the text, but no change in intent or content.

>> I would say that in the area of administrative and procedures I know that the consultant worked very closely with our law department, and to make the appeals process more understandable. There are some sections that have been added that deal with things called special exceptions that would be considered by the board of adjustment. And the board of adjustment would have more authority to do some things that they had not done previously to this date. I think there was also clarification on things that may happen to property owners dealing with nonconforming uses or non-complying structures.

[10:34:05 AM]

Basically nonconforming structures as it's stated in the new code. So there are some differences in there to try to make it easier for folks to move forward with buildings that maybe are not compliant or maybe have been built in a manner which is not compliant with the code and try to figure out a way to bring them into compliance.

>> Pool: And then when we get these changes they'll be in standard red-lined text so we can see where those changes have been made?

>> Just like the entire code, the entire code is rewritten so it would all be crossed U the old text. And would all be underlined --

>> Pool: It's a whole different chapter. It's moving from 23 to 25.

>> That's right. I know council was given kind of a matrix that kind of shows what cross reference old code to new code. We're actually trying to update that right now for the public. So they'll be able to see where the old sections went to the new sections. So that will provide some insight. But I think those particular sections that deal with the process and procedures, there are some changes in there. I won't deny that. A lot of it was carried forward because certainly those standards for let's say notice or for public hearing dates, those are standard. By local ordinance. They've been modified maybe by state law, but there have been things that have been added.

>> Pool: I think for my level of comfort, I'll definitely want to look at the regulations and the overlays that have been a focus for our community for decades to see where -- so a red line for some of these maybe -- I will maybe asking for those. I recognize you're not going to want to do it for the entirety of it, a thousand pages and so forth. But I think you all knew from the very beginning there would be some of the regulations that we would want to drill down into and confirm for folks. So we should be prepared for that because we will definitely be asked.

>> And I think we can highlight what those changes are to the procedures. I wasn't speaking too much to the overlays because I think the consultant have explained it and brought those in.

[10:36:11 AM]

>> This slide is a little confusing because the overlays are in chapter four and on zoning and the admin and procedures refers to chapter 2. So there's two different things going on here. So the overlays were rolled forward. The existing regulations stay in place and I think you get a lot of comfort there. And as Greg said in chapter 2 on admin and procedures, most of those were in chapter 1 and other places in the code and we consolidated those two chapter 2, to that's a new chapter. There's not a lot of change, but there's new text to clarify procedures and be consistent with state law. And I think it really does bring a

lot more transparency and certainty and consistency to the process. It's much improved. And we did work with city attorney's office on that extensively.

>> Pool: Those are good assurances and we want to see those for ourselves so we have the same certainty when we talk to our constituents. I already talked to the inspired by crestview, rose Dale and allandale piece so I don't have to talk about that again. My last point on page 56, Mr. Mickey, which was your portion of the presentation. I'm looking at the different forms. This is building types. And what I'm seeing is we have similar footprints, but it's a height question. Am I interpreting this correctly?

>> We did the best we could with the photographs to making them reflect the standards of the patterns we're finding and the standards in the code. These are more to talk about? Some cases the height. But the height in a lot of these will sometimes be two stories as a maximum. But more the fact that in the smaller houses, in the cottage houses, for instance, we use the term now in the land development code that cottage consistently means one or one and a half stories, whereas currently in your neighborhood plan tools, cottage simply meant a small house, but it could be as tall or however many stories as whatever the base zone allowed or the neighborhood plan allowed.

[10:38:17 AM]

We are clarifying for us cottage means one or one and a half stories, whereas the other buildings are really starting to talk about what's the approximate footprint and size you would expect to find. What I would note is that as we looked across your city, sometimes these footprints changed. So the white house, as you mentioned, that was an area of rosedale that should not have been included with allandale and crestview. But as you mentioned there are allandale and crestview wider houses because they are generally we'der than they are deep. But between crestview and allandale the width of the buildings varies. So crestview tended to be not as narrower than the allandale ones. So what this provides us is in each zone we can calibrate the footprint of that building to reflect the existing conditions of the neighborhood. But it's still in this category of a wide house where the expectation is the house is wider than it is deep. So while this is an overview of all the building types, the building types in each zone change a little bit. And when we come back in February the main focus of the February -- I believe we'll be back February 20th. The main focus of that will be to talk about the transect Zones and non-transect Zones in much specificity. We'll be able to walk you through the pages of the zone and explain to you the building types. How do they use in the Zones and how do they differ in the Zones? How do we differ in compatibility. What do we do with residential design standards? How do we bake those into the Zones? So we can start the discussion about what we believe is a more refined tool, but, you know, we can have that conversation. I would also like to emphasize that it's not necessarily directed to your question, but I'd like to emphasize both for the public and could the focus that are still here, that today's presentation has focused very much on the transect Zones and non-transect Zones of the zoning part of the code.

[10:40:20 AM]

There is tremendous amount of work that has been done in the rest of the land development code in terms of water protection, tree preservation that we look forward to be able to bring to you all and have staff present as well because they really led the charge. You have an incredible staff that are subject experts on these things and we worked really hard with them to make sure we all can create a land development code to meet the things that you were aspiring for in imagine Austin. I did want to make sure that we acknowledged the fact that there has been tremendous staff effort in support of this process.

>> Pool: One of the most challenge willing things in our neighborhoods that has grown over time is as the city has grown outward in bands from the city, the original downtown and the original neighborhood, frankly, people have come in and mixed in mcmansions on small lots. For example, when they're looking for zero lot lines and we're trying to at least have some easements, but it does -- smaller cottages, like my home was about a thousand square feet, two bedroom, two bath, which was unique for a 1954 structure. Usually they only have one bathroom. A previous owner added about 600 square feet on to the back so -- my home is 1600 square feet. And I have a 70-foot front. And that's the norm for rosedale, but when mcmansion came in, the small cottages were pulled down and then these rather -- they're huge buildings were built.

[10:42:20 AM]

So we tried to contain that with the mcmansion ordinance. But it does tend to make it difficult to be really -- it's not a one size fits all even in those parts of the city that we think it is because it already has bigger homes on these smaller lots. So are we -- will that still be reflected in a small house form if there are two mcmansions, for example, on a 4900 square foot lot? Or one I guess could only fit on that.
>> So I think this comes back to the mapping. So as we understand rosedale, understanding what is the pattern? Are these mcmansions that you described, which today essentially would not be able to be rebuilt because they were built before residential design standards took place. So in one sense from that standard we understand that we're not calibrating or reapplying the zone to make that it makes those buildings be allowed, it is understanding what is the pattern that we find. So sometimes that might mean that the pattern is saying that these blocks of rosedale might be primarily small house and medium house forms, but there might be other parts of rosedale that where the medium and large house is more appropriate there might be parts of rosedale where it's multi, single-family duplexes. There might be other parts where it's the missing middle. One thing where I showed for T had neighborhood is I mentioned -- T 4 neighborhood is old west Austin. But that's really broad. If you think of old west Austin, the part I'm thinking of is right off Lynn where you have all these wonderful coffee shops and stores that are all in funky little buildings, not main street buildings. Some of them are 1960's buildings set behind a little bit of parking.

[10:44:23 AM]

Some are single-family houses that have been converted. But just tucked behind that neighborhood are more four story buildings, contemporary townhouses. So that might be a part of old west Austin where it might be appropriate to use this missing middle tool. But the vast majority of old west Austin might still be lmdr, sf-3. It might be a T 3 if we find that's the best tool appropriate for there. So even when I talk about informed by, it's not that it's meant specifically meant for that neighborhood, nor that it's meant to say that it is the entirety of that neighborhood. It's just that in those neighborhoods we found parts and pieces.
>> Pool: Okay. That's exactly what I was trying to get to. Thanks so much.
>> Houston: Thank you, councilmember pool. I have a question on page 36. There's some disparities between how these foundational regulations are enacted from one part of Austin to the other. And so like watershed, we talked about that and capability standards and residential design standards which are completely lacking on one part of Austin and have protections. Is there anything in this code in the anatomy of the code or in the writing that will help increase the equity across the city and not just in parts of the city?
>> So in terms of watershed, I know that watershed department we've been working with and they've really looking at how do they approve and fine tune their standards. I think in terms of specifically issues

we discussed in our Rideout, which is a wonderful thing to do, and I offer that up for other councilmembers if they would like.

[10:46:30 AM]

That that I think there are finer grain policy decisions that have to be made both in terms of when you talked about some of the compatibility standards. So councilmember Houston, I believe when you're talking about capability, you're talking about that currently in the way that some things work in east Austin is under the nccd's capability doesn't -- compatibility doesn't apply. Nccd were seen as ways of preserving kind of the existing character. The nccd in east Austin were used and implemented both to help kind of jumpstart development and reinvestment in the neighborhood with the hope that it would have the ability of help to strengthen the community that was already there at the time. That was a different time when those nccds were passed. Things have changed in the city of Austin. We're not in the position anymore of how do we incentivize in east Austin. How it's time to think about policy questions that say how do we think about providing some of these protections? But I will caution a little bit that codenext at this point is providing you tools to implement existing policies. If it is a policy direction to change past decisions in east Austin, we think we are providing you tools to be able to do that, but it is a policy and a planning process that likely either has to run concurrent with codenext or it needs to be something that happens after codenext. Because it -- again, we are working right now to implement existing policies. I also think that mcmansion or some of the overlays are baked into the base Zones and there is more equity and they're not applied the same in different areas, either spatially or on a map. So I think in itself does bring more equity to the process because the standards are actually incorporated into the base zone.

[10:48:33 AM]

And wherever the base zone is mapped, you will get the same application of standards.
>> Houston: And that includes the watershed protections. Is that going to be put into the base zoning as well. The design standards are incorporated in the base zone. The watershed protection is in chapter 3. Those are context based. And those will be applied similarly and in a similar context. The policies that were put in place 40 years ago are killing my community now. Greg, I hope we're taking notes on policy discussions that need to go hand in hand with how the codes are rewritten.
>> I think there's certainly a difference of regulations by watershed in the city. Those are very different. The S.O.S. Only applies to a small portion of our city. That's not applying in east Austin.
>> Houston: I didn't S.O.S. I only mentioned watershed. And that's the issue for our community. With the amount of density in the watershed is the issue for us.
>> I think that's probably a discussion that council needs to have. If you wanted to change the watershed regulation as they would apply across the city.
>> Houston: But I want to do it at the same time so that we're not doing it in tandem rather than having something pass, adopted, and then we're still trying five years from now to get the watershed protections that we need.
>> My understanding is that council has that opportunity if they would like to do that. It's a much larger discussion probably than talking about just the code. But that is council's choice or that's a decision to start modifying the watershed regulations and how they apply throughout each watershed.

[10:50:36 AM]

That is a council decision that needs to be brought back to staff.

>> Houston: Thank you. Troxclair, do you have any questions?

>> Troxclair: I do, but I would like some time to digest this. If we're going to have deeper dive follow-ups it seems like my questions might be more appropriate to ask then. The questions that I did have, let me see if -- I mean, I think the councilmember pool might not asked about the missing middle and I do want to talk more about how we're going to although missing middle to be more easily built in our communities. And what do you -- what do you see -- I know some of the problems that people have had with the code is even if they can understand the code, sometimes the code says one thing and then they hear something different from staff and then council says something different and so there's a lot of confusion not just with printed code, but with the next steps as well as as far as implementing it. So I know obviously this is the first step is to get something that we can all agree on that would simplify it and streamline. But I guess what is the plan to make sure that people can look at the kind know that the code, the staff and council are all going to be pointing them in the same direction?

>> So I think one answer to that is that -- and I don't have specifics on this person said this, I heard this. But we do know that one of the things that was very confusing and hard to do with your current code is that you can see a zoning map and it will tell you what zone you are and then you have all these things appended to it.

[10:52:44 AM]

So when one depose and looks in the zoning -- goes and looks in the zoning code today, and I think the mayor mentioned this in yesterday's talk, is you think you have found every regulation that applies to sf 3 and you might have missed that 12th or 13th regulation. But it goes beyond that because that's just the printed text that you see in volume 3 of the existing code. That's just volume 3. Then you have all the C os. And the problem with the cos, just recently you now have the ability to more recently access those cos. Those are not in printed document. Those are individual sum tommizeed zoning for that one parcel that may be much more restrict active than what the code text said. So it's a possibility that someone read through the code and found all those pieces or maybe missed a piece and that may be where the misunderstanding came from. Or it maybe that someone read the code and found every piece, but then never found the co, so again that's another opportunity, another layer of possibilities of things being missed at any level, whether it's a member of the public, council, stuff a, the developer. And it's this complexity of the way your code works today. All of our efforts have been to try to find ways where you can get to a point with you don't need to use those cos to get you the tool for the refinements that you want as a community for your zoning. Where it's all baked in and it's all in the text of that one volume. So while it's a thousand pages of new code, all the text is there. You're not having to refer to cos. Everyone can read from the same script essentially.

>> I think that was the-million-dollar question. But I think it is better standards as John said, but it's actually a better process, so we really deconstructed the process and are creating a better way by getting rid of the transactional base conditional overlay so that you will rely more on your policy documents to set the framework and then the conditional use permit process and use process for the transparency.

[10:54:56 AM]

So I think as we talk about this more it will be -- we can kind of describe and diagram your current process versus the proposed to illustrate some of the changes. But hopefully together, as Peter said, they really do provide a better way of to implement imagine Austin. There's like a couple of meetings to work through everything.

>> Troxclair: I do. This was a really great overview and I know this is a product of many long hours, so thank you for the work that you put into it and the product that you're presenting us with.

>> Houston: Are there any more questions? Councilmember Renteria? Are you all back? So let me suggest that we take a 10-minute recess and then we can all go and relieve ourselves and come back. Seems like everybody is coming back. Thank you so much for all of the information and I'm sure the individual offices will be in touch about next steps. Thank you so much.

>> Pool: Councilmember Houston, do you know are we going to go back to our pulls and announcements? Because I have some things I need to get into the record before I have to leave.

>> Houston: What time do you have to leave?

>> Pool: I have to leave at 1:00.

