

City Council Work Session Transcript – 05/02/2017

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>> I'm going to go ahead and convene us here with our work session today. It's Tuesday, May 2nd, 2017. We have a quorum. It is eight minutes after 9 o'clock. We are in the boards and commission room down at city hall. We're going to begin today's session with the legislative briefings, so that Bree can get back to the capitol. You want to come on up, Bree?

[9:09:01 AM]

>> Good morning, Mayor, Council. Bree Franko, intergovernmental relations officer for the city of Austin. I'm here to give you your 85th legislative session update for where we are as of today. Just to point some things out to you, we're now in that point of session where the calendar and the clock matters. Time's running out. We have some important deadlines coming out that affect whether a bill lives or dies. So, for instance, as you can see, May 8th is the last day for the house committee's report, house bills out of committee. So if a house bill does not get out of committee by that date, it can't continue moving forward. May 9th then is the last day for the house bill to make the calendar to be distributed. 10th is the local and consent calendar, and it goes on from there. 11th and 12th is the last day for the second reading of house bills on the floor, and the 12th will be the last day to consider second and third readings of house bills. Now, senate bills continue after this, so senate bills still have lives, and most bills that we're tracking right now have senate companions. So that doesn't mean just because a house bill can't move forward, that a senate bill cannot be resurrected. So even though it's an important date to look at, there's still time on the clock. So I'm going to go through, like last time, and just update you on the issues that we've been tracking and monitoring, and please feel free to ask me questions at any point, or we can also just do questions at the end. I will leave that up to you. I'll get right into it. Revenue caps, senate bill 2 is still sitting in-house ways and means, as well as the hb 15, which is house version of revenue caps has still not been heard. He

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as you all know, there's been significant movement on sanctuary cities. It did pass the house. It was amended to be substantially different from what was voted out of the house committee. It has now been received by the assessment? We are now waiting to see if the senate will appoint somebody to -- they can accept it or reject it and appoint conferees will be the next step if they reject the house version.

>> [Off mic] >> I don't have any information on that right now, or it would be hard to say. It's hard to say right now. >> Okay. >> There's two bathroom bills now that we're tracking. Councilmember Flannigan

testified for the city against both those bills, sb 6 is still waiting to be referred to a committee, and then hb 2899 by representative Simmons was offered by the house. It still was a bill that was inconsistent with the city's agenda and the city's goals and policies and priorities, and that bill is still pending in state affairs right now. Tncs. It was, as you all know, voted out by the house on April 20th, and it was received by the senate on April 24th, and there hasn't been any significant movement on it since then. Although I anticipate maybe in the next week or so you might see something move on that. Short-term rentals. The senate bill has been received by the house and the house bill had a hearing, as you all know, and is still pending in urban affairs, has not been voted out yet. Fair chance hiring is still sitting in house calendars, and has not been set for the floor. We have had some movement on annexation. House bill 424 by representative Huberty was

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voted favorably by the land and committee. The substitute did not approve the bill for the city of Austin. It did some things to what are called the strategic partnership agreements, but did not have significant improvements to change our position. Sb 715 by senator Campbell has been voted out of the senate and has been received by the house. I also want to update you that there was hb 8 the 8 by representative workman, is a bill that relates to permits and the grandfathering of rights related to vesting, is what we call it. It's government code section 225. This is about the grandfathering of rights for projects under construction. This bill would give the people applying for those permits even more rights in litigation. It would give them the right to recover fees in litigation. It doesn't give the city the same rights. If the city is found to have been the positive outcome in litigation, but it would give the permit application the right to recover attorney fees and so forth. It also creates a mediation requirement and creates a shot clock on that mediation requirement that is -- would start the clock ticking towards litigation so that now is in-house calendars. Linkage fees on its floor today. So that bill did move out of calendars and is set for floor debate today. The companion is still sitting in senate business and commerce. The homestead preservation district bills, as you all know, representative Rodriguez filed the house version for the city of Austin to fix our population bracket so we can continue to use that tool. That bill was voted out of house urban affairs by 4 to 3, and senator Watson also moved the senate version around the same time, so you're seeing positive movement on that, and he

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also got that bill voted out of senate igr. There is a hearing today -- is it today? May 2nd? Yes -- for -- representative Isaac has a bill that would amend attar patently of the homestead preservation district legislation related to the maximum sales price that can be set, and it wouldn't allow that [indiscernible] Districts anymore. So we will be having someone from housing and community development testify on that bill today. It would take away some of the current tools we have for homestead preservation districts. Small cell, as you all know, this is a massive bill related to an issue that this council has addressed, and starting the first employment, a small cell in the city with a downtown plan, this would completely rewrite our ability to manage that with these providers. It changes the amount that we can charge for providers to have access to city right-of-way. It also changed how we can manage how they go on our right-of-way, what that looks like. It's a substantial change to the city's ability to manage those -- both the public's right-of-way and what this looks like in our community and in our neighborhoods. That bill is still pending in house state affairs. Speed limits. Representative Israel has a hearing stealth dorm on that for tomorrow. So this is right before the deadlines. We will be testifying in support of that bill, and then there's the one that senator Garcia has pending in senate transportation, and senator

