

## City Council Work Session Transcript – 11/7/2017

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>> Mayor Adler: All right. We have a quorum here. It is November 7th. This is our scheduled work session. It is 9:08. We're in the boards and commissions room here at city hall. We have a quorum present. Greg Casar is in New Orleans this morning with the immigration case that's being argued. Let's talk schedule for what we have today. We have Steve who is in town from Houston who can talk to us about the city manager. He can talk to us about specific people. I would suggest that we get that handled, that we hear a report from Steve with respect to folks, and that may set us up to need to be able to come back out on to the dais and talk about next steps associated with that based on the conversation we might hear. And I think that that would be of interest to the public if we could do that. When we come back I think that we really need to get through some of the pulled items that we have today so as to facilitate the meeting on Thursday. So I would see us then going to pulled items. Depending on how long we talk city manager search that may be all that we can get done before lunch, but then lunch we have a substantial number of items to discuss in executive session and I would see us discussing those things and then coming back probably after lunch for the briefings, the main briefings to take place. Yes, Mr. Flannigan. Planned I already got my questions answered on item 88 so I don't need to pull that. So if someone needs to pull it, that's fine, but I don't need to pull it anymore. >> You know, Ann's not here.

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I'm still curious to see how we do that. It sounds as if we can't extend the contract. Since we can't extend the contract, the manager sent out a memo that talked about trying to pass an ordinance that preserved as much of that contract as we could. We wanted to proceed in that direction. So probably I'll keep that on here just to touch base on that just because -- we just need to figure out what are the

logistics associated with getting to there. Does that sound right to people to proceed that way? Okay. Then what I would do then, let's immediately take a recess real fast and go back to executive session room and let's Steve talk to us. That means that pursuant to section 551.074 we're going to discuss personnel matters related to the new city manager. That's item e-6, and it is 9:10. Personnel matter, so it's 9:10. We're going to recess now and go back to executive session and then we'll come back.

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>> Mayor adler:all right. We are now out of closed session. Closed session we discussed personnel matters related to item e6. We're going to continue the conversation with respect to the city manager selection on Thursday when we have the opportunity to both be back in executive session on personnel matters as well as to discuss process publicly. We had decided a process earlier that had us weighing competitive risks and openness in the process and had set up a process. My sense is that now that we are into it we may very well want to consider making public the finalists. May be in a position to be able to do that. But the process on how we get there, what we do, the timing for that are all process questions that we should discuss on Thursday, okay? That gets us then to pulled items so let's move through those. We'll do the briefings after the pulled items, and we'll break for lunch at the -- you know, close to noon, and we'll do executive session items over lunch. So let's see how far we can get. First pulled items are items 11 and 12 Kathie, you pulled these >> Tovo: I just submitted questions yesterday, I don't believe we have answers yet, asking for information about how many businesses fall within these two contracts and some specific information about the number of validated hours that those contracts represent,

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the value of those hours if the regular rates had applied, the number of individual customers and the number of customers by businesses. But, also, I've also asked for information about the number of validated hours used by valet services it's my understanding valets can also access that free two hours so we have companies actually profiting -- as I understand it profiting off of potentially free parking in our garage, though that may or may not be the case. Actually, maybe that's a good question I didn't submit, how the valet piece of this works into the parking contract. >> Good morning, council, my name is Margaret Shaw, with the economic development department, oversee the second street district and I'm joined by the gentleman from transportation jointly we manage the garage and other issues. We have no valet use of the city hall garage at this time, with our two partnerships we have agreements with. Amli at this time uses silicon labs garages as well as their own garages for valet services. >> Tovo: It's either in the if -- it's either in the rca or in the answers to the q&a that valet services are a part of

that. >> It's a term -- the terms and conditions under which they could use valet for the garage are included in the contract so the item up for council consideration is the renewal or extension of the parking agreements with ali. Within that contract we as a city have set boundaries under which if they wanted to exercise valet operations within the garage how that would work. They have not. And it's all subject to transportation's review and approval. >> Tovo: Sorry. I guess I don't understand the distinction you're making. So maybe it would help if the contract were made available. Are the contract included in the backup? They weren't initially --

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>> They are not. We can certainly make those public. >> Tovo: I think that would be useful because I'm still not understanding if we approve this renewal whether or not valet services -- it sounds like they haven't been but they could be moving forward. >> Correct, yes, ma'am. So it's the ability and right exists within the contract but they have not used that in the last several years. Jacob, I don't know if you want to add anything to that. It's just an ability to be able to use the garage. So the contract sets out terms and conditions under which the garage can be used. >> Tovo: I see. Anyway, so that's the nature of the questions I've asked. I'm trying to get a handle on how many businesses are using this, how many customers, and the extent to which employees are using it I wouldn't think it would be a useful measure, useful strategy for employees because most of them won't have a two-hour shift. You know, I agree that our downtown employees need good parking solutions. It's one of the reasons why I'm glad that transportation has in day and age of metered parking spaces set up some good public parking opportunities. I've gotten correspondence over the last couple weeks from second street businesses and we're letting them know about that option if they're not already aware for their employees. And, I guess, you know, part of why this is -- continues to be an abiding concern is because we're all receiving email about the parking at the library, and so, you know, I need to really do some thinking about why we would be -- why we're helping pay for the parking for customers of our business but we're charging patrons of our public library. That is -- that's a really hard -- that's not something I have a good answer to because I'm not sure why we're doing it. >> Councilmember, Robert spillar from transportation. If I could add just a couple things for you to think about as you contemplate that. At the library, you know, the program is set up so

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that you get 30 minutes free and then you pay beyond that as opposed to here at city hall where businesses can validate you for up to two hours free. And the thinking was is that here at city hall theoretically you have to buy something at those businesses so you're generating activity at the

business, the business can choose to allow you to park for free if they believe that's necessary. At the library, we were concerned that the surrounding activities, land uses, might encourage people to abuse the library where nothing has to be purchased. You could just walk in and say, hey, I was looking at magazines, books or whatever, can I get validated. So I think that was the concern, is that the two parking facilities potentially operate in a different environment, one where you'd have to get a purchase to get validated and one where you could simply come in and explain that you were looking at a book, even if you weren't. And so I would just add that to the thinking, is that we think these two are far enough apart and the surrounding land uses are somewhat different that there might be different uses. That certainly doesn't excuse the policy discussion that I think you want to have, but just want to put that on to the -- >> And I can concur with economic development. Two separate projects, again, second street, the city is the owner and codeveloper with ali and there are two agreement here so they are structured fundamentally the same but one is much bigger than the other. We have a small one just with the Schneider building, the historic building across the street, that houses Lambert's downtown barbecue. That is a separate entity and owned by -- partnered with a separate developer. Amli is the one we worked with to manage the ground floor retail shelves, so they average between 50 to 60 shells. We own those spaces on the

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ground floor of silicon labs as a cohesive and consistent district we partnered with ali to manage all four of those blocks' ground floor and it is, as Mr. Spillar referred, to an effort to create that economic development. The district itself has -- the retail aspects of it have tremendous restrictions, so I certainly want folks to understand that it's not as if amli has a wide swath on who and what they can lease to. We have encouragement as I said last council meeting when we discussed this, they have restrictions around local and minority-owned businesses, consistently beaten the 30% requirement, typically over 50%, usual at 60%, they also are restricted on the kinds of businesses they can put in here from there's certain municipal uses that cannot be here, we have travel agencies forbidden without specific permissions, bars. I have a page long list of items that they cannot rent to here, and so they're constantly managing a district that is meant to reflect Austin and Austin's iconic interests. But, again, I concur, the concepts and issues around parking and how parking is now being seen and used in downtown is a valid policy question, and we're happy to be part of that. With staff's recommendation, we've had these agreements with these two entities for 12 years running, renewed on several occasions. What staff is open to doing is having an extension. These due expire December 31. There are multiple contracts and leases tied to this parking arrangement so ali puts our spaces up in lease negotiations along with spaces in their own garages because they are trying to address the retail employee parking situation. So we would like an extension to work with them on what that looks like and bring back to council, if y'all can give us guidance on whether it's revenue, validations limited of where we want to hear that -- we

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work together and very collaboratively with them to try and get to where a better situation that is more in line with current policy. >> Tovo: Thank you. And that was -- that get to one of the questions I had, but I want to just, before I forget, ask about Seaholm. Ras the arrangement over in the Seaholm garage? I know most businesses will validate for one hour, not two but I'm not sure who bears the cost of that because we have a ownership arrangement in the garage everyone at Seaholm. I don't know if that has lost revenue or if the businesses themselves are bearing the cost of that. >> Jacob Culverson, Seaholm, we own 58%, the city owns 58% of that garage, split in various ways. For example, trader Joe's is a partial owner as well and they have certain parking spaces designated for their use. And it is very -- it's a very complicated garage because the multiple ownership, but there are certain spaces designated for certain items, and there is a lot of validation within the garage. >> Tovo: Again, their validation is one hour, not two, and I'm not clear -- and this is not a question I submitted but maybe I should, I'd like to understand who is bearing how about that? Who is bearing the cost of of that subsidy? Is it the owners or is it the individual businesses? If there's a business who is not a partial owner of the garage are they contracting for lower rates or are they, you know, automatically entitled to those one-hour -- because then that too raises a policy question of why we are partly subsidizing, you know, a business here when there may be a similar business in Seaholm that is not -- is not actually getting that same support from the city.

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>> Sure. I'll look up those details. I would definitely have to look them up. >> Tovo: Okay. >> And get back to you on that. >> Tovo: That would be great. >> I do apologize for not being able to get you the information that was requested yesterday. >> Tovo: That's okay. I just did it yesterday. >> It's a lot of information. >> Tovo: Sure. >> But we do have reports today that we'll be able to send over. >> Tovo: Super. Thank you. So under the posting I assume that we could extend the contract for a lesser term like one year if we chose to do that? >> I work with law but that's my understanding, they can add some language that would need to be added from the dais but I believe that can be done. >> Tovo: Thanks. It does concern me. I got an email from one business that had just renewed its lease and they said that they were told by landlord they would have access to this parking arrangement. Again, I'm concerned that businesses are making representations that this is sort of an indefinite agreement that is always going to be extended but I trust that this business was told that and that's unfortunate and I understand why they would be concerned having just signed a lease based on that information. So maybe the shorter term is the way to balance this out, and that will give you time to see what other possibilities. Maybe there are lower rates that can be contracted for for those businesses, but, again, perhaps not

free. At least for the customers. Mr. Spillar, are you working with those businesses to make sure that they're aware of the employee parking options? They're not in the immediate area, I know, but it might still be helpful. >> I'll verify. We've tried to do a blanket communication to all the downtown employers to make sure they know. >> Tovo: Right. >> But I can ask Jacob okay to make sure those specific specific employers know. That's really a late-night opportunity if they have later. During the day we're sort of stuck because most of those lots are being used during the day by other uses, and so -- but we will certainly

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offer our assistance in helping them find other options. >> Tovo: Thanks. I'll just renew my plea that, you know, the more metered parking we can offer the better and quite a bit of it in this second street area is blocked off with special event signs. >> Yes, ma'am. >> Tovo: Even when -- like yesterday there was no special event. There must be some other reason why it's blocked off but it's not immediately clear to people who are driving around why those spots are blocked off or why we might be using special event signs. >> Yes, ma'am. You know, your office has reached out to us previously about that, and one of the issues we've found is that we were using a standard sign for everything, and we need to be more communicative and transparent about if it's a special event or construction or whatever. And we need to also tighten up our permitting process so that we're not putting those signs out a day or two in advance before it's actually needed. >> Tovo: That would really help. >> Absolutely. >> Tovo: I think they're still blocked off today. They've been blocked off the last several days. Thank you. >> Thank you. >> Mayor Adler: Okay. Anything else on this item? All right. Thank you. That's items 11 and 12. That gets us up to item 17, councilmember alter. >> Alter: Thank you. Item 17 is our council meeting schedule for calendar year 2018. I don't know if someone from the clerk's office is available. So I posted to the message board, I think it was yesterday. I'm wondering if we would have a possibility to separate our budget hearings from our regular council meetings so that people have a dedicated time when they can come speak to us about budget for at least one of the two meetings. Speak to what it was in past years -

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at least on one of the indications people were not getting to speak until the wee hours of the night and that is one of the most important decisions that we make, is on budget, and it seems like with a little bit of advanced planning we could set aside some time where we were all available on an evening, whether we started at 5:00 or 6:00 that could all be figured out but we wouldn't have to spend that time during the council meeting for it and people could come at a designated time and know if they're waiting

they're waiting because other people want to talk to us, not because we haven't gotten to other business. I'm imagining this covering any of the elements that normally are part of the budget hearing process or the tax rate and other kinds of things. I'd be open for it for being both hearings but at the very least I think it would be useful if we could have one of those times be kind of a set aside time so we could really hear from the public in a way that was conducive. We had I think young people who had to go a little earlier, became rather disjointed so I wanted to explore whether there was an opportunity for us to do that in August. I know we have to work around the start of school and other things as well, but I wanted to throw that out there while we were setting the process. So that was my first question. >> So leela fireside for the law department. I wanted to say we set the schedule following the statutes relating to the budget adoption process and also the tax rate adoption process. So we have to work within that framework. And so I would not recommend moving the two that you have here. They're set there for particular legal reasons. But if you wanted to have an additional public comment session within -- in between those, that's certainly doable. And, also, of course it's -- the mayor's prerogative regarding when to hear from people at the meeting and with input from you all he can set a time certain, not