>> Houston: I think people are coming back. As soon as we come back and we give the chair back to the mayor we'll let you go ahead and do pulls, but we certainly have to talk about finding a new city manager, where we are now.

>> Pool: Thank you.

>> Houston: So be back at -- what did I say? 11:05. Thank you.

[11:07:39 AM]

>> Mayor Adler: So council, we are now back from the 10-minute recess. We have a quorum in the room. Alison is going to say something quickly on the Austin oaks matter. I think we have representatives here from at least four or five different companies and I think -- on the manager's search, so I think it's important to hear that before we go to lunch. And Leslie, I think there were one or two pulled items that you wanted to raise. Do you want to do that after the four or five companies are here? Are they quick things for you to be able to do?

>> Pool: Well, first thing --

>> Mayor Adler: Hold on. I want to know if they're quick or not.

>> Pool: One is quick and the others are just my pulls that I'm ready to just lay out.

>> Mayor Adler: I want to make sure that we get the companies before we go to lunch because we have four or five companies here. So how about if you talk to them real briefly so that you could at least say something and then we'll come back. And I'm willing to stay here however long as well.

>> Pool: The only thing I really need to say right now is the time certain that I want to set for Thursday on one of the zoning cases. The other three things I -- unless it gets to -- it's 11:00. I mean, unless we get close to 1:00 and we haven't gotten to the pulls, then I'll come back for those, but if I could set the time certain or announce it now.

>> Mayor Adler: Go ahead.

>> Pool: Okay. So we have item 56, which is lysium, 4:00 P.M. On Thursday.

>> Mayor Adler: So no sooner then 4:00 P.M.

>> Pool: We'll make that happen on Thursday. Everyone is in agreement on 4:00.

>> Mayor Adler: We can reach agreement on four P.M., it's just a sense. Miss alter, you want to say something about the Austin oaks pud?

[11:09:39 AM]

>> Alter: Item 57 is the proposed Austin oaks pud. I wanted to call attention to fact that I posted a week and a half ago on the message board that I requested a two-week postponement of that case to allow me to better meet the needs of the neighborhoods and get up to speed and whatnot. The developer has no objections and the neighbors are fine with this. So as we proceed through that process, I hope you will support me in that request. I also wanted to communicate that it is my intention on the February

16th meeting that we would do only the second reading. It will need to be posted for second and third reading because I understand that is the procedure, but I'm hoping that we will focus on second reading. I also wanted to make sure that you're aware that a valid petition was signed with over 40% of the neighbors yesterday so that will be factored in to this process as we move forward on that case.
>> Mayor Adler: And my sense from the dais with the applicant also being in the neighborhood both, I don't anticipate any problems with putting that off for the two weeks and that's my sense of where we are. Ms. Pool?
>> Pool: Real quick, did we close the public hearing or is the public hearing still open for second reading?
>> Alter: The public hearing is still open. It was corrected on the agenda is my understanding.
>> Pool: Thank you.
>> Mayor Adler: Okay. So let's go then to the briefing on the city manager search. Sorry, mayor pro tem?
>> Tovo: Sorry, mayor. I just had a quick question, I thought. Are we getting to the other pulled items later?
>> Mayor Adler: We will. The conversation we just had with Ms. Pool --
>> Tovo: Thank you, sorry. I had too many things going.
>> Mayor Adler: Hi.
>> Good morning. So we're ready to start. Joya hays, director of human resources here to give you an update on the city manager recruitment based on the feedback we received from our last meeting.

[11:11:44 AM]

In December of 2016 we came before council with a recommendation for a recruiter to conduct the city manager recruitment. In that process council had the opportunity to hear from that company and also communicate to human resources a desire for us to cancel the actual rfq that we had and still evaluate those companies and look further in identifying possible opportunities to look at executive recruitment firms that had a private sector focus, not necessarily exclusively private sector, but had a private sector focus. You also asked us to go and see if there was any opportunity for a subcontract or co-managing opportunity. And then to holistically look at all of our options and come back to you with some recommendations and/or some options for your consideration. And so today we are here to provide that to you. As we conducted this process in December of 2016, we also went out and looked at some different survey sources to not only look at the four private sector focus companies that were identified by the community and that were discussed in December. We also tried to do due diligence in identifying other private sector companies that may be of interest. So staff did do some survey review and we -- it resulted in about 12 executive recruiting firms that we identified. So -- and those firms did include the initial four that were discussed by council and that was Korn ferry, Russell Reynolds, Heidrick and struggles and Spencer Stewart. So we reached out to other private sector firms to try to be as inclusive as possible. We reached out to the top three firms that we looked at in the public sector process. As you recall we did an rfq, we received those, around the top three companies that were identified were, one, Ralph Anderson, two afion. You remember afion, they just completed the Dallas city manager search.

[11:13:45 AM]

And the other is gov hr, who no stranger to the city of Austin recruitment. So we did reach out to them in addition to those 12 firms. We also provided a packet of information to the private sector firms in an attempt to make them as fully aware of what we were looking for as possible. We provided them a copy of the job description of the city manager. We provided them some background information that included the discussion items from December eighth with a link to the conversation so they could hear directly from council what their needs were. The elements of engagement document by council and a

summary of key information relative to the recruitment needs. Based on that we also asked some very key questions so we wanted to be consistent across the board relative to what we were asking. Those questions include "Would your firm be interested in submitting a proposal to lead this recruitment? Would your firm be willing to co-manage the recruitment? Would your firm be willing to subcontract or be a subcontractor with another firm? And would your firm be willing to work in Joplin with a public-sector focuses firm? ". Those are the questions we provided everyone. And the responses from that four private sector focus companies submitted proposals, two of which are ones that we discussed with council that came from the community, which were Russell Reynolds and Heidrick and suggest struggles. We also received proposals from Tran search and the Reagan group. We reached out to our public sector entities. I will share with you that the top four private sector companies that were discussed in September all were unwilling to partner with public sector focus firm. In addition to that we talked to the public sector firms, the top three, and two of the top three, based on the proposals, which were Ralph Anderson and afion, also indicated that they were not interested in co-managing and/or collaborating with another company. But we did receive two companies that were interested in such, Tran search not only provided a proposal to independently handle the search.

[11:15:54 AM]

They also were willing to collaborate. Goff hr, which came in -- govhr which came in third in our public sector review also agreed. And we asked them if they were willing to come together to create a proposal together. So we do have that proposal for you as well. We looked at a little criteria and I think it's important for me to point out the criteria to you now because it leads to based on the recommendations or the options we have before you today. So when we received these proposals what we looked to was their recruitment process and approach, the stakeholder community engagement aspect in terms of their methodology to address that along with public engagement. We also looked at their potential recruitment timeline, the profile of the individuals who will be conducting the search. We conducted two references for all three of the options we will be providing you today. And we also looked at their costs. And with that being said our next slide shares with you where we are in terms of options for your consideration today. We've already presented to you Ralph Anderson and associates. You had an opportunity to talk to them. And so that's included. We are still providing that to you as an option for today. We're also recommending for you to evaluate as an option a proposal from govhr and Tran search, which is a public sector focused and private sector focused collaboration. And we're also recommending a private sector company for your consideration, which is Russell Reynolds. We believe these three options speak to the breath of what council communicated to hrd during the December time frame. Each option has pros and cons that we're now going to review with you that really speak to the diversity of thought that we heard from the council. So what you will see in the next two slides is basically a breakdown of the analysis as defined by the criteria we just spoke about. Beginning with the recruitment process and approach.

[11:17:56 AM]

And I have here for you information that really explains the -- summarizes the information that we received. We invited all these companies to be with us today. Ralph Anderson was not able to attend. But we have present govhr, Tran search and Russell he molds. As we complete this information they are also available to you for answer any questions you may have. As you look at the information provided on slide 8 in the analysis, looking specifically at the recruitment process and approach, all of them had a very sophisticated process that included opportunities to engage council, in getting their feedback, understanding exactly the scope of services, creating the profile and conducting recruitment processes.

Some of the phases were very client driven. One had a six phase recruitment that took into key considerations stakeholder and community development. And there was also a four phase approach with formal reports and finalizing as you go through the process. In addressing community stakeholders we did see that rastled Anderson an govh had extensive experiences with working with communities and stakeholders group, while Tran search did not have that experience as you see they are partnering with govhr to create that within the package. We also saw that while Russell Reynolds had estimated experience, they did have experience working with cities, working with city executive level recruitments so they rose to the top relative to the proposals that we received from those private sector companies that were exclusively requesting opportunity to receive this opportunity to work with this recruitment. So that is why we've had them here. In terms of engaging the public, Ralph Anderson did have the most sense sieve information, but govhr has also had experience in working with public sector in their proposal.

[11:20:10 AM]

And Russell Reynolds did not have the experience, but they're partnering with Goff and there was experience with Russell Reynolds on the initial stages of recruitment processes in working with engaging the public. Relevant to the search profile of the team, this is one of the key factors that we looked at in our public sector search and so we want to point out to you key information. As requested by council you're looking for a vendor to handle the process from beginning to end. Based on the proposals we've received, rah was proposing a five member -- Ralph Anderson was proposing a five member team to work on this recruitment. Govhr will have one representative for each level that they presented this their proposal with 17 years of experience in public and private sector. And this is the information we pulled from the actual proposal. Russell Reynolds also had a two member team with consultant work experience of up to 30 years. I will also note that these companies all have extensive experience in recruiting. 30 plus years for all of them. This information also speaks to the actual team members that will be participating. We conducted references. And while nothing negative came out in the reference check, all of the customers that we are recommending to you today had excellent references. An estimated cost. As you recall in the Ralph Anderson proposal the cost was estimated at 68,000. In the proposal presented by govhr Tran search, theirs would be 74,000 plus additional expenses for travel. And Russell Reynolds in their proposal indicated that their cost structure dealt with a third of the actual cost of cash compensation. I did some estimations based on our city manager's salary currently, and that would be roughly around 118. Understanding that as we go forward once council has made a decision, they have the opportunity to go back and to negotiate costs and evaluate that and any other components to the proposals as they see fit.

[11:22:21 AM]

We just wanted to provide you some baseline information to help justify to you why we brought these options to you for review at this time. Our next slide allows us an opportunity to talk about their recruitments. In the last process there were a couple of councilmembers that had some very direct questions relative to experience. And so what you will see on slide 10, we broke that experience out if 32 three categories. The first category, current and previous city manager recruitment. So you can see there the experience that some have had with cell recruiting a city manager. We also have current and previous experience in P public sector. So you have the opportunity here and to see across the board their experiences just dealing with public sector. I think it's important to point out for all of the companies that are here today that they had an extensive proposal provided that go into more detail with more companies. We're providing those that speak to those particular areas at highest level in

order to give you a comparison. We also wanted to provide you recent recruitment. S. And when I say in the last three years, each of these entities to give you an idea of the type of work that they've done. In an effort to do that what I also tried to do was to provide you public sector and private sector experience because we know that those are both important to you. So as you look at the recent recruitments you will see both public and private sector opportunities. I know there were a couple of councilmembers as we provided some references at the last presentation were interested in the size of the actual cities. As you look at this particular slide under the column of Ralph Anderson you will see San Antonio housing authority, you will also see the public works director for the city of Austin, and you will also see the Charlotte, North Carolina city manager recruitment. And the city of Charlotte has a population of about 827,000.

[11:24:25 AM]

And lastly the Sacramento, California city manager, which is a city of about a half million people. A little under half a million. For govhr you will see some of the largest cities. Cambridge, Massachusetts, who had an 18 member search committee. Also you will see the Marion county, Florida with a little over 300,000. On Tran search you will see we provided you some companies. As you look at those companies, the berbay automotive has over 300,000 employees in nine locations internationally, so we thought that was a high profile one that we wanted to share unless energetics. As well as Russell Reynolds, we've shared some of the public and private sector. Now, if full disclosure, Russell Reynolds was who recreated our chief of police to go to the city of Houston, Texas. We will also note that govhr was the city that recruited our city manager to go to icma. So all of these entities have had some level of engagement with public sector and some level of engagement with the city of Austin, be it positive or negative. But we wanted you to fully understand their scope of work and what they have done in order to give you a real fair and honest opportunity to understand these options. I go back to the slide now that kind of review those options for you again. And I just want to kind of point out here, Ralph Anderson, we spoke very clearly about their large organization their very key focus on minority and women appointments. They went all the way back to 1973 in their proposal. And their extensive experience in working with public sector and some private sector. We also want to remind you relative to govhr, who is no stranger to stint. They have conducted several of our director recruitments for the city. And the only two companies willing to come together to create a collaborative proposal for you with Tran search, who has an extensive experience base relative to private sector companies and not non-profit.

[11:26:29 AM]

And wested at least one P. From our benchmarking we believe that ideally you may want to look at one primary company, so it was important for us to give you a public sector focus and a private sector focus. And with Russell Reynolds work in the city of Austin, with fire chief, police chiefs and other work, we felt like they provided the best proposal relative to their ability to have a private sector focus, but also have worked and have the opportunity to meet your needs from a public sector perspective. So with that as I indicated to you, I have those companies here seated behind me and I'm now available to answer any questions relative to the process we followed to provide you these options and answer any questions you have about the companies themselves.
>> Mayor Adler: Council? Could we meet some of these people.
>> You can. Allow me to bring them forward and have them introduce themselves. We'll start with Tran search and govhr. Marie and Heidi.
>> Mayor Adler: Hi.
>> Sure. My name is Heidi foreis, I'm president and founder of govhr.

>> I'm Marie with Tran search.
>> Mayor Adler: I know that to bring two companies together is a very unusual request and I want to thank both of you for being willing to step up to explore that possibility and to be ready to do that. Is there a difference between the Normal processes or the expertise associated with searches of public and non-public people traditionally or usually?