Rodriguez also has one that's been sitting in transportation as well. So this would be to allow the ability to lower speed

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limits. >> Who's getting -- is staff going to testify on that? >> What ever happened to allow buses in transit on shoulders of roads? >> Can I follow up? >> Yes. >> Are the three speed limits substantially the same? >> They're substantially the same but I will double-check that and follow up with you. I think they're substantially the same in the ability to lower, but I will double-check. Austin energy, as you all know, there's the four bills that represent work and files related to Austin energy. Two of those had hearings, and the mayor went and testified against those bills. Those are sitting in-house state affairs still. The lions municipal golf course bill, as you all know, it was passed out by the senate. It is -- the house version is sitting in-house land and resource management right now. Historic preservation, hb 3418 is still pending in house urban affairs after its hearing on April 11th. And the number of the water bills and watershed bills that we talked about last time haven't seen any significant movement since I last spoke to you all. And those are all pending. As you know, the number one thing that the legislature has to do is the budget. Conferees have been appointed by both senate and the house. We've listed those members up there. If they don't reach an agreement on the budget, then that will surely be a call for a special session. So, you know, here's to hoping that gets done. >> Mayor Adler: So backing up for a second, did you pass over the water and watershed protection stuff?

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I think we've had a discussion at one point about dripping springs, and their discharge into the creek. Our staff worked with dripping springs and came up with something that, under their modeling, and they went back to dripping springs for additional limitations in what they were doing, and came forward with something that our staff thought had so much on-land storage and spraying of the effluent that it didn't present an appreciable risk to the creeks. If everything they said they were going to do was to be made part of the permit that was involved. Some of our environmental folks have looked at that and said that they object to any solution where we would not contest a permit if it allowed any discharge at all into any of the creeks. Our staff has looked at it and said that in this particular case, given the constraints, it's still a very good thing to have happen. The same time those conversations are going on, there's this bill, 3036, that would prevent any future discharge into those creeks, period, as a matter of state law, which, if passed, would be a very good thing for us because we're routinely running into these questions, and I would imagine as the hill country cities begin to grow, we're going to run into that more and more. So it would be really good for us if that bill passed, 3036, because that would end these issues for a long

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time. It would not cover 3004 -- it would not cover -- it would not cover the current request by dripping springs for that -- for the settlement on that is true tract, and I think those are the discussions that our environmental people are having with our legislative staff right now because if that bill is going to pass, 3036, it probably needs the support of the people in dripping springs who, I think, are most concerned about getting that permit done. You know, from where I sit right now, so long as we are able to include in the permit the restrictions that our staff has negotiated with dripping springs, I would support the permit if the bill passes for future practice. Make sense? Okay. Proceed. >> Any other questions? >> Mayor Adler: So the budget thing probably is one of the most important things happening right now;

right? >> Yes. >> Mayor Adler: Because just real quickly, if they don't agree to the budget, then we go into special session in the summer. If we go to special session in the summer, the governor could always add other issues to be considered, and he could add issues that didn't get out during the regular session that might not have justified a special session on their own, but if we have a special session, he could add those as well. >> Uh-huh. Yeah. Absolutely. And so that means issues like revenue caps, round two, or even annexation, round two. Anything up there could be another round, another shot. So definitely we hope those conferees can find a way to come together on the budget.

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>> Mayor Adler: Okay. Yes. >> 27 days left, and I will be back may 16th. >> Mayor Adler: Hang on one second. >> Unless you have other questions. >> Alter: I had a quick question. I was just wondering, procedurally, can the house vote to suspend the rules and have a hearing after the may 8th date? >> Yes. Yes. Unlike you all, they do get a chance to vote to suspend the rules and to add things or change things, yes. >> Alter: Okay. Thank you. >> And let me say also, too, due to that, this is a point in session, I know you guys know this, where things get -- move quicker, things start moving faster, and the sausage is made, so thank you. >> Mayor Adler: Okay. >> Renteria: I have a question. On the linkage fee, what's - I didn't catch everything that you said about that. >> It is going to be -- one of the reasons I'm anxious to get out of here, it's going to be debated on the floor today. >> Renteria: Okay. >> So we are reaching out to all offices about the city's position on that and working with a team on that right now. >> Renteria: Okay. >> So it is moving. Anything else? >> Mayor Adler: So the last thing I would add is on the menu tract, we've been asked to participate in conversations on that issue. This is probably something that I may, if it's possible to sit in the executive session, because it involves real estate -- I don't know, we'll see, we'll see if we can have that conversation set next week, if we're able to do that. >> Thank you, mayor. Thank you, council. >> Mayor Adler: Okay. There was one pulled item this time, Ms. Troxclair pulled the question of the juvenile curfew. The item on our agenda is to set a public hearing on may 11th.