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that it gets put to the end, but that it can be heard at 6:00 or at 5:00 or whatever time you all would like that to be heard. The important thing is to decide it now, if possible, or early enough, because there are notice requirements that we have to follow under state law both for the budget hearing and for the tax rate hearings. >> Mayor Adler: So I have a follow-up question to that because I didn't quite understand the answer. There's a certain number of public hearings we need to have, and there's certain parameters. >> Yes. >> Mayor Adler: We are trying to move to a schedule where we're trying to set council meetings every other week as opposed to every week. But we're also recognizing that that may very well require us to schedule special sessions, especially if we have an item like the grove where we know there's going to be a lot of public comment, we may set a special called meeting to take public testimony on that item and convene it at 3:30 P.M. To have people who can speak in the afternoon and people who can speak in the evening. I thought the question that councilmember alter raised was a really good one, rather than having -- increasing the number of public hearings that we have on the budget, couldn't we just dedicate one evening to public hearing on the budget within whatever legal parameter exist? But to have it so that we know that on that day, the only thing that we're going to talk about potentially is going to be the public hearing on the budget? Can't we make that fit within the legal parameters without increasing the number of hearings we have? Just give one of them a dedicated opportunity? >> You can on the budget. The tax rate is -- you're required to have two hearings, and they're supposed to be divided up in a particular way. We've worked with the budget office and with the clerk's

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office and also with the agenda coordination to try to fit these in to meet three state statutes that apply to how you both notice these hearings and have them. If you want to have a dedicated public comment period for just budget, my recommendation -- and if you don't want to have it with the tax rate hearing that is set here, so you're uncoupling those, my recommendation is you have -- >> Mayor Adler: Do we need to uncouple them? Can we have a dedicated evening where we take public testimony on the budget and on the tax rate? >> You can uncouple them, but the tax rate hearings have different requirements than the budget requirements, and we have figured them out here. We can certainly come back with some other options for you if that's what you want. And we can discuss those with you on Thursday or come out with an alternative calendar. >> Mayor Adler: For me, what I liked about the posting from councilmember alter was it gave a dedicated time when we knew we wouldn't be doing other things on the agenda to let the public talk about all budget and tax rate-related items, pulling them off a regular meeting, giving them a dedicated evening. And if we could do that within the time constraints without adding public hearings, that's what I understood the suggestion to be, and I like giving people a dedicated opportunity rather than having it part of a larger council meeting, if we could do that. >> Do you have a particular day, like a Tuesday or a Wednesday evening that you would prefer? >> Mayor Adler: Not for me, but we could see if my colleagues have. To me it was mostly important to know well in advance and to have it on a different evening. Ms. Houston, then Ms. Kitchen, then Ms. Pool.

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>> Houston: I'd like to thank councilmember alter for bringing this forward. I would just not like to focus on the evening, but evening is a part of that, but just have that day and that evening available because some people can get off and come and have those conversations in the daytime. Others would have to do it after work, but I think that's an excellent idea so we're not doing other things but just listening to their budget concerns. >> Mayor, if I may, another option might be on one of the two that's listed on here that we just limit what you have on your agenda for that meeting. And not schedule any additional public hearings and so that you could take that up at the -- 4:00 public hearing time. That might be an option as well. >> Mayor Adler: Ms. Kitchen. Then Ms. Pool. >> Kitchen: I just wanted to thank councilmember alter for bringing this up, too. I think it would be an improvement to the process, and I would much prefer to just have it as a separate item rather than try to make adjustments to -- I appreciate the staff's suggestions, I do appreciate that, but there's just so many factors that can come into play when we have other items on an agenda so I would like to separate them and keep it as a separate item -- I mean, a separate meeting. I think that would be much better for us. >> Mayor Adler: Ms. Pool. >> Pool: I think the simplest thing is to say that we're going to talk about tax rate and the budget on the statutorily required dates based on what the state law says and then have -- if we have other issues and other agenda items either postpone them or call -- have another council meeting on



the off-week to take care of that. It seems like rather than trying to -- because if we have to fit within the constraints and the strictures of state law, which it seems like you have, then the simplest thing is for us to simply

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say we're only going to talk about budget and tax rate on those days. It seems simple to me. Maybe I'm missing something. >> Mayor Adler: Good point, too. If we're trying to separate them, we could just schedule a additional council meeting that period of time and on the date that it's set that's all that we do. Councilmember alter. >> Alter: Thank you. I appreciate the suggestions, and that was part of why I wanted to bring it up today, so that we could have a conversation of what our options were, and I figured there were some legal issues that we needed to take into consideration. Ms. Fireside, am I correct in understanding what you said is that the tax rate is the one that has to be on these specified days as opposed to the budget but we have to have budget hearings? I mean, is it -- >> They have two calendar -- each statute has its own calendar. The calendars don't line up very well. >> Alter: Okay. >> And so we do our best to try to make them line up for you. >> Alter: Okay. >> If I could offer my, you know -- I've looked at the calendar based on the message board post. I have not had an opportunity to coordinate with leela, but we can coordinate before Thursday. For example, I believe both of these public hearings that we're required to have under the state statute and one of them required to have under our budget adoption requirement, they're scheduled for Thursday meetings 8/23 and 8/30. I believe without consulting with leela we could move both of those up a day so they could both happen on Wednesday instead of a Thursday and that could be posted as all we're doing on this Wednesday afternoon is doing a budget hearing. That's all we're going to do is listen to the public talk to us about the budget and we could do those on the 22nd and 29th. If that kind of is what council is looking for leela and I can consult and make sure I'm not missing something rewards to the statutory requirements but I think we'd be okay with that but I want to make sure we come back on Thursday with an option that's what you're looking for.

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>> Alter: I would be open to that. I'm not sure that both of the days have to be a set aside day as opposed to making sure we have one of those, but I would certainly, if my colleagues are willing and able to come for both nights, I would need to just check when school starts then, would be kind of the main issue around those weeks that we would want to just be careful about that so that we're not precluding people from coming. I just think it -- you know, my main goal was to find a way so that we could tell people, you know, right up front right now that we're going to have these dedicated times and

any of the suggestions, if we stick to them, would work. So it does seem like we could have an agenda on just, say, from 4:00 to will on this time we're only doing budget if you're here and what not before we move to other things, or we could have the dedicated evenings. Any of those options would be all right with me. I'm happy to come from the additional evenings but I wanted to get a sense from my colleagues. I was originally proposing one evening, so I don't -- if that's the only way to do it, though, then I would be comfortable with that. >> Mayor Adler: Mayor pro tem. >> Tovo: I'm sorry. How many evenings are we talking about at this point? And on which days? Are they still on Thursdays? >> They're currently on Thursday the 23rd and Thursday the 30th. And I would be suggesting moving one or both of them up to the Wednesday before so there would just be that -- basically the time frame. Now, you are meeting already on the Wednesday before, on August 29th, you have an all-day council work session so you'd have to be prepared for having your all-day council work session and around 4:00 or so trink to potentially an all evening budget hearing so that would be a lot of budget for one day but you could do that on the 29th. >> Alter: Would you be able to explore we could do -- assuming we don't have a conflict with the start of school, having the solo one

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on the 22nd and then keeping the one on the 30th as it is, if that would statutorily work? >> I believe it would statutorily work but, again, we need to consult with -- >> Mayor Adler: I think the manager pointed out the first day of school is -- >> August 21 for aid. >> Tovo: Which, mayor? We might -- I don't know if these typically are set, but just know that is a time period where there will be back to school -- the 30th and I think the other one, the 23rd, are likely to be back to school nights that we would be competing with, but -- >> Alter: I usually do back to the day after school starts. >> Tovo: I don't think so, no. It's usually the following week. >> Alter: Labor day. >> Mayor Adler: If you could give us options. Ms. Houston. >> Houston: We keep talking about evening. Is it statutorily required that it be in the evening? There's some elderly people that can't get here in the evening so if we say that day, through the evening, then that would help those folks that need to come during the daytime? >> There's no requirement that they be held in the evening, just that they be public hearings at which anyone who wants to speak can come and speak. >> Houston: Okay. >> Also, our charter requires us to hold hearings on any of the utility rates that we're changing, and so while we're talking about it, are you operating under the assumption that the utility rate hearings, if there are any, would also be on those budget hearing days or not on the budget hearing days? >> Mayor Adler: Yes, Mr. Flannigan. >> Flannigan: I'm operating under the assumption that our community will talk about whatever the hell they want to talk about. As long as we're posted for a hearing, I don't think we have to be so concerned about what the topic is because the people will come and talk about what they want to talk about, which is good, and that's one good thing about our city. I'm open to -- I'm also in love with this idea. Councilmember alter, thank you for bringing this up. I'm open to any of these

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ideas, be it the 22nd or even the prior week. I'm not a person who has kids so I don't know which is better, is it better to do it when the kids are in school or before the kids are in school in I don't know the difference. It might be the week before is better, before school starts, or -- but, you know, count me in on whichever option we can get to that allows, to councilmember Houston's point, an earlier start time, allow people to come during the day for folks where that's more convenient and an evening opportunity but I think we can get this worked out. >> Mayor Adler: Okay. Thank you. >> Just on that, I think it's much more likely if we try to move it up a full week we run into calendar issues in regards to when we set the maximum and required number of days between setting the maximum and in thing and all these statutory restriction that's the full week in advance is much more likely to probably run into problems than just a day. >> Alter: I think if you're doing it -- sorry. >> Mayor Adler: Go ahead. >> Alter: I think if you're going to have times during the day and in the evening I think that does provide opportunities for parents who can to come earlier in the day and then we would have something the next week as well and there's nothing to preclude us on the 30th of saying we're going to have this specified period, too, that we're not going to make the public wait to talk to us about budget until 11:30 at night. There's nothing to preclude us from organizing our agenda on the 30th in that way as well. The second thing that I wanted to bring up with respect to the calendar -- and I think we probably don't yet know our timetable enough to put it in stone on this, is I think it would be helpful to have some sense of codenext meetings once we're in a position to understand the timetable. I'm not advocating that we will know for this Thursday. But once we do have a better sense of the timetable for that, the sooner that we can get on our calendar and figure out our calendar so that we can all be present and not have conflicts and that the public can know

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that these are times when we're likely to be talking about codenext with our first, second, and third readings, I think that we are going to have a lot of public testimony for codenext when we do have it and we will need to be prepared for that to take up a considerable amount of time given the magnitude of the task before us. I do -- again, I don't think we're going to have that resolved for this Thursday, but we will have to revisit the calendar in light of that as we get greater clarity on the proposed timetable. >> We can amend the calendar whenever you guys settle on that. So no problem. >> Mayor Adler: Okay. My sense is we're already in a position to do the first. I think you're right, we should do the second as soon as we can, probably not ready to do that quite yet. Anything else on the calendar before we move to the next item? Okay. Let's go to the next pulled item, this is the anti-lobbying ordinance. . >> Alter: Mayor, may we speak to both 42 and 50 together? >> Mayor Adler: Yes, yes. >> Alter: Thank you. So I pulled these two items for two reasons. One is 42 was withdrawn by staff yesterday, and I wanted to give them an opportunity to speak to us and to the public about why that was withdrawn and what the

proposed process is. And then, secondly, on item 50, I wanted to give them an opportunity to provide some clarity about why 50 might be needed in the absence of 42 with that and to hear from my colleagues any questions or concerns so that we might highlight those today. >> Mayor Adler: Okay.