[11:28:44 AM]

>> I'll start. We've talked about that and we've spent a lot of time talking with one another and found that our process in many ways is very similar. The process of seeking out candidates. I think the difference between what they do and we do is redo the public outreach. We put the notices out on websites and social media and that sort of thing to make sure that there's a broad public knowledge of this opportunity in Austin. And then we also do a targeted database and look for people that we my might be good candidates and then also pick up the phone and call folks and reach out to them in that manner as well. I'll let Marie speak to what we've talked about as the key difference.
>> Sure. So I think the executive search process, as we went through our steps, really the same process, but it is a difference between how the position is marketed. As a retained executive search firm, a lot of the executive search we do requires that it be confidential somewhat. So we fly a little bit under the radar screen so we're not doing so much community involvement or even job postings or advertisements, but much more of a direct approach. But still cast a wide net, very direct approach, work very transparently with our clients on who we're contacting, who we're going to reach out to, what companies -- where we're looking. And then go directly after either people that we network with or people that we're directly targeting for the position. And generally looking for people who are not looking for a position.
>> So we feel the combination of our two approaches could be a very thorough and exciting process for the city of Austin because we would handle all of the -- we understand the social media outreach, the public outreach, the need to do that. And the local government sector. And by working with Marie, she would know the private sector.

[11:30:47 AM]

We have some overlap in non-profits and in university work, so we think that combining those skills and benefits the city tremendously. We're very aligned in the way that we do the recruitment. We've talked about, gone through the steps that each of us take. It's very similar. But our focus at govhr has also been extensively at the front end in community engagement and I think that's what we would bring to the process. We've done it all over the country. Probably the highest profile cities that we've handled were Ferguson, Missouri and Cambridge, Massachusetts where they have extensive community engagement processes for their search for city manager. We're very comfortable with that and have done those -- I've done it personally multiple times for stint with -- I think probably the most controversial was one was the chief animal services office with a lot of stakeholder meetings and director of parks and recreation. And some of those which are very high profile positions and have a lot of community engagement. So I'm familiar with doing that in Austin.
>> Mayor Adler: Do you think if you were both to do this separately and independently -- I mean, had we hired just you or had we hired just you, do you think that -- but you both would obviously be out recruiting for the same position. Do you think that you each individually would bring back a different applicant pool?
>> Well, I -- my comment on that would be when I was first approached I thought, wow, this is really interesting to partner with another firm. It was a different request. But what I said was if you put us in

competition with each other, I wasn't interested in that. If you could find a public sector firm that we could partner with and we work as one team and we collaborate and we use each of our strengths --

[11:32:48 AM]

>> Mayor Adler: I'm not suggesting that we hire each of you and you work independently. Mine is a more theoretical question. If you were doing it by yourself, we were hiring you and you came back with a applicant pool. That's applicant number one. Hypothetical number 2 is if we didn't here you, do you think that the applicant pools would be different?
>> Slightly. I think there would be some overlap and the concern would be that if we both worked separately or if one or the other, there's some overlap, but --
>> Mayor Adler: So what -- if they would be different -- again, I'm just trying to learn. I'm not suggesting you work in competition.
>> No, we understand.
>> Mayor Adler: What makes -- what would make for the difference in the applicant pool? Is it the process, different processes, or is it you have different rolodexs or different contacts?
>> I think you would get a different pool because Marie would be doing a private sector outreach and she's going to have some -- and non-profit and utilities and some of the other areas that she's worked in. And would not necessarily -- I would probably have more of the public sector folks so I would know those folks to go to. So I think it's a great idea to do it in tandem. We've even said if this doesn't work out we might work together on other projects. I think you're on to something with respect to merging both approaches to make sure you get the best pool of candidates.
>> Mayor Adler: Councilmember pool?
>> Pool: So you both mentioned that you have rolodexes and you reach out to candidates. The people we would like to have on our short list may not publicly or have indicated to anyone, including a search firm, that they're interested in changing jobs. So the people who are the stars right now are in place and they're not considering moving.

[11:34:57 AM]

And so can you talk a little bit about the experience you've had. You mentioned recruitment. And for me recruitment is I want to talk about that segment of the recruiting pool of people who are not in the pool and think they won't be in it any time soon. So can each of you talk to me about how you go about that?
>> How we go about identifying those folks that we think would be good candidates? First of all, it's the people that we know in our respective industries, so I -- and I've had some-- I couldn't help but think to go there for some potential candidates that I would want to approach. And also it's making strategic calls to people that we know who may know of people who -- because I would not pretend to know everyone. In making key calls to outreach efforts, there will be others that they'll put us in contact with. So I think it's just a mining of who we know and then it takes you to the next step, who do you know if that arena, and then you call that person.
>> I would agree with that. It's like connecting the dots on a web. You start with a core part of the web and then you just branch out from there. So it's identifying people that we think might be a good fit, but also identifying people who we may even know may not be interested, but they're willing to network with us, they're willing to talk to us and hear about this because this is a great opportunity. And they're willing to open up their rolely dex and refer us to people who may or may not be interested, but we just keep connecting from there and we just keep having conversations and that's how we uncover people. It's really a matter of timing. You reach somebody on the right point in time where they say, you know, I

wasn't willing to move six months ago, but I might be right now. So it's just really being thorough and exhaustive in the efforts to network on that. >>
>> Pool: So a big burden would be on you in this outreach recruitment to know really well about the city of Austin, to be really intimate and familiar with what makes us tick.

[11:37:05 AM]

Not just what we're looking for, but what the community means and what it's like to operate in this ecosystem here. How well familiar are you with Austin? Not just the slogans, you know, live music capitol or keep Austin weird, not that stuff. I'm talking about below the branding who we are.
>> Well, I think in a number of the processes that I've undertaken on behalf of the city of Austin there's always a significant stakeholder outreach in the beginning. And I can remember many years ago with the parks and recreation director, there were a lot of unhappy people that I melt metropolitan with in the parks and recreation community. Over 100 came to the first meeting to tell me what they were looking for in the next director. Then I came back a year later to do the assistant director and a lot of those same people showed up and said okay, we're happy, but she needs help. So that was the -- they came back. So that was a very grassroots group of folks who came and said what they were interested in. So that put me in touch with what the folks on the ground were looking for. And similarly with -- with the animal services process. Lots and lots of stakeholder meetings. And not just at the beginning but these are stakeholders involved in the process and met with -- not just individuals, but organizations, groups of people. And then at the end they're also involved because Austin always has a public forum, so folks are invited to that and that's managed. And we make sure that that outreach is done. So it's not just the beginning, but it's throughout the whole process. And I think that's given me an understanding of the city and especially how much people care and how much they're interested and invested and engaged.

[11:39:11 AM]

>> Pool: And I'll give you a chance to answer too. And then knowing -- are you able to impact them and describe the people to give a balanced representation of the pros and cons of the different issues that --
>> Absolutely. And those issues change. I also have done both medical director recruitments. When I did the first one the issues were very different than the second one even though I was hearing from a lot of the same stakeholders, it's a different story. So I think that's why it's important to do that stakeholder engagement at the beginning because each one is different and each situation is different. And that allows us to when we're on the phone with candidates to say okay, here's what's going on, here are the hot button issues. Here's what it takes to be successful in this position.
>> I would say too going into any search, whether it's a private or public client, we don't assume they know what -- we know what they need. It's very important the needs analysis or the intake meetings that we have before we start the sourcing process that we understand currently right now today what are the issues, what are the things that you think will make this person fit? What are the cultural issues? It's not as much the experience is part of it and the background, but it's really are they going to fit when they get here? Are they going to enjoy this, like this, are they going to be comfortable with the city of Austin? Do they fit in with the culture and do they fit with you and your team? And do they really -- are they going to blend in this community? And that's very important. Those are the main reasons why the person who looks qualified wouldn't work out because of not having that fit. So we put a lot of time and effort into ensuring the fit and the desire to be here.
>> Pool: The scoping expectations on both sides. So I won't ask you to respond to this here now, and I will ask the representative from the other firm, but I would like some feedback on you on -- in the

recruitment process you're talking to someone that you are trying to convince to come to Austin and the person says well, I know all about Austin.

[11:41:28 AM]

I followed the transportation network companies issue discussion last spring. So I would like to hear from you all later how you would describe that and the council's role. And there are a couple of other issues that I would like to get some feedback, but that would be one big one. Because that sent a signal internationally about our city and in some specific instances the press didn't have sufficient information to really have that discussion. But it's out there, some perceptions are out there. So how would you characterize that and how would you answer the questions that might come to you? And then the second one would be on the adoption of our new code which we had our morning session was devoted to that. So how would you describe that and discuss that with a potential recruitee?
>> Okay. Thank you.
>> Mayor Adler: Council? Do you have any additional question if people are seeing if they want to formulate one or not. In recruiting for this position I imagine you would look at your rolodex to the degree they had people who were city managers or in city management who were really good and might be interested in moving that you might approach. I would also imagine cities that were doing really well that we would say somebody is doing something really good there, would be a good place to go. Other than those two places, where would you go to find a good city manager for us?
>> You mean with respect to somebody who has been a city manager?
>> Mayor Adler: I'm saying other than those two places, which I can readily see, when else might we go to look for a good city manager? Or what else might we do to find a good city manager that would not be in either of those two places?

[11:43:31 AM]

>> The not for profit sector. I think there are some people that move in and out of the public sector and nonprofit sector and we have people at both in a very senior level and there are a couple of folks that I think of that have some public sector experience but they've moved to that and are doing very interesting, creative things internationally. That would be one area that I would look at.
>> Another area, and Heidi and I have been brainstorming on this, some people have come to mind for me to contact who have moved in and out of public sector and private sector so they've worked both in industry and they've also held public positions and gone back and forth. So they would be of interest. Looking at, like we mentioned, public utilities or maybe some other kinds of private industry sectors where there might be somebody with the qualifications might be somebody to consider. But we both feel that having some exposure to the public environment is important whether it's in a non-profit or it's in a public sector. There's some differences in those kind of roles, but we would be creative in doing that. We've already been brainstorming between our networks on how we would go about reaching out beyond somebody who has direct experience as a city manager.
>> Mayor Adler: Okay. Council, any other questions? Yes, councilmember alter?
>> Alter: I'm curious about the process you worked with us to help us tell our story to the candidate because at the end of the day as you mentioned, the candidate has to want to woman to Austin and see this -- want to come to Austin to see this as an opportunity and as a set of challenges where they can make a difference. So I'm curious how you work with your clients to help them to tell their story so that we're really going to ultimately be able to recruit the person that we've identified that we want.
>> Well, I think if we were retained, the first step would be individual meetings with each of you so that we understand exactly what you're looking for in your next city manager.

And ideally I think it's always nice to have one collective meeting as well. To go over what we've heard and see if we're all in general on the same page. And then obviously the stakeholder meetings and all the other things that go into that and those end up being a recruitment brochure, a marketing piece on behalf of the city. And that's finalized only with your approval so you would see how we are portraying the city. And not everything is in there. We have now a lot of information having gone through that process about what you're looking for and that provides additional background that we can give the candidates when we talk with them on the phone. That marketing piece is really the thing that focuses in on what we've heard from you and from the stakeholders and it's something that you approve before we go to print with it. We don't print it, but it's -- before it's sent out to anyone.
>> And the whole recruitment exercise is a marketing and to some extent a sales exercise. It's not transactional so to me the most important piece of the search is interviewing the stakeholders and getting to understand what the story is and formulating that story so that when we do reach out and contact somebody and they're willing to spend some time talking to us about what to consider who they might know, a lot of times after the conversation they say, well, gosh, maybe I'd like to throw my hat in the ring for that. So it's us representing you or the face of the city of Austin as we do this, and so it's very important that we tell the story right and we portray this in a way that attracts people and they're interested, but also that they have a realistic view of what the role will be and what it's going to be like to come here. We want them to really consider that for them and their families. So it's all about that fit. So really understanding how the stakeholders portray this and, to Leslie's question about different issues, we want to understand all of that.

[11:47:39 AM]

We want to understand how you would respond to that. If something comes up during the recruitment process that's a question, if we're not sure how to answer that on your behalf, we'll tell the candidate that we'll get back to them and come back to you with those questions. So expect that during the search process even after the intake we would get back in touch with you with specific questions just to make sure that we're representing everything as you would want to.
>> Mayor Adler: Great, thank you. Ms. Pool?
>> Pool: One last question and I'll also ask this for the other firm. I am concerned a little bit on the private sector piece. Because I think when you pull together -- you can correct me if I'm wrong because my perception or apprehension is that when you put together a group that is going to help in the search and in the vetting, for example, one of the models we've been talking about here is having a group of citizens be the nexus between the recruitment and council to give us a recommendation. I'm thinking that it may be important for a councilmember or members to be on that group as well. And maybe not just citizens. But in the private sector search, how do you people, your stakeholder groups and do you reach out into a community in order to get their feedback if it's a private firm? Midpiece is you don't do much of that. You're looking more at the board of directors or the -- what's it called? The shareholders?
>> You're right. In a private search you're right, you wouldn't reach out to the community, but you would have a set of stakeholders within the company who are part of the process and the decision-making process or at least influencers. In some cases even within an organization it might be that they might not be the deciding factor, but you might have a candidate come in and have interaction with other members of the company just to see how they get along with the team or meet their team or those sort of things.

[11:49:43 AM]

Those are all to me very important just to make sure that there's a fit and there's a buy-in, especially when you're bringing in a new leader. So to me that translates to the community because this is a public role, so it's very similar -- it's a little different because it is the public and you've got the community members, but in a way it's within a private organization, that's the community within the organization.
>> Pool: And our citizens have a much wider ability to speak their minds. Right? Than possibly some of the influencers in a private corporation because they have other things that they need to be concerned about.
>> That's the beauty of us working together because I'm very accustomed to that and very used to that. We worked with an 18-member search committee in Cambridge, Massachusetts that came from all different parts of the area. I've worked with other search committees that are 18, 20 members so that's right in my comfort zone and also very comfortable with the community engagement piece.
>> Pool: So you would be able to work with us in order to build that stakeholder group and also to craft what the outreach into the community would be.
>> Absolutely.
>> I think it's important and a great idea.
>> Pool: Thanks.
>> Mayor Adler: Thank you. Before we go to Russell Reynolds, mayor pro tem, did you have something some.
>> Tovo: I do. We've had a couple of conversations about what that community engagement group may do and I think that there was an idea that they might be the interface as you described between the candidate and the council or the candidate pool and the council. There's also I think an opportunity -- certainly I think at the council level we had some -- we heard concerns from some members that that might, for the reasons you may be aware of, might discourage some candidates if they thought at some point in the process it would become a public discussion with a community group. But it seems to me there's also a role with just one group of community stakeholders who would assist in your outreach efforts and would help maybe at the front end identify those kinds of criteria. And it sound like you've had quite a bit of experience with that process.