[9:25:21 AM]

I think there was some discussion about postponing that public hearing from may 11th to a different day. And I think there weresome questions about exactly what that is, and the like. >> Troxclair: Yes, that's why I pulled it, I just wanted to say that councilmember Casar and I might be requesting a postponement, probably I think till may 18th, possibly till June 8th. I just want to make sure that the stakeholders who are interested in this issue have -- have time and opportunity to be up here and to look at it. I'm concerned that right now -- so this basically -- the code says while school is in session, a juvenile commits an offense if the juvenile remains, walks, runs, idles, wanders, strolls, or aimlessly drives or rides about in a public place between 9:00 A.M. And 2:30 P.M. I mean, it's a criminal class C misdemeanor, so we're criminalizing these kids who may have a very good reason for being out of school. I know I've heard complaints from some -- or some concerns from home-schooled parents and some others, so I understand the reason that this was put in place, is to make sure that kids are going to school, but I know last session the legislature decriminalized truancy, and I think it might be time for us to have a conversation about whether or not this is the appropriate or most effective way to ensure that kids are in school. >> Mayor? >> Mayor Adler: Yes, Mr. Casar. >> Casar: I agree with many of the concerns you brought up and advocates have brought up, and so I do think that maybe we should look into and the school district should look into the best way to keep kids in school without necessarily potentially putting them in the criminal justice pipeline. And so -- but since this

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item is just for setting the public hearing, we've heard some people didn't know that this was coming up so quickly, and so what I'm most interested in understanding is how long it is that we can wait on the public hearing without interfering with sort of the regular functions of the ordinance and the city. I've heard request for June 15th, but I -- maybe assistant chief gay can help us out with that. >> Mayor and council, you are correct, chief gay, is that we have until June 18th, so I believe that postponing it till the may 18th or June 8th will allow there to be enough time if we want to make any changes that we'll have the time to do it. >> Casar: If we were to choose June 15th for the day, is that too late? Because it's just three days beforehand. Or would it be possible on June 15th for us to make a decision or to even delay decision -- I mean, we always have to make sure, potentially we come to a decision on June 15th, but we have to have six people at given a time to come to a decision, so how does that work, if on June 15th, hopefully, we make a decision, but let's say on June 15th, we can't come to a decision, is it possible to us to continue to extend the ordinance until a decision is made? >> I'd have to defer to legal on that, but what I understand is that we'd have to make a decision on June 15th for us to have an ordinance, or we'd have to go back. >> I think we probably need to post it so we would have the option going forward and you would have to pass it as an emergency to go into effect if you pass it on June 15th and it expires on the 8th. >> Casar: And if the decision were to no longer have the curfew ordinance, then on June 15th, we could just take no action and it would expire. >> I think that's correct. >> Councilmember, I'm with the law department.

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Yes, if no action is taken and the ordinance is not continued or changed or put back in effect by June 18th, then it will expire. >> Casar: So ultimately, on June the 15th, we could -- if we set this for the 15th, I think -- we'll see -- advocates may come and put out reasons for which days because I think they have to work with the school district, the municipal court, A.P.D., if they want to make changes, but if we were to put this up on the 15th, we could just decide to extend it or not take any action and it would expire. >> The failure to act by the time, by June 18th, would cause it to expire. >> Casar: Thank y'all. >> Mayor Adler: Do we have a mistake of recommendation on whether we should pass or extend that ordinance? >> Yes, sir. Our recommendation is that it stand as it is, and be passed, with no changes. >> Mayor Adler: You understand the concerns about criminalizing truancy and those kinds of issues? >> Yes, sir. >> Mayor Adler: Can you speak to those? >> I do understand some of the concerns. I do know that the ordinance was put into place for a reason to -- as a tool, that students would remain in school. I do know that the ordinance has been very successful at allowing the crime to decrease from 12% when it started down to 4%, so I believe that the ordinance is -- its intended consequences are valid. Now, if the ordinance was not into place, I could not speak to whether crime would go up or down. Time would tell. But I do believe that it's been very effective. >> Mayor Adler: Okay. Councilmember pool. >> Pool: So it looks like the city had passed a juvenile curfew ordinance back in may of 1990. Is that right? >> Yes, ma'am. >> Pool: But it's state law that governs us having to

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renew that curfew every three years? >> That's correct, councilmember. >> Pool: And I suppose when you come to make the presentation, you'll give us some history on why this was put into effect, what the circumstances were? >> Yes, ma'am. >> Pool: Back in the late '80s and early '90s. It seems to me that this is as much for the protection of the youth as it is for any other purpose. >> Yes, ma'am. >> Pool: And it also gives our law enforcement a tool to ensure that the child goes home, where he or she would be

presumably safer than on the streets. >> Correct. >> Pool: Okay. Which I think is an important goal to achieve and supports the health and safety of our residents and visitors. So I look forward to having the conversation with the public and hope that we can get some good contextual explanations for what led up for the curfews, why they were in place, and how things have improved or not in the period of time, in the last 27 years. >> Yes, ma'am. >> Pool: Thank you. >> Mayor Adler: Mr. Casar. >> Casar: I'll look forward to the conversation. I guess the only reason I turned my microphone on is that I think the conversation around criminal justice has shifted quite a bit since the '90s. En at the legislature, or especially at the legislature, and I appreciate them giving us this option. And I think that as we have the conversation, we should just have -- part of the reason I want to have a good public hearing is so we can hear from all the different parties working on truancy. Because the hope is to be able to get good kids in school or back home, potentially note with a citation or in the back of a police car, but hopefully with their own volition. So that's why I think a public hearing that everybody can be at, and