[10:39:38 AM]

>> Mayor, councilmembers, James Scarborough, purchasing office, joined by my colleague from the law department. >> Good morning, mayor and council, assistant attorney. >> So regarding item 42, as requested by the council, the staff revised version of the Alo went before the ethics review commission, erc, and they referred it to a working group who also worked with a number of the waste management stakeholders to receive feedback. We received the recommendations from the erc last week, and based on the feedback that we had been hearing while we were publishing the staff version, so we had heard some feedback from the vendor community but it was largely based on the staff version, and also the feedback that we heard from the erc and from the additional feedback from the waste industry stakeholders, we believe that proceeding with the item at this time wouldn't paint a clear enough picture for council so that you would have an informed discussion and vote. There are too many versions, there's too much edits, and all of these thoughts need to be consolidated into a coherent recommendation for your consideration and vote. We also need time, quite frankly, to incorporate if we are to do so, to be incorporate the feedback from the erc and from various stakeholders. Some of the concept that were included in the recommendation we didn't hear until the time of the vote from the erc, like the recommendation for the no contact period to start four business days after the issue Wednesday of the solicitation but before the receipt of offers. That disqualifications no longer be subject to protest but that they are appealed to a separate body, whether that be the erc, municipal

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court, or some unnamed body. None of these actions we have past experience with, so we are not able to give you an effective commentary regarding the possible operational impacts that staff may experience if these changes were to go through without further vetting. So that's why we would like to withdraw item and take a breath and review the feedback that we received, consolidate this feedback, and then work with the council ideally with the audit and finance committee to review all of the body of feedback that we received and start distilling that into a as close as possible version that the council may be interested in, and then -- and then taking that version out to the vendor community and allowing them the opportunity to see all of the feedback into a version of the anti-lobbying ordinance that would subsequently go forward to council for a vote. We'd also like to take the time to develop prospective rules. It's difficult to do that and working with our colleagues at the law department we typically don't

do -- put rule making before the creation of an ordinance, but is that we can address some of the concerns associated with how the ordinance would be implemented, we're certainly willing to put together prospective approaches in a companion document to go alongside a version of -- a consolidate version of the anti-lobbying ordinance so that the public, the interested party, and council could see -- or get a good idea what we would include in the subsequent rules after the ordinance was passed. So for all these reasons, we'd like to take the time

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to study the anti-lobbying ordinance, the surrounding regulations that may not currently be established in ordinance, like protest and appeals, suspension, debarment, and the treatment of confidential information, all of which came up in our discussions with the erc and with the stakeholders. Should we change -- fundamentally change some of the city's policies and practices in these regards, those changes would only exist in the anti-lobbying ordinance and really they should be established separately under general procurement-related policy. So that is our recommendation, that we withdraw this item, we take the time to review these elements with audit and finance or a similar council committee and bring back an item that has been more fully vetted and exposed to the broadest possible swath of the city's prospective vendors. >> Mayor Adler: Thank you. Questions? So what does that -- if this is withdrawn, do you pull down item 50? >> Alter: No. Item 50 is still necessary because we have a contract that's out on the street for biosolids that has no anti-lobbying ordinance over it because we have waived the anti-lobbying ordinance for waste management. What 50 does is propose a -- I think a balanced approach to have a modified anti-lobbying ordinance in effect for this contract. Even if we had changed the Alo this week, it would not have applied to this contract because there would have been at least a 30-day period for the rules to go with it. So what 50 does is put in a modified Alo. I think we took pains to find a balanced approach to address some of the concerns. So, firstly, if you look at number 12, it says this action will not prevent any

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respondents or potential respondents to the biosolids solicitation from communicating with any city employer, employee or official regarding any matter that is not related to that party's response to the biosolids solicitation. It's my understanding from legal that that addresses the concerns that we are still talking about some of the items that are -- were in the working group. It addresses a technical issue in that this solicitation is already on the street, and so the current Alo applies at that point, I believe, and so in order to apply the current Alo we'll have to have a modification that would apply this from when the solicitations come back. And then, thirdly, what this does is it removes debarment as a penalty for

this particular contract. So if somebody violates the Alo in this case then they would only be disqualifying themselves from this particular contract, not from other contracts. >> Mayor Adler: Has staff been able to consider this item number 50 and does staff have a recommendation with respect to 50? >> Mayor, yes, sir. We apply the anti-lobbying ordinance that is currently written and established in city code to all of our current solicitations. So operationally, this would be most intuitive to staff and would allow us to apply it without a lot of unknowns and a lot of procedural differences. Certainly we would change the clock from when we recognized the beginning of the no-contact period to start when the offers are received. Otherwise, we would apply the anti-lobbying ordinance the way we do now throughout the remainder of the evaluation and the award recommendation. Certainly excluding the possibility of a disqualification, including debarment. So otherwise operationally it would be consistent with the way staff operate now. >> Mayor Adler: Okay. So you recommend it?

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>> Yes, sir. >> Mayor Adler: Okay. Councilmember kitchen. >> Kitchen: I have a question. For staff, I think. Item number 1 on page 3, I'm thinking that this proposal is different than the recommendation that came out of the -- for the time period the no-contact period is set at is different than the process that is being followed as we -- the recommendation that's came out of the workforce and erc and so what we are likely to end up at the end of the day with the [indiscernible] You all bring back is different from this number 1? Am I remembering correctly? >> Correct. The recommendation from the erc was that the no-contact period start four business days after issuance of the solicitation. Staff's recommendation was that the no-contact period begin upon receipt of the comps so that we would know who to apply the ordinance to. This -- >> Kitchen: But when does it intend when is the recommendation going to end? I'm sorry. >> Based on the writing in the current ordinance, when the contracts are signed. >> Kitchen: What is the recommendation for when it ends that came out of the commission? That's what I'm talking about. >> Thank you. The erc agreed with staff's recommendation that the no-contact period end 60 days -- no later than 60 days following council authorization of the contract. So -- >> Kitchen: Okay. So that's different than what's in item 50? So we're proceeding down a path based on the process that we've been following, which is the work group's process and commission's process, we're proceeding down that path with regard to the ordinance you all are working on that's different from what's being proposed here? That's what I'm trying to clarify.

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>> If I can clarify, councilmember. The staff-proposed revisions set three different triggers for the end of the no-contact period. Depending on what happened it was the earliest of execution of the last contract,

60 days following council authorization, or staff withdrawal of the entire rfp, cancellation of the rfp. And so with apparently -- what the current anti-lobbying ordinance does as currently codified for purposes of this solicitation, should council choose to pass this ordinance addressing just this solicitation, it would only be -- the no-contact period would end at the execution of the contract. >> Kitchen: Thank you. Thank you for the clarification. What my concern is that we're -- you know, that I have to think about is that we're considering putting in place something that's different than what we're working towards based on the very, you know, thoughtful and detailed process we put in place to address this issue. So that's my concern with item 50. And it -- item 50 hasn't gone through -- my other concern with item 50, you know, we're sort of inserting this in middle of a process that has been developed, carefully developed, because of the concerns and the difficulties around this whole issue. So we followed a -- we set up a place -- a process for our commission to weigh in, for the public to weigh in. We had a subcommittee to weigh in. And now we're just inserting this in the middle of that process and that process is not done and what we're inserting is different than what is being recommended through that process, and that's my concern with this item. So I'd like to understand why we need this right now. I think that absent a pretty strong reason that we need this right now, my inclination would be to continue with the path that we set out because we set out a very deliberative process for a reason, so that we would have the opportunity to hear from all

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the stakeholders, including our commission. So this doesn't give our commission any chance to weigh in. >> Mayor Adler: Okay. Councilmember Garza. >> Garza: Without having this, what -- what is the scenario if this is not in place? It allows them to solicit councilmembers with no penalty? Is that correct. >> Yes, ma'am. >> Garza: So worst case scenario, somebody calls up a councilmember and tries to convince them why we should do whatever with their contract? Okay. And so I have similar concerns that councilmember kitchen had, and the biggest one is the part three of this it says as amended by this ordinance this will remain in full force and effect until further modified or repealed by the city. That sounds to me like this process stays in effect until we pass what you have taken off the agenda. Is that -- what is this -- what does this last one mean? >> If I may. What this ordinance proposes to do is to modify the blanket waiver that was applied to a certain category -- blanket waiver of the anti-lobbying ordinance to a certain category of solicitations. So what this does is it modifies for this solicitation only, it would modify that waiver to say that only small pieces, only the debarment penalty, debarment section, and only the portion of the no-contact period between issuance and due date of the solicitation are waived as to the solicitation so that the current anti-lobbying ordinance in all other respects would apply. And what part three clarifies is that the waiver that council put in place for all other solid waste, biosolids, et cetera, solicitations would still be in full force and effect until council repealed that at a future time or modified it in the future. So what part three refers to is the waiver ordinance from

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April that would remain in full force and effect except as modified. >> Garza: Okay. So I'm -- I guess I'm curious to -- does staff think that this is a good way forward because it provides protection? And I guess what are your thoughts on one way or the other? >> Sure. We appreciate the question. Staff is prepared to proceed without the anti-lobbying applied to this solicitation. If council wishes to have anti-lobbying applied, this would be the most straightforward, intuitive way to do so. So we're prepared to proceed without and we're prepared to apply the modified Alo. This approach would be least disruptive and most straightforward way to achieve that if council wished to do so. >> Garza: But if we choose to do something otherwise there's nothing and the worst case scenario is that a contractor could solicit a councilmember for this specific one? I'm just -- I just have concerns that we've been in -- this is a really complicated issue, and our staff has done a lot of work on this, and I'm just concerned about the message this sends to this room being full of so many stakeholders who really bought into the process and really wanted to be heard. And I just think that this sends -- this doesn't send the right message, in my opinion, in that -- I want us to keep moving towards that final decision and I think this can send a negative message to all those who participated and bought into the process, and I'm concerned about their feelings about this going forward when we can -- we can go forward and -- on the path that we're on without

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this. >> Pool: Does item 50 affect Austin water's time line on the biosolids contract? >> The proposals are due on the 16th. So if item 50 passes, we would be able to apply the modified anti-lobbying ordinance to the solicitation in time for the receipt of offer, so it would not impact the time line. >> Is it 16 or 19? >> Pool: 16. So the time line, if we were to pass 50 and it goes into effect after three days, so it goes into effect -- right? Or is it ten days? It's ten days after we pass it. So -- >> We'd have to extend it. >> Pool: Doesn't that make it the 17th when it's effective? So in fact passing it misses the date when the solicitation closes. Is that -- am I right on that? >> I believe you are. >> Pool: Okay. So -- >> Actually -- >> My apologies. >> Daryl Slusher, Austin water. Daryl Slusher with Austin water. That's correct, councilmember pool. And I understand. But we've looked -- we've planned for that and we can make it work either way, we're going to try to get it to the council on December 14 so that we don't get that -- have to wait until February. But that's our biggest concern, and we do think we can make it work if -- with number 50 passing from a -- either way, from a time line basis. >> Pool: But I think that the piece that would affect the bidders expires a day after the bids are due. So I just want to say -- >> Sure. >> Pool: -- That I also



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agree with what councilmember kitchen and councilmember Garza have laid out as far as the process continuing to go forward. We knew this was going to be complicated and we knew that it would take time to get to the final resolution. I'm really uncomfortable bringing in a side approach that hasn't been vetted sufficiently and is supplanting the process as long and tedious as it has been with something that hasn't yet been vetted. And so I also am not keen on supporting item 50 for that purpose and I don't know if we need six months to go through all of the stakeholder input but maybe we do. Maybe what we've done to ourselves inadvertently is set our deadlines too soon and having to ask for additional continuances hasn't been really productive so I'm going to -- I'm going to allow the we'll get to a final resolution at that point, and then I also don't want to put anything in place on the biosolids contract that hasn't been fully vetted or at least at all vetted, certainly hasn't gone through the ethics review commission and its forum, but thanks for answering the questions. >> Mayor Adler: Councilmember >>. >> Riley: I . >> I feel the same way. I think we're putting something a little too soon. I think we can survive this contract without putting this in the middle. I haven't been able to study it either. So I'm not going to be supporting it. >> Mayor Adler: Council member Flanagan? >> Flannigan: I have a different perspective on this and I'm co-sponsoring this with councilmember alter. Because to me this is not whether or not my office can handle some extra phone calls. For me, this is how much money the perspective bidders will get

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in the lobbyists that will get embedded in the contracts. For me, the worst case scenario is that the contracts become expensive as a result of the bidders have to hire lobbyists or spend more time or extra time on lobbyists. The costs are not free. It's built into what the taxpayers have to pay to provide this service. So my worst case scenario is that it becomes more expensive. I want to avoid that. I don't think anything about this item inhibits or precludes the larger process. There's nothing about this that prevents us from continuing on a path in this thoughtful community stakeholder process for the bigger question. Council member Houston, you brought up multiple times this is not just about waste management, this is about a lot of contracts. I completely agree with you on that as we've had multiple discussions on the dias about the purchasing processes and not just anti-lobbying. On some level is to have some form of anti-lobbying protection around the way procurement proceeds. Not comfortable with there being none. We put ourselves in this difficult position of having no anti-lobbying rules whatsoever around this particular contract for whatever reason. And I disagree on what the reasons are, why we've gotten to this point. But I'm perfectly comfortable with the compromise on how we could keep lobbying anti-lobbying protections on this contract. But for me, it's about my concern that when you -- when you have bidders on government contracts spending money on lobbying, it's the taxpayers

paying for the lobbyists and that's the thing I'm trying to avoid. >> Mayor Adler: Ms. Houston? >> Thank you, mayor. I have a question for Mr. Scarborough or Mr. -- The lawyer, the name I forgot. What is it?

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>> Weema. >> Houston: Oh cape. What are the negative impacts of putting 50 in place for just this one solicitation? What is the harm that would do the folks that are bidding on this contract. >> Councilman, I hate to speculate. But we apply this ordinance the way it's written out. So the harm conceptually shouldn't be any different from what all of our vendors experience now. Because the start date has been pushed back, the modified version may not be modified as the current version. The penalty is removed. There might not be as much incentive for the offers not to violate the anti-lobbying ordinance. I don't see it goes beyond the anti-lobbying. The modified version may fall short of some of the protections in the anti-lobbying ordinance. I try not to speculate, but I don't see additional risks, there being some abbreviation of the current anti-lobbying ordinance experience with it. >> Houston: Do you have any comment? >> I would concur with that? It sees with the changes or the differences that Ms. Alter, council member alter laid for is that's what's in place for everything else, was in place. I would agree and concur with Mr. Scarborough. >> Houston: The stake holder process can continue. >> Yes, ma'am. >> Houston: Will it have a negative impact on the stake holder process? Number 50?