[11:51:48 AM]

And so I just wanted to Claire that there are -- we haven't -- clarify that there are -- we haven't ironed out if we would have a community group and if so what we would do. And I assume you have never worked together before, is that correct?
>> No, we have not.
>> Tovo: And you may have indicated that earlier and I just missed it. So I guess the question for govhr, have you ever partnered with another firm in a search?
>> No, we have not. We have not. But I can say that I'm extremely comfortable with this partnership. And as I said in the beginning that even if this doesn't work out I think we might partner in the future. So we feel that our approach, our values, our systems are aligned. We both have extensive support staff on -- you would only see the two of us, but we have people that are admin who are able to help process applications, do background checks, due diligence, all of that. So we're very comfortable working together.
>> Tovo: And I guess I would ask the same question of transearch, have you ever partnered with another entity?
>> We partner all the time. The nature of transearch is we're a global organization so we have offices all over the world. We've got 47 offices in -- 57 offices in 47 countries. And so in offices around the U.S. So

we partner all the time so I'm used to the collaboration. So for this it was just a collaboration with a firm outside of transearch, but that's fine. And we're Jesus tommed to that and we're -- we're accustomed to that and we're very, very comfortable with Heidi and her company and we very aligned and we like this idea.
>> Tovo: And how many staff members -- I understand your operation is much bigger, but how many staff members would you be allocating to this search?
>> It would be myself plus another recruiter who would help with research and an administrative assistant who helps with organizing and scheduling.

[11:53:50 AM]

>> And we would have a recruiter eye signed. We've already talked about how we would divide this up. They monitor the intake, place the announcements on websites and that sort of thing. And we will have a reference specialist who will be assigned to conduct reference calls. Also the way we operate, all of our consultants which are located all over the country, are aware of each of the recruitments. We would have the benefit of whatever they would know and their outreach efforts, but as far as specifically assigned to this, we would have myself and then the other two full-time staff members.
>> Tovo: Thank you.
>> Mayor Adler: All right all right, thank you very much.
>> Thank you. We hope we have opportunity to work with you.
>> Thank you for your time.
>> Council, our next company is Russell Reynolds and their representative is Mr. Steve newton.
>> Good morning. >>
>> Mayor Adler: Good morning, Mr. Newton.
>> My name is Steve newton and I'm delighted to be here. I'm the managing partner for Russell Reynolds in Texas. We have two offices in Houston and Dallas. And I've been here in the state for 20 years and hope to be here for at least another 20 years. It's a real privilege to be here and I'm very happy to answer any questions. You received our proposal, which was very well summarized. Thank you for doing that. But I think you might have some specific questions.
>> Mayor Adler: Let me start it off. I think you can see the issue that the council is wrestling with. We're hoping to have absolutely the best all-star person take over this position, and part of that for us involved making sure that we could find that person. We think that the traditional searches would look at people that were in public positions, city manager positions. But we didn't want to limit ourselves to that universe.

[11:55:51 AM]

It seemed as if different companies and different verticals might have different rolely dex es or folks -- role low detectives es or different sweet spots in the work they did, which is why we're trying to get both involved. Your company hasn't had the same kind of experience with respect to what would be a significant feeder group, we would imagine for this position. Do we lose anything if we hire you because you don't have that particular expertise?
>> That's a great question and not to hit too close to home. I never recruited a police chief either before we did the Houston search. That really is a fundamental question, but before answering that question directly let me back up a little bit and describe our process because I think that process should give you comfort that it's in fact the process and the intellect of the search team more than the rolodex that makes the difference. Our process is defined in our report, but if I can just summarize the early stages of it. So you understand what our starting point is and where we end up. The first phase is what we call a

needs assessment. We work with all of you and you all talk about community engagement. But we really need to understand for you what you perceive as the critical needs of this position. Once we've done that we can begin to then formulate I'll call it job description, but more than a job description what it really is is an understanding between us and the councilmembers and the community, what are the critical factors that will go into determining the success and unfortunately hopefully not the failure of the candidate. Once we've done that we can then lay out a strategy for the search which will include certainly sitting city managers, but a wide range of other candidates who we think each will bring a particular identity to this particular need.

[11:57:56 AM]

In terms of not having done city searches before, while we certainly have not done city manager searches, we've been in and out of city government not only in U.S., but really around the world. So it's a field that we know particularly well and we understand the public-private partnerships. And I will tell you personally while I've done literally hundreds of corporate searches, the ones that get me the most excited are those that are public and private partnership. Just a couple of examples, we recently completed a search for the CEO of a high speed rail Houston and Dallas, which hopefully will be on the boards before too long and that's a perfect example of a public-private pip. And that took a very creative approach to recruit the type of person that can be very successful and something that's never been done before. So I would like to think that a firm like ours or any of the private sector firms, a more creative approach than simply looking at the city managers and the city managers they've all done before.
>> Pool: Thank you
>> Pool: Thank you for being here to represent Russell Reynolds. You heard the first questions I asked.
>> I did upthe first one was on outreach.
>> So outreach is very, very important and it's true that at the corporate level outreach is very different because it's a more finite pool of people we're speaking to. Many of the searches we've referenced here and those we haven't referenced involve similar outreach. Just, again, to take an example of the city of Austin, I've worked for the last three marries starting with bill white in east parker and now Sylvester turner, each -- and the first one we did was parks and recreation, finance, currently public works for the city of Houston, each involved tremendous amounts of outreach. How do we do it? Follow your lead, work with you to determine which groups you want to have involved in our process, we meet with them, we listen to them, summarize for you what we've heard, we play it back to you so that you have a summary of what we're hearing.

[12:00:10 PM]

We're gonna then have to deal with conflicts because you're gonna hear from different groups, different needs. It's up to this group, if you choose a community group to really restle with these challenges. We've heard one thing from one group, another thing from another group. Before we start the search we've got to get aligned with what we're looking for. The worst thing that can happen is a search why where did it goes on forever because rather than getting consensus at the beginning we're trying to get consensus as the train has already left the station and that is not a good outcome. The other thing I'll point to as we're talking about process, and I'll come to the other side of the question is search process, it's very important that your process be clearly defined, that those who are gonna be involved in the process, whether it's this group or a community group, understand the time line. Why do I say that? Because two things. One, they develop search fatigue. When searches go on too long, everyone just gets tired. With that that's when you begin to make mistakes. Let's just settle for so-and-so because we're

just sick of meeting. The second point, which I think is almost more critical is you're sending a very confusing message to the market. Think of the house at the corner that has a for sale sign on it and it never sells. You love the house but it never sells. What do you do? You don't buy the house because no one else has bought it. If that extends beyond a Normal period of time, let's call that three to six months, you know, there's a -- I don't want to call a stench but there is a question mark in the communities, why is this job not being filled? The process is very important. Back to your question we want to contain the community outreach to the beginning part of the search. I'll give you a time frame, roughly two weeks. What we'd like to do is work with you, line up all the groups that you think we should be talking to. If there are groups we think are missing from this list, we'll tell you that.

[12:02:13 PM]

So we say, you know, why are we not talking to this type of person? By the way this is what we do when we do university, health care searches. It's not uncommon at all for us to have these outreaches.
>> Pool: Second question, how do you get beyond the branding of the city of Austin? How familiar are you with Austin and how we tick?
>> I'm not as familiar as I would be for sure. And I think it's gonna be an education process for me. Obviously, living in Texas is a big help but Austin is a plus and a minus for everyone so we need to really understand the story. We're really, really good at selling whatever the story happens to be because for you, what you might perceive as a negative, for someone else will be a bicycle, will be a challenge. Likewise, for what you might see as a positive for someone else will not be a negative. We are extraordinarily candid with our candidates, need explain exactly the lay of the land. Coming back to the private sector for a moment, turn around executives, and I'm not suggesting Austin is a turn around, please don't mistake, they dough to where the fire is. If you give them a night performing -- high-performing company, it's of no interest to them. So don't be concerned. We want to know the dirty linen or see the dirty linen, know all the warts so we when we expose the situation to someone they understand what they're getting into and are excited by it by the way.
>> Pool: I had asked separately from today, if you would get back to us with some information on how you would describe if you were asked by a person you were talking to to convince them to apply, what our policy discussion last spring was with our transportation network.
>> Sure.
>> Pool: Also how would you describe codenext. Then my third question was, you're the private sector primarily but it does sound like you have done some public sector too and I was curious how you would people the stakeholder groups we may or may note use in various ways to help with the search as possibly a nexus between the search and council.

[12:04:27 PM]

>> Right. What I'm hearing from this group is that you have two -- you're considering two options. One is to have a citizens group be the -- effectively the initial screening or the search -- what we will call the search committee, and the secretary option is to use members of this council as a search committee?
>> Pool: Or a combination. We don't actually know.
>> Mayor Adler: We don't know. We'll actually be looking for a recommendation. So there's both the question of whether it's a council or committee. It's also whether the committee just helps with the -- what we're looking for and doesn't interact with the candidates.
>> Right.
>> Mayor Adler: So we don't know and we'll be looking ultimately for advice.

>> Look. Like in most things in life there's no right or wrong answer. The one thing I will say to you is whoever is on the committee must be committed to being on the committee at all the meetings. It's a big time commitment if you're asking citizens. For them to be part of the beginning of the process or&not there for the interviews or vice versa doesn't work. When we did the police chief and fire chief in Houston most recently as well as public works currently we had a group of citizens, all from a variety of backgrounds, most of them have had some connection with the mayor, so knows how the mayor thinks, it's worked very well. What we've done there is this group of citizens then recommended to the mayor -- again, it's a very different situation because there of course you have a strong mayor structure. The mayor requires a vote from city council but it was certainly a different structure than you have here. In that case we proposed to the mayor three candidates -- actually that's not true. We said here's our top three and our next two, explaining to them the pluses and minuses of all five. He chose to meet with whomever he chose to meet with of those few and then submitted the names on a [indiscernible] In three meetings and submitted the names to city council for vote. That's how that went and it went very, very well.

[12:06:28 PM]

We can do it either way. You can also have an advisory committee of citizens who are advising the fiduciary body, which is to say the search committee, and you use them for input and they are part of the final interviewing process as you move through it.
>> Mayor Adler: Ms. Alter.
>> Alter: One of the things about having this very public process and I'm a new councilmember so I haven't been engaged in the prior conversations, one of the concerns assist sometimes the best people won't put their names in if the process is too public leading up to that. How would you advise us for getting that balance right so we make sure we have the highest quality people in the pool but that we are able to get enough of that input so that we're looking for the right thing and we're able to share with them who we are as a city and what the opportunities and challenges are?
>> That is certainly one of the more complicated aspects to any public search. Is how do you protect the confidentiality. It's also increasingly a concern for private sector executives who might see this as a good transition in their career but are not comfortable with the public nature of it. My recommendation -- and I'm thinking out loud a little bit -- is that we do a lot of ground work with them before we get to the point where they are formally candidates. It's only once they're candidates their names are public and at that point they have to be very, very comfortable with it. So the work we do with them, in terms of assessing their skills, explaining to them the opportunity, looking at the gaps between the opportunities and their skills, that amount of work will give us a greater comfort level that we have a very viable candidate and they're willing to take the risk.

[12:08:30 PM]

It also means, though, you won't see a slate of 20 candidates because, again, that number would work against the odds of any one person becoming a candidate.
>> Mayor Adler: Anything else?
>> May just respond to a question you asked earlier? I thought it was a very good one, so which is if it's knots public where else do these people come from, these candidates? I think you do have a range, although clearly it's gonna be slated more towards the public sector individuals. Before I answer that question, the issue of rolodex, it's very, very important that your search partner, rather than thinking of their rolodex being the sort of the candidates really is prepared to do the research on best in class city management, best in class urban management and so forth. Because I do think rolodexs get old very,

very fast and you're constantly looking for who is doing something innovative and new. I was struck when we did the Houston parks board search, a public-private partnership, a $200 million project essentially, and we were struck by how many cities were doing really, really exciting work in the parks world. And we just assumed that we were ahead of everyone else until we realized, no, there are a lot of really interesting people doing that. So refreshing your yourself with research is really important for you to get the best and brightest in this role. To one extent you've had other city managers, but I would look to federal government, for example, what we call the deputy secretaries effectively the chief operating officers of large departments such as housing would be an area you would want to look at. You're certainly gonna find former marries interestingly who have run cities in the past because they were in the strong mayor system who are looking to this type of role as a next step in their career. An example of that is a gentleman we recently recruited to rice university to run the institute of urban research who was the mayor of Ventura, California, head of urban planning and development for the city of San Diego and who moved into this think tank role but nevertheless had all the skills to run a city since he had been a mayor and very senior executive.

[12:10:53 PM]

We also think academia is a area you can look at. When you're running a large university you are effectively running a small to medium-sized city. There may not be as many employees certainly aren't as many people on campuses as you have in Austin but that's an area where you have very strong executive skills and are facing many of the same issues as you face today. And, lastly, into the private sector, you know, everyone would like to think that there are CEOs or coos who run large organizations who can transition into this and I think there will be some of those. The one area that I do caution you is to think of people who have demonstrated throughout their career a civic mind for whom this is not their first job working with a city or for a nonprofit but throughout their careers have demonstrated a passion for urban and civic issues, if not they're learning on the job and you do not know how committed they really are to this position. And we have done this extensively where we've recruited private sector individuals into nonprofits. And every time we do that we want to make sure that they really do have a commitment to this form of organization versus a traditional shareholder-based organization.
>> Mayor Adler: Do you think there's a -- I guess it's asking what you don't know or couldn't know because we don't have the experience with it. I've heard that it's -- that there's a really marked difference between a city manager in government and a private CEO, that a private CEO never really fully appreciates until they're actually in the position, just the level of public involvement.
>> Right.
>> Mayor Adler: Oversight and the need for engagement and how slow things can sometimes work in the public sector, the contracting differences, all the things that go into it.