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some conversations, can hopefully give us the full context because I think that the way that this was dealt with back in the '90s caused a lot of problems that were [indiscernible]. >> Mayor Adler: Ms. Troxclair R. >> Troxclair: So just to get clarification on the question of postponement, did you say that if -- because I want to make sure that we do have -- that we do have a robust conversation, that we have all of our options open to us. So if we push the hearing until -- I guess the other date that I had in mind was the 8th. So if we push the hearing till the 5th -- June 8th. If we push the hearing till the 15th and we decide that something -- we want to pass something, but we met to make changes to it, somebody said that there would need to be an emergency item? I mean, how -- would it make it difficult for us to still pass something, but make changes? >> I think you'd want to post it that you can either extend it or amend it if you're making changes. We could post it so you can do either one of those things. >> Troxclair: But if we have the hearing on the 15th. >> For it to be effective immediately, you'd have to pass it as an emergency measure which takes eight votes of the council. And that way, it would go into effect immediately. Otherwise, an ordinance go into effect ten days after you pass it. >> Troxclair: Okay. I guess I'll just be curious to hear from you in the 8th -- if there's a reason for the 15th rather than the 8th. It seems like it would still give us plenty of time to make sure all the stakeholders are aware, but not put us in an emergency situation. >> Casar: I would hope so, but not having the stakeholders from aid and the social workers and all those folks here, I can't speak for them. So I've just been alerted that the 15th would be a good date and that they're aware that's before the 18th. My hope would be we can just hear what they have to say on Thursday, set the public hearing accordingly, and if on the 15th we decide we need a couple months, I imagine we could extend it two months or three or four months if we need to hear it out, or we could make a

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decision then and there. But if the 8th works for everyone, I have no objection at all to that. And it sounds like the worst case scenario is that we can't get eight votes to give ourselves more time and then the ordinances expired for like five days until it's -- until it comes back into effect, if we so choose to do it that way. I just say that sounds like the most -- that would be the only awkward scenario with the 15th. >> So not having it in front of me, I don't know if there's any awkward interplay between the ordinance and state law about whether it can be resurrected after it dies. >> Allstate law says is that if there's a failure to act within the three-year time period, then the ordinance will expire automatically. So that suggests to me that it could be put back in place at a later date, of course. It's not dead forever. Or it could be extended, I think, for a shorter amount of time than the three-year period required by

state law for that three-year review. I think council -- it would be the council's discretion to continue on one year or six months, but state law requires it be a minimum of every three years. >> Casar: We'll just wait to hear from folks and I'll go along with the group on setting the best date. I think that conversation will be important because it has impacted me and I'm inclined to think there may be a better way to do this than this organs. >> Mayor Adler: Ms. Garza, Ms. Houston, then Ms. Pool. >> Garza: I just want to add that this is actually something good that our legislature did, decriminalizing truancy. So with regard specifically to the public hearing, I'm pushing -- I just wonder if it's necessary to push it all the way, but I'm interested to hear the conversation. I believe groups like Texas appleseed believe that

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this -- we should decriminalize these kinds of rules. And it's my understanding it was less about keeping kids in schools, it was concern about juvenile crime being high, and we still have -- you know, if a juvenile skips school and goes and does something bad, they're still subject to the criminal justice system. There's other reasons why kids aren't in school, and so -- which leads to my question. Can you provide the demographic data on where that 4% -- where those children are cited before we -- before this comes before us? >> Yes, I'll get that information for you. >> Garza: Okay. Thanks. >> Houston: Thank you. I would love to hear the conversation as well, because I have Garza high school in district 1, and some other high schools that kids do -- they're in school for four hours a day, and then they go to work. And so it's important that if they're on their way someplace else, that they're not stopped because they're seen as being on their way to do something nefarious. So I think it's important for me to have the conversation and get the information and the data first before I have to vote on something. And so, hopefully, when you do the presentation, I'm still unclear is to when that's supposed to be when we have the public hearing in -- later in may or the first of June, because then if it's going to expire, then there may be some tweaks that we can make. But we've just been talking with juvenile court about juvenile gangs in the area, and so we need to be really careful about what we're doing with this extension of this particular ordinance. >> Mayor Adler: Ms. Pool. >> Pool: So to add on to the information that you're going to bring back to us, I'd also -- because I'd want to see that as well, and I'd also like to see it day versus night, bought I do think that minors on the