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If we pass number 50, will that have an impact on the stake holder process continuing? >> I believe that as Mr. Weema mentioned certainly the intent of the language that we read that there be no impact on the stakeholders outside of the solicitation. >> Houston: Okay. Thank you. >> Mayor Adler: Ms. Kitchen? Then council member -- >> Kitchen: I have to respectfully have a different point of view or a different perspective on a couple of items. I do think it circumvents the stake holder process. I mean, as I mentioned before, that's one of the main concerns for it is that we -- we -- on a very contentious issue, we set up a process. And we establish some trust in that process. And now we're throwing that process out. And for what end? I mean, we're not accomplishing anything with this, I don't think. The only thing we're saying it covers is one contract for part of the time period which involves when they talk to us. That's it. So I -- I think that the trust that we tried to develop as part of this process as your working group tried to develop as part of this process, I am not comfortable with going forward and throwing something in the middle of the process. I'm not even talking about the stakeholders, I'm talking about the commission members we have worked with, the appointed commission members that we've worked with through this process. To my mind it is, you know, I find it insulting to them to do this. And councilmember Flannigan, I understand your concern. I wouldn't want to do anything to make this more

expensive, I have a different perspective on that also. My perspective on that is first off, they're going to bid. This is a competitive process. I don't believe they'll put the

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costs they anticipate for lobbying in the bid amount. If they do, they're at a competitive disadvantage from anybody else that submits plus they're submitting before this ordinance takes effect. So I just respectfully disagree with you that that is a concern. I'm weighing the stake holders, the trust we've built up, and I'm weighing against the protection. I don't see it protecting us in a way that's necessary you know, I get lobbied all the time. I'm not going to suddenly change what I have for this contract. We have in place going forward but we need to put the appropriate thing in place after fully vetting the stake holder process we've set up. And I think this doesn't do anything in the meantime and it's a potential harm to our process. >> Mayor Adler: Councilmember alter? >> Alter: We have to distinguish the issues. There's what's going on in the waste management area and what's happening in the contracting process in general where we have 140,000 vendors affected by the potential changes to the Alo. You recall three weeks ago when I had this discussion and I asked you to be in a position so we could choose whether or not to be an Alo, I said there's no Alo that's passed. Why did I say that? We've unleashed a process where we are allowing one company to rewrite the Alo for one industry when this affects 40,000 companies. And in my mind, that process undermines a much larger process that I'm much more concerned about than the integrity of what is going on in the waste management system. Of stuff.

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We need to be very careful about the message that we send about how we make our choices about our contracts. Not having the lobby in place for this contract suggests things that I am very uncomfortable with. If my colleagues choose not to apply a modified Alo, that's your choice and everyone can make a decision about whether they speak to the lobbyist. But understand there's a larger process going on here. That is totally apart from the working group. That is gone off of the rails and the withdrawal is an attempt to write things so that we maintain our system. There was nothing in what we've said from the commissions. There was nothing that we said from our working group that authorized a rewrite of the Alo based on one industry. And in my view what this does is allows for that and gives us a choice for those of us who want a choice about whether it's applied. If you choose not to vote for it, that's fine. What is the risk? I want to be clear. The risk is one company decides not to bid on this contract. That's when they will come and try to bully the council and say we will not bid on this. And that is what will happen. That is the risk that we take and it might be time to call their bluff. Councilmember Poole?

Council member kitchen? >> I have a question. This ordinance relates to article 6, chapter 2/7, article 6, right? A legal question. >> Mayor Adler: Yes. That's correct. >> Kitchen: So article 6 is solicitation about biowaste. >> It's the anti-lobbying

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ordinance. Anti-lobbying and procurement is the title. >> Kitchen: Right, that relates to the municipal solid waste, refuse, biosolids, compost, organics special waste and repsychbles. >> That's an ordinance that's the title of that ordinance. So with this ordinance, we'll have to modify that particular modified ordinance to the full title. So those categories are what we spelled out in the prior ordinance, the waiver. And they are covered in the anti-lobbying order. >> Kitchen: Okay. I wanted to clear up. >> Houston: Mayor? >> Mayor Adler: Ms. Houston? >> Houston: It's applicable to all of the contracts for anti-lobbying. >> It applies to all of the contracts to which it says it applies. But yes, it applies to all contracts except for those -- [ indiscernible ] >> Houston: When would we get an opportunity to revisit those to see if we want to continue to have that anti-lobbying be -- them being exempt from the anti-lobby provision? >> With respect to the others that are currently spelled out in ordinance, that could be discussed at any time. >> Councilmember, that was one of the areas we were hoping to address. Step back, take a bigger picture look at the anti-lobbying ordinance. Some of the areas like the current exemptions were not applicable to the waste management industries so they didn't come up in that review, stepping back, taking the time to do a broader review would give us the opportunity to look into the exemptions to see if they're still applicable at this time. >> Pool: The only ones that are listed here, anti-lobbying ordinance is still in effect in all of the other categories. >> For all of the categories

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that -- >> Pool: That have the anti-lobbying ordinance on them. That's explicitly what when he exempted back in may and we knew that's what we were doing. It's only for these contracts. So I'll just reiterate my support for or my opposition to item 50 and my support for continuing with the process we set in place by ordinance back in may. >> Mayor Adler: Ready to move on? Thank you very much. Councilmember, item 46. Thanks, guys. >> Tovo: I wanted to say a couple of words about this and to talk about -- talk about the amendment among other things that was posted on the message board. So this is -- I want to emphasize a couple of factors about this resolution. This is -- I really envision this as the beginning of a conversation. I've gotten some e-mails of concern about potential sites that could be selected about the potential use of parkland. I really envision this resolution as, again, the beginning of a conversation that I hope will be broad that would involve different community members and that would help us assess whether or not -- whether or not there's significant support in the city of Austin. If and

when major league soccer team relocates here to have some kind of partnership with the city of Austin. We have had -- we've been in the circumstance at times of having things on our council agenda for final approval that would create a use on a piece of public land. And I don't think that's the best situation. So my interest here is really making sure we're having those conversations early so we can provide some direction to those who might be interesting in relocating a team because I'm getting Twitter copied on like dozens and dozens and dozens of e-mails every day from Ohio and

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getting lots of e-mail from Ohio, I want to say I understand -- I don't understand because I'm not experiencing it, but I'm reading and I understand that supporters in Ohio of the Columbus crew want to see their team stay and I appreciate that that's the case and this isn't -- I don't see the city council here in Austin as engaging in making that decision about whether or not that team relocates. To me, that -- those -- I don't pretend to know much about the world of professional sports, but those are decisions that are business decisions and, you know, I don't see us engaging but I do think it's a neat opportunity if there is a major league soccer team that is interested in relocating to Austin, I think that could be a great opportunity for Austin. There seems to be a lot of support. I'm intrigued by what I'm reading, my staff is doing a lot of research about professional sports teams, soccer otherwise. And the kinds of benefits they can bring to a community, both in terms of programs for youth and other kinds of real community benefits and that's exciting to me. And I believe could be to austinites. So that is in substance what I wanted to say about the resolution. Councilmember Flannigan posted a potential amendment and we worked with the original language but I think the intent of your language and have created a bullet that would identify those specific things, businesses, I think you had a cup all of other items. Let me consult my notes. So we say just you identified, businesses, schools, places of worship, public facilities, and residential neighborhoods adjacent to identified sites. Because I think it's important to call those out. Some of those could benefit from that add Jay sen si. Some could have impacts that are different. So I appreciate your looking at that and saying there were other -- other kinds of places

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that should be considered and I hope that that's responsive to your suggestion. But -- but also I think maintains a focus on how those impacts could be different for each of those groups. >> Mayor Adler: Thank you. >> Could you repeat the phrasing? >> Tovo: Sure. The current phrasing in my resolution is traffic and other potential impacts on residential neighborhoods adjacent to identified sites, councilmember Flannigan suggested changing residential neighborhoods to communities. Why don't I pause and let him explain why. >> Yeah, I just wanted to ensure that we were accounting for all

potential impacts and the list that I included on the message board was more of a brainstorming list than a proposed language. So I'll take it -- I'll think through to make sure all of the comma, comma, commas, including all of the elements but I'm fine with delineating a list. I was -- I was feeling like just to generalize would be good. But if we want to be specific, I'm good with that too. And I will make sure all of the elements in my head will get put into the final language. >> Tovo: Mayor? That would be great. I can only speak in this forum and on the message board. Rather than our bringing forward that amendment, if you want to bring it forward, that would be great. I think we're in sync on the intent there. >> Mayor Adler: Sounds good. Councilmember Poole and councilmember alter. And then councilmember kitchen. >> Pool: Thanks, mayor pro tem, it occurred to me that the resolution when it looks at city-owned land is excluding land that might also be appropriate or attractive for something like this and maybe not even for mls, but for any kind of a sports team.

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Is this focussed only on city-owned properties because that's the only area we have any real information or would it be okay in your mind to broaden it? For parts of town that may be owned by nonprofits or something like that that -- I mean, I just don't know. I just don't know about the city on property piece, if it's parkland. I don't know how I would feel about that. But we would have to have a vote of the public on alien eating parkland and so forth, which when he ear well aware of. >> Tovo: And I should say just to be really clear. Just because it's beginning a conversation, we would have to have at least another sub substantial conversation and vote of the city council before moving forward to consider seriously any particular piece of public land. In addition to a potential vote of the people, if it's parkland. So I wanted to -- I just -- some people asked me that question. I want to be clear this all had to come back to us. Why it's focused on city land, yes, that's what we have -- we can direct the city manager to look into it. And I'm not clear on who would be the city department looking into that. Would that be real estate or would it be because it's a recreational use, would it be parks and rec, that's a question for the city manager. I have included bullets in there. I think this is a suggestion of some of the co-sponsors to also talk with independent school districts and other public entities. In fact, that last be it further resolved talks about that one on the second to last one, consult with Travis county, health, and other entities. There may be public sites that they have that should be in the mix. I will say I've gotten contacted by several people representing lands and I'm sort of funneling those to the soccer people

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because I don't want to be enmeshed in if determination of sites for a soccer stadium. But it does sound as if there are some private sites that would like to -- or holders of private sites that would like to be in

the mix as well. But it didn't feel appropriate necessarily to have that within the resolution. >> Pool: Thank you. >> Mayor Adler: Councilmember kitchen, then Ms. Houston. >> Kitchen: I have some questions. I just related to the locations that we're looking at. If I'm reading this correctly that would be appropriate for the soccer stadium, we're only talking about the urban core and we have ear also saying including underutilized parkland. So I apologize if I missed it, but I'd like to understand the definition of the urban core. And I'd also like to understand what we mean by underutilized parkland. And then finally, I would ask the mayor pro tem about the potential for expanding the review beyond the urban core. As you know, one of the areas that's been mentioned is in district 5 which has raised a lot of concern with my constituents and while I consider a -- I can see the value of soccer for our community, I think it could be a very valuable thing, I wouldn't want us to take off the table a broader area if that could -- could lead to a other options particularly since I'm not going to be able to support the item that has been much discussed in the very close to zilker park. I have a couple of questions. Urban core, I didn't see a definition, maybe I just missed it. Not sure what is meant -- I'm asking for a definition for

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underuted lietzed parkland. That's the second question. And the third question is would it be appropriate or would you consider it a friendly amendment if we amended this to expand the search beyond the urban core, depending on the definition of urban core? >> Tovo: Can I respond to this? >> Mayor Adler: Yes, go ahead. >> Tovo: I'm not going to guest the east-westboundries right. I need someone to help me. My understanding that the team that's interested in locating is interested in being more or less downtown. That is fairly geographically specific though practice fields could be outside of the downtown area. The urban core is much broader from 183 to Ben white and Thoen -- >> Houston: 183 east to Lamar, I think. Our definition is in -- >> Houston: I believe it's mopac to 183 east. >> Kitchen: Based on that definition? >> Tovo: Based on that definition in the land development code which is far broader in geographic scope than I think the team is interested in locating. >> Kitchen: We understand from the team they wouldn't consider anything outside of that urban core. >> Tovo: It's best to hear from them directly but I think it's my understanding again that they're interested in locating more or less in the downtown area. So, our urban core is really quite -- quite large -- well beyond the downtown area. >> Kitchen: So the second question, I understand the definition in the land development code. Is there a definition for underutilized parkland? Is there a thought related to that? >> Tovo: I don't know if there is a definition in the code? Thanks. In the urban core. But it -- it would be parkland that is not used, you know,

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constantly. I would -- that's how I would define it. I see Ms. Mcneeley. I don't know if she would like to comment on that. And I understand -- frankly one of the reasons that underutilized parkland is specifically called out in here, though it is contained in the broader term of public land, it's because there are probably -- there are certainly some sites that are parkland that have been identified as possibilities and I think it's absolutely critical that we have those discussions now. If that's something the community will not support and the council will not support, we need to provide a clear answer on those at the outset. Again, I don't want to be in the experience where in the situation where we have something for final approval on the agenda and then we have lots and lots of community concerns about it. Let's have that discussion at the outset. Have a real honest conversation about what the Ben if I wants are and a careful evaluation from the community and the council about whether bringing a soccer team here fit the uses of park or public land and whether it's something we want to participate in. >> Houston: So the reason my -- I'm sorry. My reason for asking that question is because I just want to know if it's tied to a definition somewhere. Because I think the public would want to understand what we mean by that. I do appreciate the mayor pro tem setting forth a process for discussion. I just -- my question is really related to the scope of that discussion. And and I understand we are limiting the area. I'm just concerned about limiting the area based on what the -- what the company is telling us, although they're the ones considering coming and if they're clear they're not going to come, if it's a smaller area, that's something that -- if it's a different area, we need to understand that. But anyway, is the definition of underutilized tied to anything?