[12:13:03 PM]

Can someone make that transition?
>> Look, I think that's a very, very good question, and I would hate to give you a blanket answer yes or no. I'm reminded -- and we talk about private sector verse public. Sitting in a small city southeast of here called Houston, mcgraveen never realized what public was like until he had to deal with the university of houston/ut clash -- this 300 acres he has bought in Houston which he probably could have bought were he still in the military pretty easily and none of us would have known about it and he has this massive backlash from not just Houston but people like the senator who are sitting here realizing I'm here to defend the university of Houston so there's always that risk and it's something we have to be

extraordinarily careful of. That's why when I mentioned you to people who have served in federal government but come from the private sector -- I'll use one name because he wouldn't be right but it's an example, bill white, our mayor of course in Houston for six years, before that went from private sector to being the deputy of the department of energy, where you're essentially running the department. So he, through that experience, learned what it was like to be running a large federal agency with many of the same stress points that you would have managing a city. So we would look for that kind of experience or something similar to that before saying that this is your person. There are industries that are more analogous to yours. You mentioned contracting. Certainly one of the reasons we put it down here, we did the CEO of kbr, a very large contracting company, they worked with governments all the time so they understand the pace of approvals, permitting issues and so forth. While I'm not saying he would be perfect for this job, at least there's a taste of what it's like to work in city government.

[12:15:06 PM]

>> Mayor Adler: Okay. Mayor pro tem, did you have something? No? Anybody else have any other questions?
>> Tovo: I wanted to thank you for your comments about comments, individualswho have worked primarily in private sector and really making sure they have a commitment to the public sector. I think that's really important and I'm not sure that that's necessarily been highlighted in our conversations. I think it's very interesting that we're looking at a path of considering private individuals who are potentially coming out of backgrounds that are very different but that's just a concern I have as well, and I appreciate your highlighting that it's necessary to really make sure they have that expertise. I can think of a couple examples where that's really been a challenge.
>> It has. I'll come back to the university, the academia world. There have been a number of universities who thought they could recruit a corporate executive into that role and it's been, in most cases, problematic because it's just -- it's a very -- because they're of course -- and I'll trend on the political side here for a moment but when we were doing work for university of Texas alleger son, I led with one of my leagues, Horowitz, we had two colleagues very strongly in support of putting a private -- a business person, if you will, in charge of university of Texas at Arlington. And it was about halfway through the search process where to their credit, the lightbulb went off and said, wow, if they don't have support of the academic side of the university, of the faculty, these people will not be successful. And there's an analogy here, right? If you don't have the support of your city employees and all that, it's just too difficult a leap and you risk failure.
>> Tovo: Thank you.
>> And you can't afford failure.

[12:17:07 PM]

>> Mayor Adler: Mr. Casar.
>> Casar: Thanks so much for coming. I have a question for you and sort of analogous question for [indiscernible] Whenever we're done with questions four. I'm really impressed by y'all's experience and work and I don't ask this question to imply that not having done city manager searches is necessarily an issue, but could you explain for me, given that you've worked on fire chiefs, public heaviest private relationships and rail and all that stuff why your firm hasn't or at least isn't listed here as having engaged in some larger city city manager searches?
>> No. That's a very good question. We are a global firm. We're in 38 countries around the world, in Texas since 1976 and as with all companies we pick our stripes and choose where we want to be active.

And up until now, we've had a very minor role in city government-related searches. Not because we don't like them. Just because it's something we haven't done. We've done a tremendous amount of academia, growing amount in city searches, and it's frankly just an area we're beginning to develop now and I think that's -- it's exciting because I think that when you look at the difference a city manager can make and not mayor, it's exactly the same thing that a CEO can make or a ministry can make or university president can make. And so we're in the business of recruiting leaders. It doesn't really matter what the sector is.

>> Casar: Thank you.

>> Mayor Adler: Okay. Anything else? Thank you very much.

>> Thank you, mayor.

>> Mayor Adler: Thank you.

>> Casar: My analogous question for the other group that I -- I think this is in particular for H.R.

[12:19:08 PM]

Y'all have listed here city manager searches for at least in our presentation given to us of smaller cities.

>> Right.

>> Casar: Again, just like with Russell Reynolds not having listed a large -- a search for a large is city city manager certainly isn't necessarily a negative factor but talk me through why, you know, since this is a large city city manager search, why y'all haven't engaged in that work or what sort of work you think could supplement that. And I of course understand that I'm sorry I'm sure the city manager search in Ferguson in 2015 has -- would be very intense work.

>> Right.

>> Casar: But, again, you know, we're a city of probably nine or ten times more the size of some of these cities.

>> We work in large organizations all the time. I worked several times for the city of Fort Worth. Obviously I've worked for Austin. Worked with lake county, Illinois, all the time, a million people there. So we -- those positions haven't necessarily transitioned all that often so the opportunity to do it doesn't come up and it hasn't come up in any of those large places where we've had an established presence. But we have worked in cities of 300,000, you know, been in counties, Marion county, Florida, Pasco county we're currently working with. And I really think that while the size -- and understanding the scope is important, which we certainly do with Austin, the process is very similar. It's engaging with you. It's engaging with your search committee, should you select one, and it's going through the identical process. And I think that understanding that, understanding city councils, understanding the public process and applying what knowledge we already have about Austin would make that transition seamless.

>> Casar: Thank you.

[12:21:08 PM]

>> Mayor Adler: Anything else? Again, thank you both.

>> Thank you. Thank you so much.

>> Mayor Adler: Where are we now some.

>> At this point I do want to say that raffle Anderson was not able to attend. I know two councilmembers did not have the opportunity to hear from raffle Anderson but we did provide information to their offices and a link, and I think they shared similar information so we do encourage you to look at that from the perspective of raffle Anderson but I am -- Ralph Anderson but I am available to answer any immediate questions relative to the Ralph Anderson proposal if necessary.

>> Mayor Adler: Okay. What's the next step in our process?

>> It's my understanding that at this point, council would need to deliberate as to how they want to go forward in terms of selecting a search firm. We have the ability to place all of these entities on an item for council for you to make a selection. Council can meet, decide to select one and put that one on agenda. But at this time, the decision is at the table of council relative to the approach of moving forward to take action relative to the information provided to you today.

>> Mayor Adler: Okay. My suggestion would be that we put it on the agenda for next week. That enables us to go with any one of the three options and we set it on the work session for next Tuesday. Ms. Pool.

>> Pool: Is this the kind of a discussion because it's contract and we're hiring, is it an executive session kind of conversation or is this an open meeting?

>> This is an open discussion.

>> Pool: Thank you so much.

>> I will point out there was one action item relative to the information from councilmember pool, so between now and next week we will coordinate with the three entities to provide that information to you.

>> Mayor Adler: Great. Thank you. Yes, Ms. Houston.

>> Houston: Mayor, and perhaps, Ms. Hays, you can address this. Can you tell me a little bit about the support teams, diversity on the support teams of the three that you've suggested?

[12:23:11 PM]

>> Well, first, I will tell you that gov hr identified the two primary and you see them here today. For Ralph Anderson they identified five of them. I'll have to go back to identify their diversity. I can provide that to you in just a moment as I go through their presentation to determine if it's included. And then, finally, the information that we received from Russell Reynolds was just the primary, and you see him and there was one additional female that was also included in their primary entities. We have not asked them for their additional staff, in terms of that diversity, if that's something that council would seek to have, we can provide that to you from all of the sources.

>> Houston: I think it's important because the diversity in Austin is something that we need to be intentional about and how people go out and relate to the communities, especially marginnized communities that we hope will have a voice in this conversation. We need intentional about what we look like when we go out.

>> We can get that information for you, councilmember. I would also point out in their proposals that were provided, some of the proposals included the level of work that has been done in certain cities relative to hiring of physicians and women and people of color so we can also provide you the information that was included in the proposal that may speak to that concern as well.

>> Renteria: Mayor.

>> Mayor Adler: Yes, Mr. Renteria.

>> Renteria: I hope that you can also send that information to my office.

>> I'll send it out, yes, sir.

>> Renteria: Okay.

>> Mayor Adler: Great.

>> Thank you so much. We hope that y'all appreciate the diversity of Austin.

>> This was very responsive to the request we made, and I appreciate the caliber of the candidates of that come. Thank you, all. All right. Council. It is 12:25. We have some matters to talk about during the executive session. Before we break for executive session, do we want to hit some of the pulled items here, see if we can go through them pretty quickly?

[12:25:17 PM]

Let's go ahead and do that. Ms. Alter, item 4, the ethics review issue.
>> Alter: Is someone from the auditor's office here?
>> Mayor Adler: Let's hold on that until they walk back in. Was there someone that pulled something they just wanted to -- oops. Come on up.
>> Nathan, chief of investigations with the city of city auditor and Corey just arrived.
>> Mayor Adler: Ms. Alter, your question. You pulled this.
>> Alter: I wanted to clarify the meaning on page 4. It says this subsection applies -- this is K on page 4. The subsection applies to an allegation of a violation of city code chapter 2-7, article 2, section 9, interference in personnel matters by a member of the city council, a member of a council, member's direct staff or the city manager. My concern here is the interpretation with respect to the relationship between the council and the city manager. And my concern is not in cases of where it's unethical or it's a criminal case or sexual harassment or anything of that sort, but through the Normal course of what we do, there may be differences of interpretation between the council and the city manager about what is appropriate. And I'm uncomfortable in those cases delegating the adjudication of those situations to the ethics commission.

[12:27:21 PM]

And so I'm-- I'm not sure what the preferred language is, but it seems like the ethics commission shouldn't be involved in adjudicating in those types of situations, and sometimes that's a question of personality, sometimes it's a question of interpretation, but I don't want to open up the door for every time there is a difference in interpretation that that goes to the ethics commission rather than being something that we as a council work out with the city manager as a matter of moving forward.
>> As currently worded, I believe it -- so it applies only when there's violation or a potential violation of the city's code of ethics and that would be the only piece of this that applies directly to the city manager. So it would only be in cases where -- and in the code of ethics there's specific instances, for example, conflict of interest, misuse of city resources. So it should only come in when fraud, waste and abuse primarily from our office's perspective are involved, that that would go to the headset, and that would be -- ethics commission, that would be true not just for the city manager, but any city executive. Any provision of the code of ethics would go to the ethics commission ultimately.
>> Alter: Part of the reason I'm concerned if you look at city charter article 2-9, the section that's referenced in there, it says, except for the purpose of inquiry and investigation the council and its members shall deal with the administrative service the city solely through the city manager.
>> Right.
>> Alter: And it seems like that opens up a whole slew of issues that are not the intention of this change to the ordinance. That really do get at the relationship between council and the city manager, and I'm not sure that's something that we want changed via this ordinance.

[12:29:29 PM]

And I don't know what the fix is, but I am concerned about that language and allowing it to move beyond those cases where it clearly needs to be there for the ethic collapses and criminal cases.
>> I guess the genesis maybe, where this came from, that particular thing about interference in personnel matters was a concern now back a while ago that there's really no enforcement mechanism for that provision. And certainly my office would say we are not the enforcement mechanism, we're not

independent to investigate the city council, and so that's where that came from, was really what mechanism is there if a violation of that provision occurs. And at this point there is none.

>> Alter: I'm not questioning the impetus for making these changes. I think there's unintended consequences we AAS a council might be uncomfortable with and I would like to make sure the language is not making this so broad that it's going beyond the scope of what is intended. Because there are these other -- these other pieces and perhaps another councilmember who has a little more experience with this has some other things to add there, but that was kind of my first point that I wanted to make, and I don't know if anyone wants to jump in on this point. I do have a couple other much smaller questions but I think that one really does lead to broader questions of the separation of powers and issues that I'm not sure that we are intending to go into with this change in ordinance. So I don't know.

>> Mayor Adler: [Off mic]

>> Councilmember, I'm happy to work with you and look at the language you're concerned about. Of course any time you have any question about where that line is what's the prerogative of the council verse a manager we would be able to help you on that so I think the ethics review commission is the only body that really has any authority over -- for y'all.

[12:31:46 PM]

>> Pool: So who would define what interference is? Ms. Stokes, who would define what interference is?

>> I would say we would consult like we do with any of our allegations we would consult with the law department to determine whether or not -- and not so much whether or not a violation occurred because that would really be the job of the outside investigator, but even is this something that, if it did occur, would it have constituted a violation of that particular charter.

>> Pool: I think council is really clear that we don't have any authority in hiring or firing or disciplining anyone that we don't -- other than the five that answer to us. Is that kind of the area that you're -- that this is aimed at? Where a councilmember clearly has overstepped his or her bounds?

>> I think the idea was, we had concerns about our office's Independence to -- if we received an allegation of a code of ethics violation against a councilmember, we report directly to the council. We're not necessarily the right body to handle that. And so the proposal was then to hire an outside investigator for this. But certainly there would be prevetting between us and the law enforcement to determine -- law department to determine whether or not to go forward.

>> Pool: I think I'd like additional conversation about that too before I'm comfortable that I completely understand that. I had a couple other questions and I'll defer back to my colleague and then see if she asks them. If not I'll jump back in.

>> Mayor Adler: Just before we jump back, help me understand. Can you say real simply, what is the concern? Where is this and you may have said that at the beginning and I missed it.

>> Alter: So my concern is in the language that's proposed on page 4, section K, it says that it applies in the cases of city charter article 2, section 9.

[12:33:50 PM]

If you go and read article 2, section 9, it seems to have implications for broader relationship issues between the city council and the city manager, and my concern is not in cases where it's unethical, clearly unethical behavior, criminal behavior, but through the matter of the course of our work there's a matter of interpretation that might be better worked out between the city manager and council.

>> Mayor Adler: I understand.