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streets after midnight may be a difficult situation, and hopefully they're not at a job that late, but maybe they are, so it would be good to know. I do have a question for legal staff. Are there criteria for determining something is an emergency, or can we just say this is an synergies and an emergency?my concerns, I would like to have time to amend it or adjust it in case there are penalties that need to be shifted, since truancy specifically has been decriminalized, but that doesn't apply to youth who may be on the streets after midnight, for example, that's just the daytime piece. And I am seriously concerned about youth on the streets at midnight, mostly for their safety. And so if we have the hearing on the 8th, and I guess we'll decide this on Thursday, that would give us a better amount of time to make the adjustments that it sounds like would be reasonable to make to this, but it also wouldn't run us up into inadvertently expiring it or having to declare something an emergency, which we've been talking about setting the hearing this far in advance, I would have a hard time defending, this is now an emergency if we set the hearing for the 15th of June, and then it expires three days later. So I think just as far as transparency on our part and accountability and people watching what we're doing, I think we would be better served to have it more than 10 days in advance so that we can do things properly, whichever way we -- we may end up with -- with this ordinance, any changes or not. >> Mayor Adler: Okay. In the Garza. >> Garza: I just want some clarification. This one, specifically, is the daytime curfew, is what we're

-- or is there -- there's two different parts to it? >> Yes. It's both daytime and nighttime. >> Garza: And so it's -- what is -- the daytime is -- what is the -- is it the 9:30 to 2:30 or something like that? >> 9:00 to 2:30 for the

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daytime, and it is -- 11:00 P.M. To 6:00 A.M. >> Garza: Okay. Thanks. >> Mayor Adler: Ms. Troxclair R. >> Troxclair: Just since we've gotten off on other information that we would be curious about when this comes back, I would be curious in understanding kind of the -- how this, I guess, ordinance interacts with truancy, because that, because guess truancy is still a separate penalty rather than just existing on a sidewalk during the day. And if we were going to decriminalize it, what other -- I don't think it's an option, just either there's a penalty or there's no penalty. I think there's something in the middle that a ticket can still exist of some sort that's not -- that's not a class C misdemeanor. So I would just be interested in kind of the full context of options. >> I'll make sure you have that information. >> Mayor Adler: Ms. Garza. >> Garza: I'm sure you were going to get to this anyway, but for data, can we specify what percent is the day curfew, what percent is the nighttime violations, then the demographic for both of those segments? >> We'll make sure we have that. I do know the report in your backup material has the daytime and nighttime, as well as the day of the week broken out. But I'll make sure the demographics are in there as well. >> Garza: The location? >> Yes. >> Garza: Okay. Thanks. >> Mayor Adler: Okay. If this public hearing is not set on may 11th, at this point we have less than 20 items on our may 11 council agenda. So I point that out to people in case there are things that they need to have handled that week, because it could be that we just don't meet on may 11th. Staff is taking a look at that, it's now being pulled, but if there are other

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ifcs you all were thinking about or something that was timely, I say that out loud now, you might want to reach out to me or the city manager on that issue. Okay? Those are all the pulled items that we have on today's agenda. Thank you very much. We also have a council discussion on a report from the housing and planning council committee regarding the goals and priorities of the committee. >> Kitchen: Could I make -- this is just an FYI about another item on the agenda. >> Mayor Adler: Yes. >> Kitchen: To let people know, items 29 to 34 relate to the mobility bond, the 2016 mobility bond. And I just wanted to let everybody know that we're going to have a briefing on the bond at the mobility committee meeting tomorrow at 3 o'clock. So everyone is welcome to that, if you want to come and dig into the details on that. As you recall, that was scheduled to come to the work session a while back, but we ran out of time that particular day, so you've all gotten the information on the bond report. So we're going to spend tomorrow going over it, into more detail. So that's at 3 o'clock tomorrow, the mobility committee. >> Mayor Adler: Okay. >> Casar: I just wanted to real quickly -- >> Mayor Adler: Ms. Houston, did you have something on that. >> Casar: Oh, excuse me. >> Houston: Thank you, mayor. On item 57, I will be asking for a time certain on tomorrow for 7 o'clock -- oh, no, today. Today. Thursday. >> Mayor Adler: Thursday. So no earlier than what time? >> Houston: No earlier than 7 o'clock. >> Mayor Adler: That's item

[9:45:31 AM]