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I'm understanding that the definition of urban core is tied to the development -- the land development code. But is there a definition of underutilized anywhere? >> Kimberly Mcneeley, acting director for the parks and rec department. I can't answer the question if it's clearly defined underutilized. But in my mind, within and without -- outside of the urban core, there's certainly pieces of parkland that have been purchased that are not developed at this time. So when you think of underutilized, you think about we have them land banked. We want to develop them but we've yet to have any development placed on them. That might be one tier of underutilized and a secondary of utilization may be is it only used for part of the season? Is it only used for a particular type of activity? So I would expect that when when he come back to council with some recommendation or suggestions or ideas to consider that we would help define that for council so that they would understand where our thought process was. So it would not continue to go undefined, but it would be -- we would do the appropriate research to find out if there is a definition in code and then if not, define it for you or have a suggested definition of how we've selected those so you wouldn't be going into it blindly and just take our word for it that's underutilized. You understand the definition of it. >> Mayor Adler: Councilmember alter and then Mr. Renteria. >> Alter: I have a question for mayor pro tem tovo. I don't know if this would be it but I wonder if this would fall in the duties you expect staff to do. How the stadiums have worked or not worked in other cities. For instance, when I had a



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private conversation, they said you can't share it with aid because it's grass and it will get overutilized and a stadium is shared with an ISD. I would like though understand the models out there. Soccer or sports stadiums where they're using the stadiums for multiple uses rather than creating something that's used 34 days of the year that will be taking up our public land. That's something important to me. Is that something that you feel is covered in here? >> Tovo: If it's not, I believe it should be. As I mentioned, my staff have been compiling some of the examples as well. And that would be at the end of the day if we're looking at a vote on whether or not to use the public land, it will be important for me to use those kinds of activities about it being used for other kinds of purposes. Graduations for the school districts or sports teams. I will take a look and make sure it's clear in here. The deadline we have in initial reports and recommendations coming back to council is pretty fast. So they won't have all of this information but possibly an overview of most of these bullets. But I will take a look and make that it -- I see sit as the community bullet, the new program serving Austin residents including benefits, that could result from the construction of the stadium and practice fields and so maybe it's enough to provide direction of staff that we expect that to be about the use of the stadium as well as the use of the fields. >> So, >> My second comment -- I haven't decided how I'm going to vote on this on Thursday but I do want to signal I'm going to have a high bar for using parkland and I'm going to be concerned about the process and I think it's important to recognize just because we use parkland doesn't mean it has to be alienated and require a vote of the citizens. Depending how this is approached there is an option for a ground lease which would not require a vote of the citizens so we

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have to be cognitive that going down this road, that is one of the options that may come back and we'll have to decide whether we're comfortable with that approach or not. So it is not a given that if it's on parkland we have to have a vote of the public, and that does concern me. >> Mayor Adler: Councilmember Renteria. >> Renteria: What I also wanted to include in that is because we have existing soccer fields that we have -- I know there's some in district 2 right off of William Cannon and Onion Creek and a lot of times when I pass by there I don't see it being it being used as much and I think this new soccer team potentially could bring in a lot of people and usage into that area. Because I know that there's a big following of soccer, especially in -- that would love to use those fields more often. I know I - - I'm seeing it right now behind Martin Middle School every weekend there's a soccer team playing down there, they have a league that uses that field, they use Sanchez also parkland, every weekend there's soccer teams going on. They use it down here on Butler Field. So it's a real popular sport, you know, and even when I went down to Atlanta, Georgia, there on the transportation summit here just the last two

weeks, I inquired about their stadium there, and they said that's the only stadium that get full, sold out constantly. Basically what it is is that they would like to have it downtown, the main stadium, and then they'll build practice field for us wherever they can get it at, you know. >> Kitchen: Mr. Mayor? >> Mayor Adler: Yes. >> Kitchen: I'm just not concern -- actually, it was my Houston.

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>> Kitchen: Okay, sorry. >> Houston: I'm sorry. I was doing something else there for a minute. I didn't think you were of going to get to me. >> I called on you before and you turned off your light. >> Houston: That was true. Somebody had already asked the question. >> Mayor Adler: All right. [ Laughter ] >> Houston: But, anyway, this is just to have a conversation about possible options. Of course in conversations people have a specific idea of where they want things developed. I have of course got lot of land that I would love to have a soccer stadium and practice fields and programs during the off--season, and because we're at the apex of three major highways with toll road 230, 290 and 183 south we could pull in from the region but they're really not interested in that so I think this is a community conversation that we need to have so that people understand what the community values are, and we may get them, we may not. But I think that's something that they need to hear from the community because I think people are trying to help them get the best places that are not downtown and if that's not what they're interested in, then they might need to go someplace else. >> Mayor Adler: Councilmember kitchen. >> Kitchen: Yes. I have heard from other groups that are not as focus on the downtown area, and I'm just thinking if we're going to go through this process that perhaps weekender we should be broader in terms of the land that we look at. I understand that this one entity has expressed a preference for downtown and that's fine but I'm not certain that we should limit our review of available places even to the urban core. >> Mayor Adler: Mayor pro tem. >> So I just want to emphasize, again, if I could see the map, I think the

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comment was made earlier we're limiting ourselves to where they've identified or that they are interested, and I want to just point out, again, that is well beyond the downtown. It is a pretty broad swath of land there. And, councilmember alter, thank you for bringing up the discussion of process. I think that should absolutely be something we set out if we continue to proceed down this path and that's exactly what I intended for that last bullet, for the staff to provide us with some recommendations for how we would engage the public in consideration of the different options so that we can make -- if we -- you know, again, if we proceed down this, and it still is relevant, that we make a very clear decision at the outset of how we're going to engage the public and to what extent the public is going to be

involved in a formal way in consideration of those options. >> Mayor Adler: I guess just to include this is really early in the conversation and I appreciate the mayor pro tem bringing something forward to begin this community conversation. I do think bringing a major league soccer league would have pretty exciting for the community and I think it would have pretty widespread support so I'd love to figure out if there's a way to make this happen. >> Kitchen: Just to let you know I'm going to have to bring forward an amendment that expands the geographic area for review and, you know, the council can decide whether to do that or not. I just think that given the other -- I mean, this is a broad area of course and I appreciate that but it is not our entire area. And I just think that we ought to -- while we're doing such a review, we ought to consider whether there are other locations. >> Mayor Adler: Okay. Anything else? Ms. Houston. >> Houston: Just one more thing. Evidently Austin is becoming

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number 1 for major league soccer teams wanting to come to town because I have at least four folks that I'm talking to about major league soccer. >> Mayor Adler: Boy, I have lots of follow-up questions for that and I'm not sure I should ask any of them while we're sitting here at the dais. Councilmember kitchen. >> Kitchen: I would also like to indicate that I've been approached also by other major league soccer that does not consider themselves limited to the downtown area. That's why I think that we should perhaps just be broader in terms of what we're looking at. >> Mayor Adler: Okay. >> Mayor Adler: Anything else? All right. Let's go on to the next item. Thank you. Mr. Flannigan, you pulled item 88 and said you didn't need to but we're keeping this on just to get a feel for logistically. We've learned we just can't extend the contract, I guess, legally, but there was going to be -- manager, you said you were going to bring us back an ordinance that got us as close to that as we could get. I think, that's what you said in your memorandum so I wanted to get a feel for where we are and what we need to be doing to give you time to do the analysis that you've indicated you want to do and at the same time keep things open. This is your resolution. Ms. Kitchen? >> Kitchen: Okay. So this resolution recognizes that we're -- legally cannot extend the contract because the contract expired. So what this resolution does is two things. It simply says the city manager is directed to immediately take all necessary steps to continue all provisions of the previous contract except where prohibited by state law. So basically the intent of that provision is to act -- to take the steps that we can within the law, to keep the provisions in place that are in the existing contract. And then the second item is the city manager is further

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directed to resume productive labor contract negotiations with the goal to present to the council for ratification a suitable success sore labor agreement. So this just does two things. It says let's keep in

place what we have to the extent we can within the existing law and considering the fact that we no longer have the option to extend the contract. The second thing just being that we're asking the city manager to go to resume the labor contract negotiations. It doesn't specify how that is done. It just directs to -- it also doesn't specify a particular result. It just directs to resume the negotiations. >> Mayor Adler: Okay. Any further conversation on this? Councilmember pool. >> Pool: And I want to make sure on the provision that we're -- the city manager continues the labor agreement as it stands so that the contract negotiations can continue so that the head of the association is also able to participate. I understand that with the impasse that he had to go back to being on an ambulance so I think to make sure Mr. Marquardt is able to continue to participate as he has up to earlier this week. And he did not know I was going to ask that. >> We in fact had a meeting with him this week already to talk about next steps. >> Pool: Okay. Thank you. >> Mayor Adler: Okay. Go on to the next item. Ms. Houston. >> Houston: I just have something after you finish with the item 89. >> Mayor Adler: Okay. Let's go to item 89. Mr. Flannigan, you pulled this one. >> Flannigan: This is more of a process question. I'm curious from the sponsors what -- is there an urgency that required this be an addendum to the council meeting or if this is something that could have been done in the two-week process in the first meeting in December? >> Tovo: Thanks for the question. Yes, do I regard this has a time sensitive issue, and here's why. The ending community homelessness organization has gotten a commitment from a foundation here to provide the -- to provide the

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funding for the services that would be the wrap around services for the individuals who would be housed, but they don't have the -- they don't have the funding for the actual apartments. And so having the funding commitment now allows them to go out and actually secure those places so that people can occupy them. And I think the hope is maybe at the beginning of next year. So waiting -- you know, waiting another month could be -- well, will certainly delay people's ability to secure permanent housing generally, but because of the time, in my mind, you know, a lot of leases do go through the end of December and start again in January, so having that funding commitment I think positions them better to try to find that housing. >> Flannigan: All right. I'm going to have to think about it. It's a lot to kind of wrap my head around in a very short time frame, so I appreciate the insight on that. Thank you. >> Mayor Adler: I think about the process question, too. I think if we're going to hold ourselves to a two-week notice we really need to do that. This one is really hard for me because I am so supportive of this, but obviously can't be -- trying to hold to a two-week notice only on the things that I don't support and want to on things that I don't. The argument that you made about leases edged ending at the very last year that I very well be the thing that would indicate this would move more quickly but I would say from a process standpoint to the degree people can post on the bulletin board things that -- or ideas or concepts earlier than the Friday before, even when they go on the addendum, would be really helpful for me to have more time, however much more time as we can possibly get, even if ideas aren't formulated really well. But, you know, I'm real supportive of this kind of thing.