>> Than brought to the ethics commission. I don't want to leave the door open that in the case of a future city manager where there's an opportunity for there to be this tool used selectively and it interfere with our ability to perform our functions.
>> Mayor Adler: I understand.
>> Alter: Just because we you didn't see there was this extra clause when you actually look at article 2-9 which seems to imply it goes beyond personnel matters in as it's written. Again, I am not a lawyer.
>> Mayor Adler: No, no. I understand. That was helpful.
>> Alter: It's something that concerns me in that regard.
>> Mayor Adler: Thank you. Mayor pro tem, did you have something?
>> Tovo: No. I needed some clarification.
>> Mayor Adler: Okay. All right.
>> Alter: The other questions I have are probably much more strike that. More -- much more straightforward. I understand there was a change in page 1, 17, partisan city political activity that says involved in a -- that city auditor may not be actively involved in a campaign for city elective office. I'm wondering if we could street strike city and it could be any city office, why weather it's a city or county level position casts doubt on the impartiality of the auditor.
>> Mayor Adler: Where was that line again? I'm sorry.
>> Alter: Page 1, line 17.
>> Mayor Adler: Page 1?
>> I'd defer to our attorney on that one.
>> Mayor Adler: Okay, thank you.
>> Tovo: Can we talk about that one for a minute?
>> Mayor Adler: Mm-hmm.
>> Tovo: I'm just -- I have to think through that one a little bit because I don't want to -- you know, we all have our professional work and then we all have our -- the work that we might do in the community and our own personal interests and I guess I'd want to understand what that and if that's typical.

[12:36:11 PM]

I'm not sure if our city auditor can provide us with perspective from other areas. Does that mean we would ask our city auditor not to get involved in endorsing candidates at other levels? I assume that would be the case. I wonder where the line is for, you know, discouraging their own political speech, and I have to think through that one a little bit.
>> Maybe the auditor can explain why -- what would the shift where --
>> I would defer to our city attorney's office on that. That's not a change that I'm familiar with. I could certainly look into -- I don't know of restrictions on that for other starter city auditorrings and many are elected so that creates a whole different kind of situation there, but I could look at other auditors with similar reporting structures to ours and see what the requirement are there.
>> The cleanup language is really because this said partisans political activity and I think the lawyer was just trying to create a clarification of the language. Nevertheless, the restriction is really a protection of your city auditor so that the auditor is not caught up in any city political elections. But of course people have the right to first amendment on their own time, not on city time, for other kinds of campaigns to be active in a presidential or senate race or that kind of thing.
>> Mayor Adler: I'd have to think through this too because as I read this there's a lot of other elections that the city has that are not elective office. And those other elections that are not elective office seem to have been covered under the first but might not be covered under the second as it's changed. So I agree we shouldn't be catching somebody who has a bumper sticker on their car in a presidential election, which might be covered -- which is -- we don't want to bring that but at the same time we

might not want someone in this position who is being actively involved in a city election other than for elective office.

[12:38:22 PM]

I think thinking about those words would be important.
>> And that prohibition is the same for other city folks, for the city manager, for me. And it is a protection of your employees.
>> Mayor Adler: Does it say campaign city elective office or is it broader.
>> I think it's city elective office and we'll check for sure.
>> Mayor Adler: Okay. But you understand? Okay.
>> [Off mic]
>> Alter: Those are helpful. Clarifications. I was trying to understand a little bit better. I think there is an argument to say that the auditor should be impartial because of their particular role, and I'm not sure where that balance is that I was trying to get further clarity on that.
>> One thing on that, sorry to interrupt,.
>> Alter: Sure.
>> In addition to all the requirements within city code, both the charter and code require to say a very long thing called the yellow book and within there there are requirements beyond what city code requires in terms of our Independence, objectivity, what we can and can't participate in, kind of an additional safeguard beyond what you see here.
>> Alter: Did you want to jump in at all and I'll come back if you don't ask?
>> Pool: Sure. I wanted to look at page 10, line 277.
>> Mayor Adler: I'm sorry, say it again.
>> Pool: Page 10, line 277.
>> Mayor Adler: Thank you.
>> Pool: This one goes to helping -- providing legal clarity and guidance to the public. And the change says that a city official or employee may request and the city attorney shall there upon promptly issue a confidential written opinion concerning the meaning or requirement of this chapter as it affects the official or employee and then except the city attorney and it looks like my document isn't giving me the second page on that.

[12:40:33 PM]

My question --
>> Mayor Adler: I'm sorry, I'm not following. I'm sorry. Page 10 of 16?
>> Pool: You know, I'm looking at -- I'm not looking at the ordinance. I'm looking at a document on my laptop.
>> Mayor Adler: What about a part number or section number?
>> City Tom, law department. I think the section that councilmember pool is referencing in the ordinance draft is part nine on page 9 down at the bottom. Starts at line 27.
>> Mayor Adler: Great. Thank you.
>> Pool: Okay, thanks. So first off, we're removing the provision that a candidate for council can get advice on campaign finance and ethics from the city and I would think that would be important for someone who was running for the office to have access to understand our ethics and campaign finance rules. Am I reading that correctly?
>> Councilmember pool, city attorney, please jump in if your understanding of this is different than mine, but my understanding is that the law department has not, despite what it says in the current

section 2731, that the law department has not given legal advice to candidates whether those are councilmembers running for re-election, we try not to give them advice in their capacity as candidates, or whether it is brand-new people who want to be on council and haven't been on before. So, again, correct me but because we don't want to use public resources for political campaign purposes we in practice have kept that separation.

[12:42:41 PM]

So really we look at it as just sort of a cleanup of a code provision that may have been kind of misleading.
>> That's correct.
>> Pool: Thank you for that. And I did have a conversation about a year ago when we were working on some provisions of our campaign finance and ethics reform, ordinance changes we were bringing at the time, and I wanted to have a conversation to talk about our campaign finance rules and ordinance as a program as opposed to a law so that we would empower city clerk staff to know as much about our campaign finance rules and regulations from a progress attic stance they could be asked and answers with some authority questions that may -- I think that's the piece that's really missing, and I thought rather than thinking of it as legal advice, we could think of it as describing a program or what are the elements of a program. And maybe that would get us around that obstacle where I understand the city attorney works for the city and for the council but not for the -- they don't provide legal advice to the public. Would it be possible to look at this as a program as opposed to a legal -- legal advice?
>> I think I understand the concept that you're talking about. I'm not sure that this provision would be pertinent to that.
>> And I would just say that the law department does give legal advice to the clerk's office and when we're in an election season the clerk's office may be getting a lot of questions about a particular topic related to, say, campaign finance. And if they feel like they need advice from law on how they should interpret, that they come to us and we do advise the clerk's office. In the past the clerk's office has even created faqs, frequently asked questions, that they've gotten related to elections and campaign finance and put that on the web so that all candidates can see those faqs.

[12:44:56 PM]

So that's my understanding of what has been in place so it may address some of your concerns.
>> Pool: Okay. So this is really helpful and possibly also if councilmember alter was looking at this as well. So your -- these are cleanup provisions that better describes the reality and draws brighter lines for our attorneys, staff, and the public, so what can and can't be -- what help can or can't be offered. I do think that there's something we can do, and I'll continue to pursue it. It was on my list about a year ago to try to pursue the programmatic -- I do know that when -- two years ago when questions were asked, staff just said, you know, we can't answer your questions, and so people just didn't even -- you know, they were referred back to the language and, you know, that was not as helpful as I think the city wants to be. So I'll -- I had talked with the city clerk about the program and a brochure in the past, it was about a year ago, I guess, give or take.
>> Time flies.
>> Pool: Yes, it does.
>> So just to kind of give you a brief -- I mean, what we worked on with law for this last year was really trying to figure out the line between what is legal advice and what is explaining and answering questions and making sure that people who are required to do certain things because of city rules, we can share

that information. So hopefully we did a little bit better job in this last election, especially with the electric data -- electronic data filings.

[12:47:00 PM]

We met a lot with individual filers to answer questions and help them fill out the forms and different things like that. We are looking at potentially expanding that with guidance from law on, again, balancing that line. And so we're actually looking at are there things that we can do that would be, like, a webinar or YouTube video, things like that that people wouldn't necessarily have to come in and talk to us but if you're filling out a format 10:00 at night you could go and pull up some type of tutorial that's available online. So we got lots of ideas. We just got to get them all designed and in place.
>> Pool: That's great. And I think there were fewer questions this go-around than two years ago, as far as people not feeling like they could --
>> Definitely because we had a lot fewer candidates. And some candidates were repeat candidates, as councilmember Flannigan can attest to.
>> Pool: And I think that's key there, right there, it's familiarity with the program and having gone through it once you're better at it the second time around. What I'm hoping to do is eliminate the criticisms in the public that this is such a complex ordinance that, you know, it defies anybody's understanding because I don't think it is. Some of it is just getting around the legal language and the formatting and stuff but when you talk about the program, you -- people are able to get their arms wrapped around it and can actually manipulate -- maneuver within it properly.
>> Our challenge is balancing state forms versus city forms because if you talk to tec, I was just at a seminar last week, and a representative from tec says if you get questions, direct them to us. On their forms. And we know sometimes they don't answer their phones always.

[12:49:03 PM]

So it's trying to balance, you know, being helpful and not getting ourselves in trouble.
>> Pool: And I think you guys do a good job at that. Thank you. That's all I had on that one.
>> Houston: Thank you, mayor. And thanks to councilmember alter for bringing this up. It doesn't sound like this is ready to be moved on Thursday. There's some outstanding questions, and I'm not sure if there's a need for this to go on -- I mean, for us to vote yes or no on Thursday. But now that you brought it to my attention, I have some questions that I need to kind of think through. So is it some urgent need that this needs to be adopted on Thursday?
>> There's not an urgent need. I think that the stakeholder process, everybody who has been in the stakeholder process has read it and checked off on it and been happy, but it's completely up to y'all. There's no urgency.
>> Houston: Well, but do you all hear the same questions that I'm hearing about some unreadiness here? That's all I'm asking. I'm hearing some unreadiness from some people.
>> Mayor Adler: I'm hearing the same thing, and I think it might take more than just an evening with everything else that's on the agenda to square this. So if we can just but the it back for a week that would make sense to me as well. Yes, Ms. Alter.
>> Alter: I have one last clarification, and this is I think part ten, section F, falls under the complaint, where essentially you've lengthened the amount of time that -- I think it's the ethics commission has to respond and having five working days instead of three and that preliminary hearing now happens in 60 days instead of 20. And I'm wondering if that applies in the case of candidates when they're in the midst of an election campaign? I understand the need to have more time to respond and our ethics commission are volunteers and whatnot, but I'm concerned that in the course of a campaign

lengthening it from 20 to 60 days really does impact the ability of the voters to make a decision based on that complaint or the fairness to that candidate to have a chance to clear their name if it comes up in the papers.

[12:51:19 PM]

And so I don't know whether this subsection applies to candidates. If it does, I would be interested in some sort of different treatment for candidates during the course of a campaign. But I'm not sure the scope of the application.
>> Councilmember alter, I can speak to that. I'm the executive liaison for the ethics review commission, as well as their legal counsel. I will say that the change with the complaint process is mostly to allow the chair to make an initial jurisdictional determination. The way the city code is written right now, the commission has to hold a hearing within 20 working days of receipt of the complaint, for the most part, even if the commission receives a complaint, which is clearly outside its jurisdiction, there is no way for the commission to make an initial determination without holding the preliminary hearing and so that's part of the issue that this section is intending to address. With regard to the timing for the hearing, it was 20 working days, which is essentially 30 days, calendar days. It's changing to the 60th day and that's really just to acknowledge the practicalities of scheduling that sometimes come up with the commission. I will tell you that the commission's practice, when it receives campaign finance-related complaints against a candidate, when we're in an election season, is to set those for hearing as soon as humanly possible. Just because the commission is aware that it might have an impact on the election. So the commission, myself, working with the chair will always try to set -- you know, generally the practice would be to set a complaint for hearing at the next commission meeting, which their regular meeting schedule is to meet once a month.

[12:53:30 PM]

They have called special meetings in the past when they had a very large number of campaign finance complaints to address that. So, for example, in the fall of 2014, we had, I think, 78 council candidates, which was a very large number, and the commission received many, many, many more complaints related to the candidates and campaign finance than they ever had before, and at one point the commission was calling special meetings and meeting every two weeks in order to address those issues. So I think just by way of commission procedures, the commission will absolutely try to set a complaint related to campaign finance for hearing before the election if it is possible to do so. If it's received in enough time before the election to actually, you know, have the notice and get a quorum together and call a special meeting, if necessary, the chair has that power. He can always call a special meeting if there's not one scheduled.
>> Mayor Adler: Okay. Any other questions on this before we move to the next item? Thank you. Thank you, staff. The next item that we have pulled is item 12. Mr. Flannigan.
>> Zimmerman: I just had a question about this because it seems like in the same agenda we're combining esds and then creating another esd. And so if I've got that reading wrong, can someone help me better understand what this item number 12 is doing?
>> Good afternoon, Kerry grace, law department. State law permits petitioners to petition the county in this case to actually create a second esd that overlays an existing esd and that's what this and this has quite a bit of background that predates your serving on the council.

[12:55:54 PM]

Esd chief Ken Bailey spoke with council I think about a year ago concerning annexation of the holt track and council agreed to delay that in order to permit these folks to come up with a plan and they're here if you would like to hear anymore details from them. They're happy to answer your questions as well.

>> Flannigan: Can you be sure to send me any backup that I've missed having not been on the dais so I better understand?

>> Sure, yes.

>> Flannigan: If there's context I'd really like to know it.

>> Sure, absolutely. There's quite a bit of context.

>> Houston: Mayor.

>> Mayor Adler: Yes, Ms. Houston.

>> Houston: This is not on item 12 but on item 8. On Thursday I'm gonna be asking for a 2-week delay. The mayor has seconded that for me because there's no backup. There's a lot of financial information that we don't have that you need to have because we've given one set of information last year about a million dollar gap and now there's no gap so there are a lot of things that I have not received on item number 8 so I'll be asking for a two-week delay so that we can hear -- get the financial information and other things that need to happen. Especially about whether there's a modified training academy or full academy. There are just a lot of unanswered questions that I'm sure they've worked on but I don't have that information here.

>> Maybe just as a point of information there will be a briefing at 10:30 Thursday on the esd board just as a start.

>> Houston: Correct. But eight is on the consent calendar, which is to go ahead and initiate and execute before we have the briefing.

>> Mayor Adler: And I think if that's okay with that delay, as I understand it -- I understood it so that will be moved. Yes, mayor pro tem.