57? >> Houston: 57. The neighborhood has requested a time certain. I suggested 6:00, but I'll go back and try it again. They're trying to get here from work, so they live at the far northern part of the district. This is where sprinkle cutoff road is. Understanding the traffic, they're wanting some extra time, but I'll

go back and say 6:00 and see if we can get there by 6:00. >> Mayor Adler: And realistically, you know, we have 5:30. Rarely are we meeting at 6:00, so it's no earlier than 6:00, because usually we break for music and for dinner, so we come back 6:30, quarter to 7:00, so I wouldn't burn a lot of capital trying to get them there at 6:00 unless getting there at 6:00 means they're ready to go at 6:30 or 6:45. >> Houston: I'll talk to them. >> Mayor Adler: Yeah. I'd probably suggest, keeping with our past practice, if somebody wanted to show up during the day and testify, we would take testimony on that. So we probably wouldn't set it for no earlier than 7:00 in case somebody showed up in the afternoon, we'd give them the opportunity to be able to speak, but certainly we could agree that we wouldn't consider it until after dinner, and we would give people an opportunity to speak after dinner. >> Houston: Thank you. >> Mayor Adler: Okay. Anything before we -- so I see -- I see on the agenda this -- a discussion item. Does someone want to lead us in that discussion item? Mr. Casar? >> Tovo: Before we move on from that, can we just hear if there are any other -- if there are any other time certain items or any other items that people are anticipating? We'll have public discussions, just so we can start to think about our time measurement for Thursday? None others jump out at me, but I just thought I would

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ask. >> Mayor Adler: Some of the ones that look like they might be -- we have a fire department staffing issue, smart trips program, we have some capmetro downtown station issues, fourth street issues. We have zoning cases. Ben white, montopolis, something being put off -- >> Tovo: I heard that. >> Mayor Adler: I heard that one is being put off, pioneer, which Ms. Hughes just talked about, Menchaca, and two affordable housing matters. >> To be clear on the river place item, it's not being postponed. They're pulling the whole case and starting over. >> Mayor Adler: Got it. That's right. Mr. Casar. >> Houston: What's that number? >> Mayor Adler: That was 54-55. Yes. >> Alter: I will not be here Thursday, I will be at a conference on behalf of capmetro. So I wanted to signal that and ask that you make that announcement on Thursday. I also wanted -- I know we kindly always defer to each other for zoning cases, and item 59 is fine -- it was passed out of zoning and platting with the staff recommendation or the same recommendation that's being asked, and I haven't heard from any constituents on this issue. >> Mayor Adler: So you're okay with that proceeding. >> What's that? >> Mayor Adler: I said you're okay with that proceeding. >> Yes. >> Mayor Adler: Okay. Anything else about the agenda or pulled items? Mr. Casar. >> Casar: So I'm going to let the vice chair of our committee back me up, avoiding a bit of a short discussion just because we thought it would be good to have a brief report back after the first planning and housing committee meeting, and to make sure that the

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council has a general sense of what it is that we're thinking about kicking off working on because I'm really committed to making sure this year work done in the committee is work that the council really wants delegated to committee, so we aren't doing work in that committee that folks feel either left out of, or that folks would want to have. We're totally redoing at the full council level. I think there's full work, in the planning and housing, there is work that the committee can move forward on, that the whole council would appreciate a small delegation of us digging deeper into. So for our first committee meeting, we had just a general overview of all the different housing tools that the city is working on. We -- the neighborhood housing department did do some good highlights on upcoming, impending questions the council might have to decide, in particular, some things that might need committee work. Later, we had members of our non-profit affordable housing development community come and do some participatory discussion, so we can help the work that they are doing. Then our final item was looking at the monitoring, tracking, and reporting systems for our income-restricted housing units

because I know that's of great interest in the community and probably something that everyone on the council glees just needs to happen and happen well. And so that was just sort of how we kicked off the committee. I think that some of the key issues that we potentially could work through on behalf of the council, of course, with your final approval, might be if affordable housing linkage fees are -- are not preempted. There's money for putting together the study to make sure those fees are constitutional and the fees are at appropriate levels, and we could have some public discussion, review of that study, if homestead

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preservation districts are continued to be expanded in this area, we can continue to look at the money that's being brought in by those homestead preservation districts and discuss tools to slow gentrification in those HPDs. The staff did bring up that we should be talking about tifs. Tax increment financing districts, especially in relation to the bonds corridor program, and looking at how other cities do that kind of work that we don't do I think could be very useful, and I think is something that there's general agreement on, but there's some detailed work the committee could work on. And finally, really, seeing the hard work our staff have done to actually be able to have a database where they are auditing, making sure that income-restricted units on private developments from puds to zoning cases to housing developers that receive city dollars was really interesting, but our housing staff did pretty clearly indicate that it was based on what we're trying to get done with the housing blueprint, our current systems are inadequate to see whether or not we're meeting those goals. So I think people had a lot of interest to make sure we're providing the oversight necessary to make sure to say units are monitored and tracked, and that also, hopefully, I think they're going to show us at a future committee meeting how other cities have public sites with maps, so that an everyday member of the public doesn't have to go into some complicated database, but could actually find where income restricted units are in the city and call those apartment complexes if they need an income restricted unit. So I think that is also really interesting and important work, and I think that part of the hope of some of these updates every once in a while is just to make sure, at least from my point of view, make sure that the council knows what we're up to, can come and attend as they are interested, and to make sure that the work that we are doing is work that the greater body wants delegated in part to this smaller group. So that's my brief rundown,