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>> Tovo: Mayor? There are other items on the addendum. Are we going to talk about the time sensitivity of all of them? >> Mayor Adler: We certainly could. I think that would be possible for each of them. >> Tovo: I think that we are going to be in the position of -- I mean, and we have now every council meeting had addendum items just because of the time frame. And we had all talked about that being okay for time-sensitive items, so. . . >> Mayor Adler: And I think that's true. >> Tovo: And your comment about trying to get on the message board is a good one. I will certainly try to do that in the future. This came up last week, and so this was as soon as we could raise it. >> Mayor Adler: Okay. Ms. Houston. >> Houston: Thank you, mayor. And I just want to signal that item 94 and 95 -- >> Mayor Adler: Hang on one second. I think we're still on 88. Hold on -- or 89, rather. Let's hold on for that. Councilmember Kitchen. >> Kitchen: I'm sorry. I have something after that relate to a different item. >> Mayor Adler: Okay. Councilmember Flannigan. >> Flannigan: To the mayor pro tem's question, when I looked at the addendum item the other ones seemed very clear why the time frame was so immediate. This is the one that wasn't as clear to me because I just didn't see where that explanation was. To the mayor's point I think if we're doing addendums it's probably good just to post why on the message board even if it's not in the specific ifc or item itself and that way there's that clarity. >> Tovo: Sure. >> Mayor Adler: Okay. Anything else on this item 89? Okay. Next item, councilmember Houston. >> Houston: Items number 94 and 55, I'd like to request -- 95, on Thursday I will be requesting a time certain of 6:00. And I can talk to why this was placed on the addendum if somebody needs to hear that. >> Mayor Adler: So what were those items, Ms. Houston? >> Houston: 94 and 95. >> Mayor Adler: So by

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setting them at time certain of 6:00 it's a -- it can't get called up any earlier than that. What we had in the practice in the past was rather than saying it couldn't get called up any earlier than that so as to allow people who might come in the afternoon that can't come in the evening, we've let people speak on it but we've also said we're not going to close deliberate until after dinner. That might be a different way -- another way to do it, where we're saying to people if you can only come in the evening he would won't have decided this beforehand but if you come in the afternoon and want to speak on it and were able to we'll give you an opportunity to speak then. >> Houston: I think that explanation of that practice is beneficial for the community, and I thank you for that. >> Mayor Adler: Okay. Further discussion on Ms. Houston's announced intention to ask us not to decide questions items 94 and 95 until after dinner, any further discussion on that? Yes, councilmember Flannigan. >> Flannigan: I'll just take the opportunity to let my colleagues know that on Thursday, American cancer society is having a Gail la event two blocks away from city hall that I'll be speaking at. >> Mayor Adler: Honoring C.C.? >>

Flannigan: So to the extent that we can take up items for which I would like to participate in deliberate debate to do that earlier in the day I would appreciate it. >> Mayor Adler: We can certainly doing that. And if you're just running back I'm sure we can make sure there aren't any votes or actions taken while you're off the dais. Councilmember kitchen. >> Kitchen: I have a different item. Are we ready for that? >> Mayor Adler: I think we are. Hang on one second. Did you have something else about 94, 95? >> Tovo: I don't. Just about kind of scheduling. >> Mayor Adler: Ms. Kitchen. Then we'll come back. >> Kitchen: I just wanted to remind everyone, I think you got an email with regard to this. Tomorrow's mobility committee meeting will be

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taken up a number of codenext items related to the transportation section of the land development code. The meeting start at 3:00. We expect to get to the codenext items at 4:00, and the topics that we have identified -- and it will just depend on how far we get -- is parking, street widths, and urban sidewalks, tdm, which is traffic demand management, tis, the traffic impact analysis, connectivity and block lengths, driveway guidelines, imagine Austin mobility corridors, transit planning and codenext alignment, and last one, criteria manual on trips and use. Now we only have about an hour so I doubt we'll get to all of those. Those are seven but that just gives you an idea of the specific things that we'll be talking about. >> Mayor Adler: Thank you. Mayor pro tem. >> Tovo: Thanks for that. I think I heard you say parking, and that is -- >> Kitchen: Yes. >> Tovo: I would just ask if you can -- since you only have an hour and you probably can't hit all those, parking is something I had hoped we'd all be able to talk about because it's of such general interest so that might be something we save for a council work session. >> Kitchen: This is not instead of anything that happens at a council work session. This is just an opportunity for the members of the mobility committee to dig into more detail. So parking is probably the first thing we'll take up, but, again, it's not intended to be instead of, not short circuiting anything else anybody wants to talk about at a work session. So it's just an opportunity. >> Mayor Adler: Ms. Houston. >> Houston: Mayor, I would like to support mayor pro tem's issue about parking because I've got two duplexes that just went up on webberville road, three apartment -- I mean, three bedrooms in each, two baths, and there's two parking spaces. So technically six people will be living there and there are two parking spaces. And it's on a very busy

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street with bicycle lanes .I don't know where they're going to park. >> Mayor Adler: Anybody else? Pulled. >> Mayor Adler: It's 11:45. Probably best we break for lunch and executive session. Then we can come back and do briefings. Yes, mayor pro tem. >> Tovo: Mayor, I wanted to talk about one other

scheduling item for Thursday. >> Mayor Adler: Yes. >> Tovo: Before we conclude. At this point I was not planning on setting a time certain for the soccer item. Do y'all have a sense of whether many people are coming down for your -- who you're talking with and whether it should be set for a time certain? >> Mayor Adler: I haven't heard. >> Tovo: I was going to leave it on consent. I do know that one of the representatives for soccer is not -- is not probably going to be available, but my guess is that unless there are significant questions we could probably manage without and then if we needed to table it. >> Mayor Adler: Okay. Councilmember kitchen. Then councilmember Flannigan. >> Kitchen: I don't know. I know I've gotten contacted by many members of the -- number of members from the neighborhood that I mentioned earlier, but I haven't heard -- I haven't heard whether they want to come testify or not. So I could try to make that determination. If they do, then I would expect setting a time certain would be helpful. >> Mayor Adler: Okay. Mr. Flannigan. >> Flannigan: And I would just say it won't be on consent because I'll be making an amendment. Even though I think it will be fast it won't be a consent item. I just wanted to point that out. >> Mayor Adler: You know, my sense, as I understand your resolution, it's really to say go get us answers to some questions and tell us options, and it almost seems like we would need to get that in order to be able to have a meaningful community conversation on it. So I don't want people thinking this is their time to weigh in on pros and cons

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of issues. Because there will be the opportunity to do that before anything gets decided, but we all might have a little bit more information at that point. Councilmember kitchen. >> Kitchen: And, yes, I agree. I've tried to make that clear to folks in district 5 that are concerned about this, that council is not making a decision at this point. We're just getting information. But at the same time, it's a public hearing and if they want to talk about it, then that's their option. >> Mayor Adler: Sure. All right. We're going to go into executive session then. Council will now go into closed session to take up four items pursuant to 551.071 of the government code, discuss legal matters related to item e2, which is municipal court revision and addition to provisions. E3, which is the city's minority/women-owned business enterprise procurement program, e5, development of congress avenue corridor north of the capitol, and pursuant to 551 of the government code council is going to take up -- discuss real estate matters related to e4, which is that congress avenue corridor. Item e1 has been withdrawn. Without objection we will now recess for executive session. It is 11:50. And we'll be back. [ Executive session ]

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>> Mayor Adler: all right. We're going to come back out of executive session here. While in closed session we discussed a series of stuff. We discussed real estate matters related to item e4 and legal matters related to items e2, e3 and e5. We're now back for many briefings. Do we have a press conference, staff, on which -- preference, staff, on which briefing goes first? No preference? [ Laughter ] Then let's start with the smart cities strategies. Only because that was on top of my pile. Now you know. Go ahead. >> Good afternoon, mayor, council, Kerry O'Connor, city's chief innovation officer. >> Stephen Elkins, city's chief information officer. >> We are partners in this briefing to you on the smart cities strategic roadmap update. What we'd like to do this afternoon with you is give you a quick recap on where we have been with the smart cities roadmap. We'll give you a current list of projects which was the thing you all had asked for in your resolution asking for this roadmap. We're going to unpack how we got through this process and how we're going to get to the smart cities future. And we have some recommended projects that we'd like to discuss with you and then open it up to discussion. There was a council resolution passed last November for a smart cities strategic roadmap. It asked for a number of deliverables. We sent an update earlier this year electronically, and we're here to give you further updates on some of

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those deliverables. You asked us to come up with a Austin Center definition of smart cities, a statement of vision about our future, challenges on which we should focus and prioritize with regards to smart cities, potential opportunities to address those challenges, key goals and outcomes operationally for the city and residents equitable quality of life, an inventory of practices to consider, core needs, gaps and capabilities we should deliver upon, potential resources and needs for financial those initiatives and a prioritized list of projects. At our midyear review the items that are green with no error is where we were. The errors on this list is where we have made progress. And the yellow is where we still need to make progress. And we'll talk a little bit about that in the upcoming slides Steven is going to discuss the project highlights because I think that's really an area of focus. We want to let you know that we've got a lot of different projects that we've received as an inventory from many city departments. This isn't just the innovation office and communication technology management, but this is representative of many



city departments, and we're going to give you some of the highlights. >> So, again, I'll go over these. On the slides you'll see there's a definition as well. And we also tried to pair these with council outcomes so one of the first projects Austin energy is working on is the smart grid and digital meter, and the key things here under the definition are the description talks about how we are going to be able to assess quicker outages and restoration, easier billing, personal control over energy usage and improve efficiencies. Next we have the tech hire program, which is a program started through the white house that the city was one of the leaders and the mayor actually championed this one for the city of Austin, which looks at how do we take the underserved areas and provide them tech skills to allow them to get higher

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paying jobs. This is something that we're partnering with with ACC. One of the other projects is the digital inclusion/pc loan pilot. So the city has a digital inclusion program which focuses on three areas. It focuses on connectivity, it focuses on devices, as well as access to training. And so one of the programs we just rolled out this past year was a PC loan program. So we look at the devices that we refresh that are roughly around four years old, laptops and desktops, and we put those in the underserved areas. Again, we're addressing the access to device portion of the digital inclusion program. And this is partnered with the terror office. Next on the list is the central library and also video conferencing. Again, the library opened up two weekends ago. There they have 150 self-check portable devices and a technology petting zoo which allows residents to get access to some of the new technology. And they also have 3D printing and all the libraries by the end of this calendar year will have video conferencing capabilities so that residents can go to libraries to do citizens communication versus coming down to the council chambers. One of the things you'll see that's not highlighted much in this briefing is the smart mobility roadmap, and the reason for that is I think you guys have all been briefed on the smart cities roadmap from the transportation department. This booklet went out to all of you. So instead of rehashing what's already been in here we just reference it in this one spot but know there's a lot of smart city initiatives that will be integrated into this roadmap. And then we also have wi-fi in city parks. The parks department is putting out an rfp to do a public-private partnership where there will be a vendor who would provide wi-fi in

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the parks at no cost to the city. And so the residents will then have access to free wi-fi. Next under the health we have the food environment maps, and this is a partnership with the sustainability office, where we'll map Travis county food retail stores so that way we will be able to understand where food

access is and to help prioritize the initiatives. Next under there is the resource recovery smart fleet. This was talked about during the budget discussions with the Austin resource recovery, where they were looking at putting technology on their fleet devices, on their fleet vehicles to better track where the vehicles are to capture what actions have happened, to take video of when recycling and pickups have occurred, and so, again, this was talked through as a smart initiative during the budget process. Under the next item under safety, we have improved atx floods. This is an application that's used citywide by a lot of different organizations. And the improvement is that we're doing faster reporting, we're doing realtime reporting, and then we're also time stamping for the flood early warning system. There's also a -- under safety we have pedestrian lighting pilot. This is something that the transportation department is doing down on west campus, and so this is part of the vision zero better illumination to increase visibility and interactive contrasting light to reduce the nighttime crashes. Also, we have this under safety for crashes but also this is an initiative that if we have better lighting then there's also a probability that there's less crime in those areas. I think this initiative here potentially grows into a bigger initiative where we look at the lighting modules today, they have wi-fi ports on them, they have sensors for air quality, they could

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also have gunshot sensors and things to that effect, video cameras. The next item on here is a security operation center. This is something that was reported when we did the update earlier this year that we said we need better security monitoring as we look at the smart city initiatives and more technology that creates an opportunity for entry into the city environment and then also an opportunity for, you know, hacking and things to that effect. And so we were approved to provide -- and this one here, you see the definition says a virtual security operation center. This is not actually a facility, but better monitoring is what this gets at. And then we have the city of Austin's continuity of operations plan, and this is a program for all city departments that if we do have issues such as flooding or any other disasters that we have a plan in place leveraging technology that would allow us to continue our business operations. >> Thank you. Just to jump in, is there a particular reason why on slide 6 the food environment infirmment maps only are going to apply to Travis county? >> I don't have the answer to that. We've been curating these projects from different departments at the office of sustainability. I believe that the first part of these -- any data collection is to go with a narrow data set and then expand but in order to get a more full-on briefing I would faithfully respect that we talk to the sustainability office. >> Flannigan: Let's make sure that conversation happens because I've got about 40,000 residents in Williamson county that get very frustrated, including

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myself, as a Williamson county resident when we see the city do things just with one county. >> That's great. >> Houston: Mr. Elkins, could you remind the people watching what Tara means. >> Telecomm and regulatory affairs. >> Next on our list -- again, these are projects either in flight or planned to start in fy'18 so next on the Lisa leak detecting project Austin energy is looking at. They're piloting three different techniques to detect water leaks and the idea is they're looking to rapidly find the leaks and be able to respond to those leaks. The one listed on here happens to be one of the techniques that's used for where they look at water sources on other planet and so that's why you see that says the spectral imaging from satellites. Next is the human capital management. I think this comes to up quite a bit during the budget process as you ask for reporting from the H.R. Department. This is a need and one of the things we're doing to address this is we're looking at electronic timekeeping and scheduling and, again, that project is kicking off this fiscal year. Underneath that it's a smart and overproject tracking. As we smart these smart city initiatives we need a way to communicate the status of these projects openly across the city for all the residents, as well as the city staff. And then the last thing on this Lisa [austin.gov](http://austin.gov) goes paperless. There was an audit done two weeks ago where it looked at online services so we're looking at how do we make our website more tractional to address some of the online services as well as in this is let get rid of all our paper processes.