>> Tovo: I just want to be clear. Councilmember Houston, you are going to request a postponement of item 8 and 12 or just eight.

[12:57:59 PM]

>> Houston: Just eight.

>> Tovo: Okay, thank you.

>> Mayor Adler: And I would still expect we'll do that briefing on Thursday because I think we need the briefing. Yes.

>> Troxclair: I guess our staff has already left but I wouldn't have minded to have a brief overview of the background and context of item number 12 either because it doesn't -- I do remember -- I mean, the reasons -- the reasoning for this item, as I remember it, is the city is annexing a specific piece of property I guess for the property tax revenue but not the property around it. And it seems like we're creating a more complicated situation and maybe -- anyway, I have concerns about it too. So I was -- I saw when you pulled it that we were gonna have a discussion about it and I would be interested to hear your perspective and your questions.

>> I think concerns are very similar to questions. So I think I have questions and you can have concerns and we'll figure it out.

>> Pool: Mayor, there was a really good memo that chief Bailey provided, and I don't know if it got to the new members of the council or not, but this is a situation where through annexations the contiguous nature of esd 4 has ended up with I think five separate islands of service that a year or two ago the esd was looking to us to take over the esds and absorb them into our service provision. And in the meantime, at the time it looked like there was a gap of about a million to a million and a half dollars in what the costs would be versus what esd 4 could bring to the table. It was discovered earlier this year

or late last year that an additional penny of tax had been levied and collected for the esd but hadn't been transferred from the controller's office to the esd, and that changed the amount of money that was available for the esd.

[1:00:09 PM]

And that was all in the memo. So I think y'all should --
>> Troxclair: I think that's item 8 and he was talking about item 12.
>> Houston: Thank you so much, councilmember pool, but you're talking about 8 and they're talking about 12.
>> Pool: Okay. Esd 4.
>> Houston: Eight is four, 11 is item 12.
>> 12 is 15.
>> Mayor Adler: 12 is 15.
>> Pool: So the question was why are we taking one in and creating a new one, and so the background in why we would want to -- because I support the -- absorbing esd 4 for all the reasons that are in the memo from chief Bailey, as far as creating a new esd, my understanding is there's some new areas that need that service. But they're not linked. I mean, they're not the same geographic area.
>> Flannigan: I understand they're not linked. I was seeing two items about esds on the same agenda and felt I wasn't fully prepared. That's all.
>> Mayor Adler: Did you have specific questions that you were considering?
>> Flannigan: [Off mic]
>> Mayor Adler: Okay. Yes.
>> We'll get the background information in the q&a so that it's available to all the councilmembers.
>> Houston: Mayor, just so -- as people speak for me and on my behalf in my district, one of the things that we need to be aware of is that there's several other esds being formed in and around the city of Austin, and whatever we do with esd 4 will be a template for how other esds are consumed or absores into the fire service in the city. That's my impression that is we go through this we just need to be aware of that.
>> Mayor Adler: Okay. Any further questions for staff while we have staff here? Thank you for coming back. Next pulled item we have is item 21.

[1:02:14 PM]

Ms. Troxclair.
>> Troxclair: Yes, thank you. So this is the city facilities hauling contract. I am just trying to understand where we are with this item. A couple of questions. I guess the first one is it seems -- my understanding is that this new contract is for significantly more than our last contract for similar services. So I have questions about price. And I know -- and, secondly, I know that there was a contract that came to council I believe while I was on maternity leave unanimously denied by council with a request that arr come back with answers to some of the council questions, and it looks like that contract is included with this agenda item but unchanged. So I didn't know if there was some explanation there. Then I also saw that the zero waste commission unanimously denied this item. So I just want to understand where we are and why it's -- actually I guess why it's coming before council with seemingly little -- without having addressed maybe previous concerns.
>> Interim director for the Austin resource recovery. One of the reasons we're bringing this to you and -- again, and actually delayed until February 16 was that the chairman of the zero waste advisory commission had asked us to take this back so that they could have another look at it. So since then what

we've done is that we have separated the costs based on the different services that -- or different parts that are included in this contract. For example, there are four parts, city of Austin department facilities, another part is emergencies, another one is special events, and then the last one is Austin energy's nonhazardous waste.

[1:04:28 PM]

So with each one of these, we also included the cost estimate associated with each one of them so it would make it a little easier for the commissioners, as well as for you to tattle it and decide -- take a look at it and decide are you want to keep them all together, take some out or if you want to take, for example, you know, one out and we can bid that again. Now, we've heard -- excuse me. We've heard some complaints especially under special events that it appears that maybe the city is competing with commercial, with the vendors. I can understand that and one of my recommendations would be why not just take that out of this contract. Again, it's up to you as council what you want to do with any of this, but we thought it would be a lot easier to just separate everything and put it in front of you and take a look at that.
>> Troxclair: Did you say it would be postponed and you'd bring it back February 16?
>> I believe it's on the 16th, right, yeah.
>> Troxclair: Okay.
>> That would give us a chance to take it next week to swac, to the commission, for them to take a look at it. I've discussed it also with the chair.
>> Troxclair: Okay. I guess we'll see what happens at the commission then.
>> Certainly.
>> Mayor Adler: So you're not intending for a vote on 21?
>> I'm sorry?
>> Mayor Adler: 21 is gonna be postponed?
>> Right.
>> Mayor Adler: Thank you.
>> Sure.
>> Mayor Adler: Thank you very much.
>> Thank you.
>> Houston: Mayor, I have a question before they leave.
>> Mayor Adler: Yes.
>> Houston: Thank you for being here. We talk about organics. Is that at all city facilities?
>> Yes. There's several city facilities that's included in this contract, including city hall. And so --
>> Houston: So if we remove the items that you're talking about, organic collections would still continue at city facilities, including this one?

[1:06:36 PM]

>> Yes.
>> Mayor Adler: Yes?
>> Houston: Thank you.
>> Tovo: Mayor, before staff leave would it be acceptable for know ask a quick question about simple recycling of them.
>> Mayor Adler: Yes, go ahead.
>> Tovo: Do you have any update? It sounded like some of the nonprofit stakeholders were meeting yesterday. Did you have an update for us about outcomes from that discussion, those discussions?

>> I believe the nonprofits, they met. I don't know who showed up. I wasn't there. But, anyhow, they met yesterday. And today the staff is supposed to meet with simple recycling as well as nonprofits. And to discuss what happened and if they can come to some kind of conclusion. We can certainly report back to you on Thursday.

>> Tovo: I appreciate that. Yesterday was just stakeholders, I wanted to say thank you for sending along the list of nonprofits. It was extremely extensive so thank you for highlighting that and also providing it to us.

>> Mayor Adler: Okay. Next item. Let's go to item number 40.

>> Pool: Thanks, mayor. I want to lay this one out briefly. The resolution fulfills an important part of our long-term energy goals by designing and constructing sustainable efficient buildings by making them solar ready. And so we want to designate sections -- a section or sections of building roof tops so they can easily incorporate a future installation of solar. Other jurisdictions have done this, state of California, Houston, city of Seattle, these are amendments to the energy code. The aim is for this to go into effect October 1 of this year. The building industry have registered some concerns that the October 1, 2017, date may be too ambitious a time frame. So I want to talk with staff about working with the stakeholders to determine a most feasible time line and just to reiterate my intent is to have this only apply to cases that enter the system after the code amendment goes into effect so we're not looking at bringing in things that are already approved.

[1:08:56 PM]

>> I'll take the lead, Debbie Kimberly, vice president,
[indiscernible] Council may recall that we first discussed this at the may Austin energy electric utility oversight committee and it was determined prior to that point this would proceed on a separate track, precisely to address the point that councilmember pool raised. That is, the need to engage stakeholders. Since that time, we have spoken extensively with the homebuilders association of Austin hba, as well as the Austin chapter of the American institute of architects. And I believe, thanks to the good work of the development services department, as well as the green building group, which helps manage this, we've reached a fair amount of agreement with those two key stakeholder parties. The elements in the proposed code address exceptions that include things such as smaller smaller -- smaller roofs, shading, the ability to support the load, the ability to have to move equipment, and so as such we believe it is affordable and certainly does not mandate solar be installed on structures. That applies only to new construction, both residential and commercial, and the deferred effective date is intended to provide dsd, development services, with adequate time to prepare for the review of plans and designs that would be coming through the system for new construction. I would note, too, that unlike the city of Houston this proposed code amendment would not require that conduit be run, merely there be adequate space available should a customer choose to install solar in the future.

[1:10:56 PM]

>> Mayor Adler: So my reservations on this don't go to the substance of it. It's that it was posted and now it's up to be discussed on Thursday so I haven't had the chance to be able to interact with any of the stakeholders, and I don't doubt that the conclusions that you've reached are reasonable conclusions to be reached in that context but in a five day period of time, four day period of time, there's not the ability for them to be able to come talk to me and me be able to talk to them to be able to know so probably if council wants to move forward with this on Thursday, I would bring the same kind of amendment I brought before, so as to make sure that we're not deciding any of the policy issues, but them not be prescriptive in what we were doing and I'm fine, if we handle these kinds of things that

way, where we say this is an issue and some people have solutions to it or we're not gonna be prescriptive so as to make the board or commission or whoever is gonna review it that we've actually had a chance to decide those issues.
>> Right.
>> Mayor Adler: Or postpone it. One of those two. I think just as a matter of course for me.
>> And I believe, Mr. Mayor, to that point, the intent and as the sponsor of this resolution, maybe councilmember pool can speak to that. The intent was really to direct staff to develop the elements of that code and it would need to proceed through -- and I've got the expert sitting to my left. It would need to proceed through plumbing and mechanical board as well as the electric utility commission, the resource management commission, so there would be that dialogue before the specific code is developed.
>> Mayor Adler: And I know there would because -- I just want to make sure when it gets to the plumbing commission they don't think the council has decided this is a good idea and if the resolution passes the way it's worded right now one would be able to imply that as a council we think it's a good idea.
>> Understand.
>> Mayor Adler: As opposed to this is something we want to discuss and tell us the strengths and weaknesses, tell us what's good, tell us what's bad.

[1:13:00 PM]

That's not how it reads so, again, I would like to come forward with language that either makes it clear that we're not taking a stand on the substantive issues or directing staff that we've made those kind of value judgments or policy judgments, that this is what we want you to come back with because it may be that we want you to come back with reasons why this is not a good idea. Or if we're going to be making policy decisions then I need more time to be able to do it than to be able to speak to stakeholders and other people that are involved because five days doesn't give me enough time to do that.
>> Pool: And I appreciate that, mayor. I will say that we have two other recommendations from 2016 that both the resource management commission and electric utility commission recommended adoption of these requirements and so what our action, our one action for be it resolved is simply to initiative the amendment to the energy code. And I think there's deadlines. This is an update to the energy code that needs to be accomplished and did you talk to us about this in the Austin energy oversight committee last fall?
>> We did. So the 2015 international energy conservation code or iecc, became effective in September. So that is now in effect. The residential solar ready provision currently exists as an appendix to the code, but we determined that this was important enough to take on a slower, more deliberate track so that we could engage stakeholders as well as other city departments to whom the implementation falls.
>> Pool: So I'm fine if you want to delay it a week, you know, or depending on what we decide on Thursday. There has been significant discussion in the community about this and I think one or two other resolutions that we were looking at.

[1:15:08 PM]

I think the next one -- Teed up the next one is the plan review inspections of enforcement of the city's energy code. These are all coming to us for formal action because they're needing to be codified and updated.

>> Mayor Adler: And my comment on those would be exactly the same. It's not a question of the pedigree because I know it went through those boards and commissions and I think that's important and it's helped to refine it, but now what it -- when it gets to the council agenda it goes to a constituency or to a part of the public that is broader than folks that might be looking at the agendas on plumbing, board and commission, it's just a broader group. And I'm fine either postponing it to look at it or just putting in language that makes it really clear that at the next stages of the process it is also perfectly fine for any of the boards or commissions to come back with a very different kind of conclusion because we're not making, as a council we're not weighing in on that now. But I have -- I don't want to slow it down, the process. I'm fine it going back to all those other groups. And it's not tied to this item in particular. It's more of just a general -- and this isn't new. This is what I've said on other things too. So I'll come forth with language that I think would clearly make it so it's not prescriptive.

>> Pool: That's great. We're simply kicking off the amendment process which does all the things that you are describing. And as for this and also for item 41 specifically. We're not directing that anything particular happen outside of what previous resolutions or our community climate plan or our stated intentions have already for years had in place.

>> Mayor Adler: I'll get you some language that I think --

>> Pool: That will be really helpful. Thank you.

>> Renteria: I also want to see that. You know, how much is it gonna cost. How much it's gonna cost, how much is it gonna increase price of the homes. A lot of these homes now where being built in the east side part of Austin.

[1:17:13 PM]

There's a lot of development going down there and basically the people that are moving out that way are the people that are being dislocated from the inner core of the city because they can't afford to stay here anymore. We're gonna be increasing their costs and they never had an intention of putting solar, then what -- how much is it gonna add on to the cost of building a house? So I would like that included also. Thank you.

>> Mayor Adler: Ms. Houston?

>> Houston: Mayor, two things. Do we have any idea when we might break for lunch? That's the first thing. And the second thing is we talked about this earlier last year about meeting management and that may go to d2 because we said if you're gonna send us something on a Friday and want us to vote for it on Thursday that's not enough time for us to get information and get the backup. So I thought we had solved that but here are two things of that come late in the day and we need to have a vote on them and I still need to talk to my commissioners on one of those committees that are not in agreement. I need to understand what his concerns are. So we need more time for things to get on the agenda before we get them on a Friday and need to vote on them on a Thursday, even if we talk about them on Tuesday that's still enough time to digest and process all of this.

>> Mayor Adler: This was an item from council, some come from council, some from forestaff. I think when we talk about the committee or meeting agenda structure that's one of the things I'll be asking us to adopt. Anything else on this item? Okay. Then let's -- thank you very much. Next item we have is item number 41. Do you have some -- hang on a second. Might be the same --

>> Councilmember pool, I think you referenced it so I just want to understand. So the energy code not specifically about solar was updated last year.