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but I'll allow the -- I would love for the vice chair to chime in. >> Thank you, councilmember Casar. I think you've covered a lot of what we looked into last week and where we're going, so I don't have a lot to add. We have this kind of convoluted discussion, language, because that's what we were told if we wanted to do a report back. We're not necessarily expecting to have a lot of conversation today, but we wanted everyone to feel welcome to participate and attend our meetings and also have a head's-up that that material he is available in backup if you want to see the presentations that were prepared for us. In terms of the presentations that we'll be having from the community and those dialogues, our plan is to have another meeting, I think in June, and then one kind of after budget in either September or October, and the next group that will be bringing in, in all likelihood, will be for-profit affordable housing builders. The goal of these conversations is to help us to make sure that we're not missing opportunities to be supporting more affordable housing, because maybe we're not having conversations we need to have. >> Mr. Mayor? >> Pool: Could we also include an overview of the piece that the housing authority of the city of Austin, haca, provides, how that fits in? I was thinking about the 4% and 9% tax credits yesterday and how that is, I guess, a credit on irs tax returns, but we do have haca, and we don't talk --

you know, they come to us and we sit and approve the applications through haca, but I'd like, for myself, a better understanding of the puzzle piece that they are and how that supports the work that we're trying to accomplish. Thanks. >> Mayor Adler: Okay. That was helpful. Thank you.

[9:55:42 AM]

Ms. Kitchen. >> Kitchen: Do you guys have the next dates for the committee? Because the dates aren't posted, and there's no backup posted for the last meeting that you had. So do you have the date in June? >> Casar: So our staffs are actually going to get together to figure out the better -- the better time because this time was a little bit tricky. And so hopefully within a week we'll have the June date posted. I believe, or hope, that the backup for the last meeting is actually in today's work session. >> Kitchen: Oh, I'm sorry. I was looking -- I didn't look on the work session, but just so you'll know, the city council page -- the date for y'all's meeting was not on it, nor was the backup, and it still isn't. So I'm sorry, I didn't look at today's backup. So that's fine. I just -- I really would like to participate in these meetings, and I don't know when they are. So if you're just -- if you can -- >> We'll be happy to post it, maybe to the message board as well for the next meeting, once we have the date, so that everyone knows, and we had asked staff to provide the backup at today's meeting. >> Kitchen: Okay. It may be in today's. >> Alter: I think it was in the strong. Electronic. If it's not, we can make sure. >> Casar: I think everyone was working -- >> Alter: We didn't get ours until we sat down at the -- >> Kitchen: So y'all will be setting the June one soon, just so that we can all -- so we can all participate and those of us that wanted to participate in this committee meeting so we'll know when it is and have some time to schedule it. Okay. >> Casar: That makes a lot of sense, I think in part of the work done to sort of combine one -- sort of two committees into one, I think there was just some reasonable expectation that it was going to be evolving and hopefully for the June -- by the June meeting, it will look just like -- >> Kitchen: Okay. I'm really sorry I missed Friday's meeting. I didn't -- I wasn't able to plan for that, so -- >> Casar: Thanks. >> Mayor Adler: Manager. >> I'll get with the housing staff and get the backup

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posted to the committee meeting website. Not today, since that's not the material you're discussing, but I'll get it posted to the committee site. >> Pool: And, mayor? >> Mayor Adler: Ms. Pool. >> Pool: I think because we had eliminated half of the committees and then continued on some additional ones, and we're reassessing when the dates for the meetings are going to be, staff may not have taken the information that we provided and put it on the web page, which sounds like the city manager is going to direct that -- has directed that to happen for housing and neighborhoods, and probably has for mobility because mobility committee I think is continuing with the same dates that you had established previously. >> Right. We're keeping those dates. >> Pool: Austin energy is doing the same thing, from 9:00 to 9:30, the dates are the same. I would just urge that staff update our committee participation because that page is also reflective of the previous council. >> Mayor Adler: And we restructure the new committees, we'll have new membership in the committees, S as well as the old. >> Tovo: I noticed when I was doing our financial funds last week, that the tif boards we serve on I believe have the previous, previous council names on them. It's possible I was accessing old pages, but it's also -- I think it's just worth looking at to see if those have been updated. >> Mayor Adler: Okay. Are we set? I think those are all the the items that we have. Did you want to speak? >> Tovo: I just wanted to mention a future agenda item without discussing it because we're not posted to do so, but I think that we should think about having some codenext discussions here at our work sessions.

[9:59:44 AM]

We -- we had, of course, the briefing. There are a lot of . >> There were a lot of question, concerns, and various issue that are arising on a daily basis in my office. I mean, we're almost flooded with those kinds of things, and I think it would be helpful if we had more conversations at the council, at least to talk about things like scheduling, which is prompting a lot of concerns right now and I don't think we're scheduled to actually have, as a council, a discussion about codenext now. I would suggest and invite one of my colleagues to join me and add that to the work session, and talk about whether or not that should include consultants or not? >> Mayor Adler: I think that's so important, I would be fine putting that from now going forward as a standing item on our work session agendas and with the additional request that if somebody has a topic they think we should address because it's coming up in the community, or that -- to go on to the message board and just say, hey, we set this regularly, this is an item that I want to discuss so that other people can be thinking about it, not that it's required to do that, but I think since that's such a major thing we should be doing this year, I think that's a really good idea. >> Thanks, I would say we probably should identify one day when the consult ands are back this town they come back to this forum and answer questions. >> Mayor Adler: We can make that happen more than once. >> I want to offer, if we were to cancel next week's council meeting that it might be good to have maybe an hour or two where we could ask some questions of staff even if the consult ands aren't there, and see what other people's questions if we all have that time available. >> We certainly could. Miss Garza?