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So these are a sample of the projects that were in the inventory. We have probably over 100 initiatives going on citywide and we wanted to highlight some of the ones that are maybe of importance to the council today. >> So what we'd like to do, that sampling of projects -- and we will be reporting out the full slate of those projects in our new project tracking tool. We want to unpack how we got to this particular list and how we're going to get to the more fuller capabilities of a smarter city. Throughout the process of developing this roadmap, we went through a discovery phase with a lot of community partners. We looked at the definition of smart cities and how to mature that capability. Right now we're at this point of standardizing and refining our inventory as well as aligning that inventory to the strategic planning process that's currently underway. We've looked at the inventory as provided to us by city department, and then we've tried to align it to the strategic planning conversations that are already going on but we know once that strategic planning process comes to conclusion we'll need to go back to the smart city roadmap and continue to define our projects. Once we have those projects and know where we are, where we want to go it will become much easier to prioritize resources and means. All of the projects we just shared with you are already prioritized and being worked on and we have the means to do them, but we do have other projects that we need to start thinking about in fy19 and beyond and then the project tracking site will be toward the end of this process. In this way we'd like to think of our strategic roadmap as a strategic conversation. Our first draft of this roadmap unifies our vision around smart cities, and our next step is about retching that vision and the court of action. In the earlier briefings that were provided electronically, we talked about Austin's smart city

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definition, and this definition is based on the international standards organization working definition for smart cities. To put it in the Austin context, we are a city that becomes increasingly efficient in solving real problems for real by doing four things, engaging stakeholders and users, leading collaboratively, working across disciplines, departments, and city systems, and using data and integrated technologies to transform services and improve quality of life with and for all austinians, businesses and visitors. We do want to emphasize the real problems for real problem and the issues of equity, and we want to make sure that we're using these smart city technologies that we're doing it not in a way that continues the economic divide but that crosses it. In this definition you have a combination of open government, which talks a lot about civic participation and transparency and use of technology for those purposes. With smart city, that's the use of data and integrated technologies. So what we're seeing as a real convergence here of a smart cities future with our open government programs. When we talk to folks in the open government partnership around the world, we learned that the first step in open government was open data. And as we get better at using open data it becomes much more easy to have the capabilities to use realtime data. And buenos air rest, for example, was a city is that said if we didn't have our open data movement as part of open government we wouldn't have been prepared for open data and sensors. You see a lot of civic leaders seeing how their smart cities programs are converging together and I think this international standards organization definition kind of pulls them together quite nicely. So it's with this definition that we know how to grow. And what we've done is we've taken those four components and we've put them into a maturity model. So if you have engaged

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people lead collaboratively, work across disciplines and systems and integrate technology and data, when you do those things you get a certain capability many your city to solve problems. If you're at a maturity level one you're working off of paper, which means you do not have data, you can't really do a whole lot of strategic work if you have to do in-person one episode at a time. Whereas if you are really getting automated, you have some high-level analytics, but what you want more than that is these tractional services if you think about 311 for example, one of our best data sets on our open data portal is the 311 data. And you can do a deeper analysis and many city departments do deeper analysis with that 311 data. What we'd like to get is more at this level four. We have inclusive partnerships regionally, we have transparent multipartner governance so we're working together to achieve our goals across systems, integrating our technology systems and data model, and in this way we can get realtime data, get predictive, proactive, and we can transform. A common project that people talk about is Boston trying to use integrated data systems to predict where the potholes are going to be as opposed to sort

of being reactive and filling them. So if you can think about that kind of a pro active and predictive way of running city operations that's what smart cities will get you in the future. We know that these areas that we've circled are the areas where we most need to improve. One of the things the resolution asked was in what capabilities do we need to focus on. And these are the areas that we really think we need to work on enhancing our capabilities. So not only working towards that predictive future but getting off of paper because if we are on paper we don't have data. And the audit highlighted our need for transactional

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services. As we talk to city department about what it's like for them to try to integrate these new technologies we found that they were experiencing a number of roadblocks, and we'd like to turn those roadblocks into building blocks. So it's not just about the technology. We want to be using that technology to make sure that people are getting the services that they need from the city. But in order to deliver those services we really need multidisciplinary, multifunctional teams to focus on solving those problems with data. For those teams to be able to perform well, we have to have a smart foundation. We have to be on the same page about what smart cities really means, which is part of what we've done here with this roadmap. In order to deliver on some of these capabilities, we're going to need to focus on business and funding models, how are we going to pay for these technologies, and there's a lot of innovative approaches in that regard. And sometimes we will have policy implications. There will be ordinances or policies that need to be changed or developed as we integrate these new technologies into our operations. And so with this definition, and with these building blocks, now is how we align and prioritize our projects, and once we've done that it will become a lot easier to define the means for partnering and financing. So we've been working to align these concept with the strategic outcomes, and we're currently working on a formula to try to come up with a prioritization rubric that makes these conversations about technology investments easier. So our draft prioritization formula includes looking at real people, and by that we mean what's the resident population served and understanding of course your concerns with Williamson county, we need to make sure when looking at resident populations served we're looking at the bigger picture. The real problems, so let say, for example, we're going to automate something for parks and recreation. We're building a technology for them. How many people will be served by that technology is one question we will ask. But what's the real value that that technology will be

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bringing residents would be the second question that we would ask. Equity. We've been working with our chief equity office in looking at their equity assessment tool, and how can we bring that tool into our technology investments? Sustainability. Let's make sure that these tools are actually making us a more sustainable city and looking at their indicators. And looking at the total cost of ownership. If that thing that we -- the hypothetical thing we would build for parks and rec can also be used for the code department or for the libraries then the cost of that tool becomes lower transactionally because taxicab shared across city departments. And we're currently testing and prototyping a formula to see what would it look like when you run your project assessments through this kind of an assessment and what is the -- what does the list look like at that point in time? And this is one of the ways we said we haven't made enough progress towards partnering and financing. We're looking at developing this as a tool to help us get to that point. So on a little bit about resources and means for partnering and financing. We had a really interesting experience this year where the city applied for a \$25 million grant to build an advanced research platform for 5g. So what 5g gets you is if you look at your cell phone and you're using 4G, and whatever latency you experience is probably okay for your purposes. But if we move to a future where you have automated vehicles, the latency that you experience on this device is not okay for automated vehicles, and you need to get down to a quicker reaction time as they're sending signals to and from these vehicles. 5g is hypothetical at this point and it doesn't exist, but there is a \$25 million grant to get cities to develop this potential. When we submitted that grant, we submitted it with Brian Texas, college Station, Austin, Dallas, San Marcos, regional grant,

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and it was across five different universities and five different industry partners. We did not get this grant. They gave us great feedback, however, on what our strengths and weaknesses are. On our strengths on applying for grants like this we are good at bringing across diverse skill sets across the state in communities that work well together. We have strong connections to academic wireless research and the effort to include the development of verticals such as public safety, health, energy and transport. Those are some of the things that we did well. But the grant coordinator said there was some weaknesses. We didn't really have a coordinated plan amongst the various local and regional and vertical communities, and by that we also mean, you know, College Station and Dallas because those were folks that were included in this grant application. They found that we lacked details on engagement plans and governance, that we lacked risk mitigation and analysis plans, and that there wasn't enough transformative and sufficient details to be convincing. They said the value added remains incremental and small. I love feedback like this because it lets us know where we need to grow and how we need to prioritize our capabilities, and I do believe that this point to where we already said on our maturity level that we needed to grow. And this is entirely feasible, but what's interesting about this feedback is these weakness that's we need to work on are not necessarily technological, right? They're the other pieces of the smart city definition. >> Mayor Adler: Who won the grant? >> Hmm? >> Mayor Adler: Who won the grant. >> Who won? It's still in process. We just didn't advance to the next round so

we don't know who won yet. So this is one of the reasons that I would like to underscore about why that maturity model is really important and we'd like to be using it as a tool. Over the years to make sure that across the city and across our region we're building our capabilities to be competitive for these kind of grant and partnering opportunities. But another reason that I would like to talk about that maturity model is also related to the technologies

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themselves. This is what's called the hype cycle. It's put together by a consulting firm called Gartner that focuses specifically on technology and they often produce reports that talk about the hype cycle of various new technologies in order for governments and for other companies to think about their technology investments. Their hype cycle says, hey, you have this technology trigger, there's a nutrient forefront, everybody is like, wow, this is going to be amazing, there's inflated expectations. We try to work on it but then you go, oh, man, this is harder than it seems, this is this disillusionment but you keep working at it, hey, wait a minute this actually might work and then get to this plateau of productivity where, you know -- what this shows is we tend to overestimate the effective technology -- effect of the technology in the short run and underestimate its effect in the long run. What we'd like to do is flatten this curve, right? We'd like to be able to say we know we can bet on the effect of these technologies in the long run but we'd rather not go through this hype cycle that can be somewhat expensive. Now the next slide is actually used with permission from Gartner. It's their smart cities hype cycle. On the slide it's a little bit small print but you do have printed copies before you, and you can see a lot of these technologies are still nascent. They are -- there's still a lot of complexity around implementing some of these technologies. And it's when you get through that trough of disillusionment you understand better the implications for standards, for cost, for the actual benefits, and then you make your major investments. What this means is that government is in the right place. We should be in R&D mode on a lot of these technologies. That's how you flatten the

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curve, is by creating smaller incremental test where you work through the complexities, kind of like that smart lighting pilot that Steven talked about. You do one pilot, you do it on west campus, figure out how it works and then you figure out how to scale it throughout. And you can see with smart lighting that that's one of the projects that's making it through the trough of disillusionment right now into that plateau of productivity. On this concept we added a before and an after, right? So 5g advanced wireless, like that's still theoretical so we're trying to plan for this future and think about what might be coming down the pipeline, whereas getting off of paper, like that's been something that's been around for quite

sometime now, and we have a bit of catch-up to do. And part of our maturity model is also making sure that we're keeping our eye on that future of where we ought to be building technological capability because that's also your economic base here in Austin. But also making sure that we have a foundational cities that taking advantage of the technologies that we probably should have been incorporating in maybe in the past couple of years. I'd like to just give you a couple of examples of what can happen between the peak of expectations and that trough of disillusionment. If you do a Google search about, you know, smart cities and the internet of things, you'll get articles like this first one that says, hey, there are four projects -- products that every city needs in 2017, and one of them is smart streetlights. But if you go through and you Google problems with smart streetlights, you'll get an article, like, la streetlights are giving neighborhoods the blues and it's this idea if you go out and all of your led streetlights have that blue tint to it, what they found is it interrupts human sleep patterns and that entire neighborhoods are having sort of this seasonal feltness disorder and wildlife are having sleep patterns disrupted. You want to be careful when

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introducing some of these new technologies to make sure they've been fully vetted because if you've done one pilot with it and combined it with research in industry it's easier to fix that than if you've rolled out led blue-tinged streetlights and you've got to replace them. Another example is the smart kiosk. That's definitely an item that everybody wants and we know that it has a lot of potential. But if you Google, again, the, you know, problems with smart kiosks, you'll see an article like this in the "New York post." Where ultimately what they found is a lot of people were sort of congregating around these kiosks in order to do business and it wasn't quite what they managed for their sidewalks. This is the kind of thing that can be solved with user testing, sitting down in a smaller experiment, figuring out what's going to happen when we try to use these, work through those issues, test and prototype before you go on to scale. And so I introduced this hype cycle to you not that it's about stopping progress, but it's about methodically researching and testing in a human-centered way that can mitigate the risks of these new technologies. And I also encourage you -- and there's a hyperlink here to read this article. This is an article by the former IBM executive architect for smarter cities in the United Kingdom and he talks about six inconvenient truths about smart cities. The smart city isn't a technology concept. It's the political challenge of adapting one of the most powerful and economic social forces of our time to the needs of the places where most of us live and work. There are people who equate this movement to what urban development was in the 1950s, and I think that we should treat it with such seriousness. Cities won't get smart if their leaders aren't involved and luckily our leaders are involved here in Austin. We can't leave smart cities to the market. We need the courage to shape the market. And one of the things that's really exciting is when you do this testing and prototyping you can go, hey,

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actually what we need is this future, what we need is that future. When you send that signal back to the market they'll adapt and change and Austin can be poised to be the place that helps the smart cities market throughout the country. Smart cities aren't top down or bottom up. They're both. We do have a great start-up community here in Austin that's developing use cases, and we may be asking top-down for particular use cases, and we should be investing in both. We need to tell honest stories. There's a lot of hype where they don't tell you the honest stories about some of the problems with these technologies for fear of squelching the opportunity. And we've had a lot of cities come through after the icma conference, international county managers association. Some cities came through here and said we want to talk about this roadmap. We had Australia, some cities in Australia come by and say, wow, you guys tell the most honest stories about smart cities and that's really refreshing and we want to learn from what you're doing. We do think we're doing something right. And no one will do this for us. We have to act for ourselves. This is from the leader in the uk about smart cities. The good news is that Austin already is setting itself for reputation. Of bringing the human touch to smart city planning. And these are the kinds of headlines that we're looking for and the kind of good waves we are looking towards making. So the moral of this story is that we need to orient to the future, we need to play some catch-up, and we need to flatten that curve. We don't need to give into the hype but if we're methodical and rigorous about it, participate in the research and development, we test and prototype, we let things go if it doesn't work, there's no shame in doing that, and we need to get rid of that technical debt, and technical technical to me is like paper, we haven't invested enough in some of our automation and we need to do that and that builds us a strong foundation. So thinking about that as your smart city roadmap, we have some recommendations

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for some strategic initiative that will keep this roadmap moving, and I'm going to turn it back over to Steven. >> As we make these recommendations obviously this list here is a as a matter of law smaller list but if you think about the remaining work, the paperless initiatives, the online services, there's still a lot of work that we need to do from a foundational standpoint. So as Kerry was talking about, the research and testing lab, this is one of the next step for us, is that we need an environment set up so that we can test now some of the technology and be inclusive with the community to help us shape the direction on our smart cities roadmap. The next thing is a smart and open advisory network. Again, this is an inclusive initiative where we look at tech communities, the commissions as well as the cities smart and open advisory committee to work together to, again, shape what this smart cities initiative should be. And then lastly, as Kerry talked about, the smart kiosks. There's an appetite around the city that we look into this, and so we're saying let start testing and experimenting with it from a wave finding standpoint and any other initiatives that can come out from the discussions within the community. >> So with that we'd like to turn it over to you for any discussion, questions, or conversation. >> Mayor Adler: Anybody have

any questions? Jimmy. >> Flannigan: Toward the beginning of the presentation, just a couple of things that kind of hit my ear wrong. The phrasing, "Real people with real problems," I don't think we want to imply that there are fake people or that there are fake problems. I would encourage us to seek a phrasing that talks about specifically what smart cities is trying to address. There's a type of problem that smart cities is trying to address, and that would be the type of phrasing I would want to see.