[1:19:14 PM]

So now we're -- and that was adopted by council without a conversation about the staffing costs?

>> Rodney Gonzales, director for development services department. Yes, it wasn't improved with the -- approved with the discussion of dsd taking on responsibilities for review and inspections, greater responsibility. That's something we've been working with Austin energy on for, like, the last year, and so we've been having conversations with them since then about us taking on a greater role. And so we've committed to working with them to figure out what those resources are that are required to do a greater review and inspection role from our department. And of course what those costs would be.

>> Flannigan: So the staffing options that it lists in the resolution would also include a reproduction of staff on the Austin energy side?

>> We'd have to bring Debbie Kimberly to respond to that question with regard to ae's responsibility.

>> Flannigan: It's a transfer of responsibility, seems like it might be a balance.

>> Or it might be a -- accommodating within our budget the ability to assist. So as y'all see the building activity in Austin continues at an unprecedented clip and I know that is straining my staff and I know it's certainly straining Rodney's staff. There's more than one way to skin a cat. My folks go out and do a fair amount of inspecting, but I really don't have inspectors on staff. We do have an agreement where we provide funding to dsd to accommodate their needs, but what it may come down to is frankly just people, full-time equivalents, people within --

[1:21:18 PM]

>> So the -- the report that we'll get no later than March 1 would detail what we're kind of walking around here?

>> Absolutely. You'll get detail as to what's existing and as Ms. Kimberly pointed out we do have an agreement currently with Austin energy, a dated agreement that has an old running figure for us so we want to make sure we update that, as well as what it would take to assume this greater responsibility for review and inspections.

>> Flannigan: Excellent. Thank you. I'll look forward to that report.

>> Mayor Adler: Then just -- high level again, talking more not so much about this but about process, process generally, to the degree that this is coming back as an adjustment of income or revenues within the department, while it requires a -- perhaps a budget amendment to be able to accomplish that because it's changing, I don't know whether it does or not, but it doesn't require a budget amendment that has us spending more money, and I see those as being different. I'm always hesitant to have a budget amendment in the middle of the year just because I think as soon as we start that I don't know how to stop that but I say that, for me, a real high priority is making sure that you have the ability to be able to process these. So I hope that there's gonna be a way to be able to do it without requiring a budget amendment that calls for money, and I can see myself -- and you're shaking your head that makes it sound like that did happen.

>> I do not want -- I mean, my own preference is you accommodate that through the budget process. You do not take it off line. That would be my strong preference. Until such time as, you know, the budget is approved by council, all of its various parts, we just figure out how we get it done in the interim. That's my preference. Because you're absolutely right, and I am a recovering finance person. Once you start then -- I'm seeing a smile from the interim city manager. Once you start that process you just open up the flood Gates.

[1:23:19 PM]

>> Pool: If I could clarify, it wasn't my intention to do a budget amendment. We just want to know what's the target we'reiming at and because we have to plan for that in our budget deliberations. And the sooner we know about it, the more we'll -- familiar with it we'll be.

>> Mayor Adler: That sounds good. To the degree you can figure out how to make that happen sooner than September, I would love for you to do that. So this is not a substance question I was raising, just a process one.

>> That's part of the conversation that we've been having with Austin energy, how we might accomplish this. And there are different ways, as miss Kimberly has pointed out, one is through resources, of course the other thing that we have at our -- as a tool is to maybe even extend the review times to allow for this additional review to take place. You know, what we want to do is make sure that the options are considered, not just as, like, an adding resources perspective but what are some other measures that we can do to accommodate this. And so we'll be working with Austin energy to look at that, to -- and to decipher what the additional review and inspections are. Currently from our inspections standpoint, we try to get 90% of our inspections done within 24 hours if this is gonna impede that target we'll come to council and say we can't do it 90%, maybe 80%, something of that nature or additional resources we'll need to continue to make that performance standard. We'll work through that with Austin energy and bring forward options.

>> Mayor Adler: Okay. Thank you. Mayor pro tem, did you -- so the last item we have is item 57. Thank you very much. Ms. Alter.

>> Alter: I think we addressed this earlier.

>> Tovo: Mayor?

>> Mayor Adler: Yes.

>> Tovo: Before we move into executive session could we just take a couple minutes just to look at the agenda and talk about what we think are gonna be discussion items? I made a little list just as we went through of what it sounded like were gonna be discussion items and those number 4, the auditor item.

[1:25:23 PM]

I have a question about 42, 45 is simple recycling, 46 is the parkland task force, possibly there will be speakers or questions. I'm not sure. 56, was a time certain for what time?

>> Mayor Adler: 4:00 P.M.

>> Tovo: 4:00 P.M.? And those were the items that just occurred to me. I wasn't sure if others had ideas about what might --

>> Mayor Adler: The ones I had were number 4, but we -- it may be we're putting that off a week to be able to work on the language on that. The esd issue I'm not sure that's really gonna be ready to move forward on. So that would be 8 and potentially 12. The -- consistent with conversation we just had with respect to 40, 41, clarifying the language, it's not prescriptive on those. 42, I don't understand well enough yet to be able to react to. So I'm not sure about that. The txdot contract I think is gonna be put off because we'll does for more time to be able to talk. That was my -- the txdot contract I think is gonna be put off. Yes? And then --

>> Tovo: It's my understanding that 58 will be postponed. It hasn't gone to planning commission.

>> Mayor Adler: I think 57 is postponed.

>> Tovo: I just wanted to say on 19501 question I have -- 42, one question I have and I know the sponsor is not here so I'll ask it and web talk about it Thursday, it has a clause that would waive consideration by the planning commission and I'm not sure that we've ever done that before, and I really want to understand the reasons for that. And also whether, you know -- whether we might want to just raise for consideration whether we want to, again, a precedent of sending things through a process but waiving the requirement that our land use commission weigh in on a land use issue.

[1:27:33 PM]

>> Casar: Mayor, councilmember kitchen is absent for this one as sponsor, but on that particular portion I think that essentially this resolution on 42 we thought that the resolution that was recently passed on this I guess a couple months ago was sufficient to do this but law has come back and said it actually has to be put into an ordinance. So this is just a step to do what it is that we thought we had already done by passing a prior resolution. So that's the reason for the planning commission waiver, is because essentially this is a change to the land development code that the planning commission -- on the kinds of issues the planning commission does not traditionally deal with. And but this is where law has said that this needs to be put to achieve the goals of the resolution, multiple resolution that's council has already passed on this exact issue.

>> Tovo: While I understand that, I guess I do still want to know whether we've ever had a situation in recent history where we've waived a requirement that the planning commission consider an amendment or we've waived the requirement that they consider an amendment to the land use code. I mean, I know that it's come up for discussion before, but I think in the end we decided not to waive that provision. So while I understand your point and I appreciate that context, I just -- I will need to think really carefully about whether that's something I'm gonna contemplate doing, waiving the provision that it go before a land use commission. Is there a time issue here.

>> Casar: I think there was a time issue when we passed the last resolution, which is that staff is going to be having this expedited permitting process begin shortly and so we need to take a final vote on this, and I think our understanding was staff was going to bring the final vote back to us but now staff has determined they would rather bring the final vote back to us in ordinance form it's required that council explicitly ask for the initiation of an orienttion so I think that is part -- of an ordinance so I think that is part of the time constraint, if staff is going to initiate a expedited permitting process in the spring as planned that was part of why we tried to pass the resolution last year to have a final vote by now but now we have to go through initiating of an ordinance stage.

[1:29:52 PM]

And I don't think it would be appropriate for us to set the precedent of ordinances coming back to us without a council resolution that very explicitly set initiating an ordinance so I think that's part of the rush is to get this direction to the staff before they launch that program. Since for me it's an essential component of having such a program exist.

>> Tovo: I guess I would ask staff whether they can just wait until we are finished with the process.

>> Houston: And I just needed to ask for clarification, so the ordinance that we passed last year waived the ability for the planning commission to review these expedited permits?

>> Casar: No. Last year we passed a resolution because it was our understanding from staff that all we had to do was pass a resolution in order to put these standards on the expedited permits. It then come back to us from -- coming back to us from legal staff they needed to have it in an ordinance so we have to pass a resolution now to initiate an ordinance change.

>> Houston: I'm just asking about the waiving of going before the planning commission.

>> Casar: Right. I'm trying to answer that part of the question. So the other one didn't have to go to planning commission because it wasn't an ordinance. And so there was no planning commission involvement or any waiver because it was just a resolution. And then staff came banning and said we actually need an ordinance so that's why we're at this step.

>> Houston: Legal, can you tell me why we would waive it goes before the planning commission? That's a public process. Why would we waive that?

>> That's a policy decision y'all can make. Our point was if you are going to do that you need do it by ordinance because it's in your code, you couldn't by resolution do that.

>> Houston: But, again, I'm sorry, I don't have that kind of memory like mayor pro tem so during that discussion last year on that, was there anything in there that said that the -- that the planning commission would be waived in the resolution?

[1:32:05 PM]

>> My memory is not that good either so I don't remember what the resolution said.
>> Houston: Okay.
>> Sorry.
>> Casar: And I think the -- let me try to better explain this. We never thought the planning commission or planning commissioners should be involved because we never thought this had to be in the land development source code actually we could probably put this ordinance somewhere other than the land development code and is not go through the planning commission but my understanding from law, and we could hear about this by memo or executive session, is just for clarity's sake, law prefers this be in the land development code which creates the -- by code the fact that it has to go to planning commission even though this really isn't a planning issue.
>> You're actually going to get a memo shortly on this item so we can incorporate these questions into that unless someone wants to answer them right this second but I know he's draft aid memo that you're gonna get or you can answer that if you want right now.
>> Casar: Yeah if it's an appropriate question for open session, is it -- does this necessarily have to go in the land development code?
>> No. This -- I think -- assistant city attorney. I think in discussing the approach with staff and with your office, this does relate to permitting so it's a logical place to put it but certainly it's not a zoning requirement. It's really more of an administrative procedural requirement. So from purely a legal standpoint, if you wanted to put it in the business licensing provisions of the code or some other place, you could certainly do that.
>> Casar: So I would say if it's really important to the dais that we not waive the planning commission requirement, we frankly can put it probably where it's -- where that could be avoided.

[1:34:06 PM]

But I will -- I would leave that to the balance of the dais. The fact of the matter is it's not trying to get around planning commission. The fact of the matter is this has been a public engagement process of almost a year and a half worth of several resolutions we've passed on the same topic and we're just trying to get it done and so that everybody can have clarity around what the rules will be. So one way of doing it is to put it in the ldc and waive planning commission. Another way of doing it is to just put it in another section of code.
>> There are -- just to clarify a little bit, there are definitely ordinances that legally under state law would have to go to planning commission, but our land development code, in the procedural section of it, it requires that any amendment to the land development code go to planning commission for a recommendation and not all of that is required by state law. So there are instances where it's within your legal authority, if you want to, to waive planning commission review. And I think this would be one of them. But as was indicated, it can certainly go in another part of the code as well.
>> Mayor Adler: Ms. Houston.
>> Houston: And, Mr. Lloyd, you'll get us that memo today sometime?
>> In minutes.
>> Houston: In minutes, okay. Because I need to kind of process all of that so that would be helpful.

>> Mayor Adler: Anything else? Okay. We're gonna break for lunch, do executive session. Do we want to come back out to talk meeting management? Or do we want to not do that today?

>> Tovo: I think that's gonna be challenging given how many people we've lost from the dais. I'm not sure whether those folks are coming back. So --

>> Mayor Adler: I'm comfortable doing that. You know, we've started conversation with committees but we can hold off on that. You know, we're about to run through the expiration date on committees so we ought to decide if we're gonna make any changes to committees so we'll put this on the work session agenda for next week.

[1:36:15 PM]

>> Tovo: That would be great. I will say several of us have been trying to work through those changes that we talked about last week and there is a draft of the ordinance that we wanted to share with the group, but the others I'm working are aren't here and I don't have the draft and I could certainly get a copy but I think we really need, you know, a full every dais to have that conversation.

>> Mayor Adler: I'm fine with that.

>> Tovo: We can leave it and decide after executive session, but my guess is we're not gonna get to it today.

>> Mayor Adler: If there's a draft ordinance that somebody could post on the board for us all to see, again, I want to make sure we have enough time for folks to be able to react and think and evolve and work with, those kinds of things.

>> Mayor.

>> Mayor Adler: If we have posted onto the website specific things about changing meeting management, I hope we consider those. Mr. Casar, do we have anything else?

>> Mayor, I think the item from council on the council committees we just got yesterday and we're trying to look at it just to be clear will be on the work session for next week but definitely not for the council to take any action on because we're just starting the drafting process.

>> Mayor Adler: Okay.

>> So it will come as an ifc and we'll help y'all with that.

>> Mayor Adler: We'll get you some of the stuff with respect to meeting management stuff so we can consider both committee changes and meeting management stuff at the same time, which I think is important. Anything else?

>> Tovo: I would just say we really haven't had a chance to respond to some of the meeting things you said, mayor. While I can say I doubt I would be ready to vote on that next Thursday.

>> Mayor Adler: No, no. I don't think anything will be coming for a vote next Thursday. My hope is they can catch up to each other since there's not gonna be a vote on the committee structure next week, I'll get to legal the meeting management stuff so everything is poised and positions so without holding anything anything up everything is ready to be voted on at the same time.

[1:38:17 PM]

>> Tovo: I definitely want to have a full discussion of that.

>> Mayor Adler: Me too. Okay. So the city council will go into closed session pursuant to 551.072 of the government code, city will discuss real estate matters related to the following items, e2, which are possible acquisition of three properties, pursuant to section 551.071 of the government code, council will discuss items e3 and e4, first dealing with those -- possible acquisition of the same properties and e4 about the rate appeal filed to the P.U.C. Commission. E1 has been withdrawn. If I don't hear objection

then we will now -- go into executive session and we will not be coming back to the work session other than to adjourn. And with that we'll now go into executive session.
[Executive session]

[2:57:45 PM]

>>Mayor Adler: We are out of Executive Session. Where we considered three items. Real estate matters associated with E2. Legal matters related to E3 and E4. The time is 2:58 p.m. and our Work Session now stands adjourned.