[10:01:45 AM]

>> Garza: >> Was that the suggestion you were making to council because it had a small agenda? I'm sorry. >> Mayor Adler: I'm just identifying the issue that there are very few items on that agenda especially if this gets moved. One of the questions I asked, if people think there's an ifc people wanted to bring up that was timely, the suggestion since we cleared this on our calendar, we actually make use of that time. Manager is looking to see if there are any staff briefings and going back to staff to see if there are items that have to happen that day as well as taking a look at see if there's staff briefings that make sense for us to do that day. I urge everybody to think about that issue, and either let me know or let the manager know, would be helpful. >> I wouldn't be in favor of counseling that, just because it's going to get pushed to another council meeting, so I like the idea of maybe adding necessary discussion. >> Mayor Adler: And we could. That's also either Tuesday or Thursday. We did have a meeting Thursday that wouldn't be in work session on Tuesday but we could say, let's meet on Tuesday, even though there's not a meeting on Thursday, we could have some of these conversations or briefings. We could even meet neither Tuesday or Thursday, we could meet Tuesday, we could meet Thursday or we could meet both. I was just elevating that issue in case people want to weigh in. Okay? Mr. Flannigan? >> Flannigan: I'm in favor with council member Garza, in favor of canceling the meeting next week. Thursday is far enough to make use of that time. But I think it's necessary to cancel Tuesday and have conversation. We could really leverage, I think. >> I'm confused. What do you mean keep Tuesday and not Thursday. >> I'm saying we could still meet and talk about stuff on Tuesday, if we wanted to do codenext, but canceling the

[10:03:45 AM]

formal meeting on Thursday next week. >> Oh, you're for canceling the meeting Thursday? >> I am. >> I thought you were. >> Flannigan: See, this is why we talk about it. >> Mayor Adler: I would say think about that and let's weigh in. >> Iffer we're taking a policy, I would say, as I suggested, I think our meetings are getting really short in the agenda and I think it would be more efficient for consolidating

them. I am all for canceling the meeting Thursday. I did have some ifcs coming forward, none of time sensitive but I like the idea of turning to meet Tuesday to have -- I think even the consultants are back in town Tuesday, that might be a nice opportunity to have a codenext discussion? >> Mayor Adler: Could you check and see if they are back in town? If they are, let's bring them here. >> My only concern, I asked for something for next work session, but I've been waiting, because I couldn't put at this one because there was already discussion here. I didn't want to put that off because we'll have a giant discussion on codenext. Regardless, I ask that I keep what I asked and council member Casar was they are asking for a card on parks and recs. I ask we keep that regardless what we do Thursday. >> I would be careful about saying that the consultants are available. They are like booking themselves. They are probably already booked. We may have to book them two weeks out, so I think it's a good idea to talk to them. I just wouldn't want to bump something else that they've got scheduled on a day. >> I didn't say they were available. I said it was my understanding they were in town. >> Okay, okay. >> My main message, I don't want to bump them. All of us have been trying to get things scheduled with them. The other thing, if you're taking a poll, I'm in favor of

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keeping may 11th. I like the shorter meetings. >> Mayor Adler: Okay. Yes? >> Okay, I guess if we're taking a poll, I'm in favor of canceling the may 11th meeting. >> Mayor Adler: All right. That pretty much evens us out again. >> I would like to talk about codenext at some point next. >> Mayor Adler: Okay. We're going to then now go into executive session. We're set to take up six items. But we're not going to take this one up until Thursday? Is it possible to take it up today if we have time? >> If we have time, we could do it. Our preference taking up open government on Thursday. We're finishing earlier than I thought we would. If we speed through, we'll go through and do them all. >> Mayor Adler: Let's see if we get to it or not. I'm going to list six things we may not actually address all six things pursuant to section 551074 we have personnel matters. Evaluating performance aof and consideration of compensation benefits for, and then it's items E, 2, 3, 4 and 5 for the auditor, city clerk, the municipal clerk and city manager. Also pursuant to 551071 of the government code discussion issues related to e1, open government matters and e6. Lake Austin collective inc. Versus lipshire. If there's no objection, then we will recess now and go now into executive session.

[2:03 PM]

We're out of closed session, in closed session we discussed personal matters related to Items E2, E3, E4. We did not take up E5. We discussed legal matters related to E1 and E6. It is now two minutes after two, and the meeting stands adjourned.