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Because then there are also problems that a smart city is not going to fix and those are also real problems so we don't -- I think that's important. And not to belabor the thing about the counties, but it's not about taking a wide view. If you were to come to -- I'll make it about me. If you were to come to me and say we're going to do an analysis of food availability and we're just going to do it in district 2, I would say, sounds good, clearly that's a first step to a larger process. >> Yeah. >> Flannigan: When you say Travis county, what I hear is 95% of the city and lots of areas are my narrow data set and we'll get to your 5% of the city later. That's my thing. Clearly it's got to be something that's obvious and intentioned that then leads to the larger process, and when you say Travis county it doesn't do that. >> Yeah. That's really great feedback and I appreciate that a lot. Just as a matter of background, we do see this roadmap as living, and we would like to iterate and change on it. For the real problems for real people, that actually was inspired out of Boston because they did this really irreverent website where they said our smart city playbook is stop sending us our salespeople and start solving real problems for real people and they had this sort of sense of a lot of salespeople aren't trying to solve real problems for real people, they're trying to sell products. That's the spirit that it's come from. So I appreciate that it's hitting your ear wrong, and if that's the case then we should look at iterating the words, but the intent is we're not just buying into the sales cycle. We're actually opening up real opportunities that meaningful and valuable. So we'll look at fixing that language so it's more truer to form. And on the counties, I really appreciate your feedback because this has to be regional. Like, these integrated technologies have to be regional. And your feedback is helping us really make sure that

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we're hitting it at all the right levels so we'll make sure that we incorporate that as well. >> Also I wanted to add on to that as well. I think a lot of these initiatives we presented up front are initiatives in flight and we are really looking at how do we scale these to be inclusive of the city as a whole. When we talked about the smart lighting that's in a small part of campus but once we figure that out the scale -- I think we have the Travis county piece, that's the data that's available. Once we figure it out we look at how do we scale that? I don't think that these are, you know, solely as they're described as they're fully

defined and this is as far as we go with these. >> Mayor Adler: Ann. >> Kitchen: Oh. I was just going to say, thank you all very much. I know you've been working on this for a while. This is very helpful. One of the things that strikes me about it is that I find one of the things that's most -- not most but one of the interesting aspects of it is that it strikes me we're bringing everybody along in terms of all of our staff and our different departments, and because it particularly strikes 43 -- me that we still have foundational items like you said, like going paperless. The clearest example for me is the fact that we still keep time sheets on a piece of paper. So those are areas to catch up. And so it sound to me like through this process you all are identifying that and you're working with the different departments so that everybody across the city, all of our staff are on the same page in terms of bringing everybody up to using technology and data collection appropriately. The bottom line for me is simply it's about -- it's about cost effectiveness and efficiency and really doing things in a way that we're getting -- we're able to do more and we're able to do it in a way that's saving us dollars. So I just wanted to say

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thank you. >> Mayor Adler: Alice? >> Alter: Thank you. I'm really glad you were able to present to us today. I think this is really exciting. I think there's a lot of potential here to do really good thing for the city. One of the things that I really like about it is gives some space for our staff and for the city to try something and maybe it doesn't work and then you modify it and it helps us to move away from an all or nothing approach that we have very often adopted in this city. Everything has to be gotten right because we have to do it everywhere all at the same time, and I think this approach is going to take some getting used to and some culture change, but I think it is important that we have the space as a city to try something and maybe it doesn't work and we can change that. I wanted to say that I really appreciated that. I think that as we get more of these projects underway, I think a little bit more documentation so that we can fully understand how this is taking us from where we are to where we want to go would be helpful. I'm intrigued by smart cities, but there's pieces of it that I feel like I don't fully understand the potential and sort of having more of those examples. So it was really helpful to have the examples of where things have gone wrong with that, but I'd like some of those examples -- more of those examples of where it's gone right kind of even if it's other cities and that's where we're going to. And I also want to second councilmember kitchen's comment that there are places where we're just woefully behind and that we can't let the shiny penny take our eye off the ball of really getting those things done. Like that time sheet stuff makes no sense whatsoever, and I know we funded some changes to that, which I was really glad to see, but I think that can make an enormous difference in

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people's lives and the way that we manage our resources. And so we need to get that balance right. So thank you. >> Mayor Adler: What is the -- Pio. >> Renteria: Yes. And I did go through that mobility -- smart mobility roadmap and I was very excited about it, especially when it councilmember tovo the electronic bicycle goal that y'all have. We have a lot of older senior people that would love to travel on bicycles but they have a very hard time peddling these things, especially uphill. I own an electric bike and it's amazing how fast and easy I can get around. We do have some problems there, especially at night. You cannot use those trails at night because it's so dark, and they don't have any security. We could have cameras there in the future once we get that technology. And especially on the streets. You know, it's just at night it's totally -- it's not safe. I'm sure we're working toward it, you know, the Armstrong bike -- I don't know what they call it now, but it's -- at night it's very hard to navigate, but I'm sure with metro building the development there it will eventually, and that's an excellent way to travel back and forth. But we just don't have the north-south type yet in place, and I would like to see that happening. >> Mayor Adler: What is the timing for the wi-fi in the Austin parks? >> So there's actually an rfp that's about to go out. So I don't -- I imagine there's this process where the bidders come in and then there's a selection. I'm not sure. They're looking at three facilities. I mean, they're not looking at all the parks, but just three different parks at this time. My guess is probably maybe summer of next year maybe. >> Mayor Adler: Okay. That's exciting to see. I mean, it's good to have a

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pool at one place. I especially like the fact that you're pointing to the open tracking process so that there isn't another day where we actually have a report like this, there's just an ongoing thing that that lists them all with the ability to be able to do a deeper dive on any one of them to see where the progress is, where it is, and that kind of thing. You know, to add the functionality with that, to be able to accept suggestions on things I think might be a real interesting functionality to add in this setting because there are a lot of people running around with lot of good ideas and they don't know how to get it in front of the city. Maybe we build that into the process as well. Ms. Houston. >> Houston: Thank you for this information. I'm really interested on slide 30 , you talked earlier about the smart kiosk but you have that as one of your next strategic initiatives. Why did y'all choose that? >> We believe that there's a lot of benefit to the smart kiosk, but in order to do it in a way that is cost effective and realizes that's benefit it's about the experimentation and the testing. And so we're -- we wanted to flag that for you because we think that it is ripe to start realizing the benefit, but it's probably going to take some strategic conversation around the sign ordinance, for example, or partnerships with, you know, downtown Austin alliance or capital metro. And if we get to that point of doing experimentation you may see it come across your plates again for conversation. Some of the things that we think about in terms of wave finding, this is a hypothetical, back to the example of the opportunity or possibility, one of the things that our devices do is if I want to find a music venue then I look it up. But maybe I don't have a relationship with the music venues or maybe I don't know what's playing today or I don't understand what music

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is on offer as I'm walking down the streets. But if I can go to that kiosk and I see what music is playing, this can be a core device that helps revitalize, you know, the downtown music industry, for example. I would like for there to be an experimentation process by which we stated that hypothetical cyst, then we put it down there for a little bit and then we measure did it actually do what we thought it might do? There are other ways that people think a kiosk could be utilized. Helping the homeless population navigate to resources might be another opportunity, buying tickets or helping people donate to charities instead of dealing with panhandling. These are all hypotheticals. They're potential. If we dive into it and try to realize that potential, I think we'll need partnership of council and management to say, is this valuable? And if we need to, do we have -- what do we have to do in order to implement it? And so that's why I wanted to raise it as a potential project. >> Houston: Okay. One of the things that I would like to suggest as you're looking at next steps is when you're doing your testing, try to do them in areas where they're not the typical areas where you do testing like downtown. >> Absolutely. >> Houston: And reach out to other part of the community that are sometimes lacking in the resources that you're going to force everybody to use and they don't have those. So I think it's how -- and then the other part of that is, how do you get the community engaged? You can get staff engaged and the council engaged, but the people in the community don't have a clue what you're doing. >> Absolutely. >> Houston: So how do you inform them? >> Yeah. We would absolutely love to maybe -- we're thinking about maybe a strategic partnership with the library where when we want to do testing we can go out into the different library branches and invite people there. We've done some projects in the innovation office where we do user research by going

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out into people's homes like with recycling behaviors, for example. We asked 51 residents to come show us what it's like for them to recycle, and so we -- in the past year we've developed a lot of processes and skillset in order to do what you're suggesting, and I think now it's about the application to make sure we realize the goals that you're bringing. I, as chief innovation officer, I never want these technologies just to be bright and shiny things. If they're not being used to close the economic divide and rise -- you know, the tide rises all boats, I think we will have failed in our efforts to be innovative, and so I pledge that commitment to you to make sure that we're engaging residents on these things and getting their feedback and making our products and services better when they're using these technologies. >> Mayor Adler: Anything else on this? Yes, Ms. Kitchen. >> Kitchen: Just a quick question. I think you may have mentioned it earlier, but y'all are in the process of putting together an inventory, although I know that's an iterative ongoing process. Is there a target time line for making that available to the -- to the council?

Or -- >> Right now we're waiting until the strategic planning process is done because we feel like that will set the framework of aligning these technologies to your purposes. >> Kitchen: Okay. >> And then if the strategic planning process is three to five years we can then go back and align our technology investments to those purposes and make sure we're using technology and data to get the outcomes that you've set forth. So I would say it would come, you know, maybe a couple of months when that is done and we finish doing the research and analysis. >> Kitchen: Well, I would think that we would -- well, let me just make sure we're saying the same thing. You're not saying we're not going to get an inventory for three to five years -- >> No, no. >> Kitchen: I got you, okay. So, yeah. Makes sense to me I also like that aspect of it, aligning the inventory with our strategic plan and the metrics we established under

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the strategic plan and the processes we established to align all that with the budget. So we may see an inventory in the spring or something like that. Okay. >> Mayor Adler: Okay? Anything else on this? Yes. >> Garza: I just wanted to add, I have to disagree with councilmember Flannigan on the real people, real problems for real people. I like that. I think that a lot of these conversations -- I would say before 10-1 happened and platitudes of those people and I like that we're saying now as a 10-1 council these folks are our neighbors that are struggling and having access issues, and the same could be said for the black lives matter motto. We all know they matter but it's important to say that because it's important. So I like that. So I don't know how you take that feedback when one councilmember says one thing and one says the other, but I like that direction. >> We'll continue to test the language and make sure that it's understandable to real people. [ Laughter ] >> Mayor Adler: Wonderfully said. Let's move on to the next presentation. Thank you. This is the mbe/wbe program. >> Good afternoon, mayor, council, Veronica, director of the small minority resources business department. >> Rolando, capital contracting officer. >> We're here to talk to you about construction related procurement in the mbe/wbe program. We'll be covering several topics today. We'll talk about the mbe/wbe program, including certification, preaward compliance, post-award contract monitoring and then we'll switch to our capital contracting office and talk about procurement types and design build. So before I start talking about a little bit about the mbe/wbe program or the minority business enterprise, women enterprise

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business program I did want to note our program is considered one of the model programs in the country. We are often contacted by other cities about our program and our processes so they could be modeled after ours. We also at conferences are often featured as a program to be modeled after when we're looking at certification for our minority business enterprise or women enterprise first the firm

must be owned, managed, and controlled by a socially and economically disadvantaged owner. The mbe/wbe ordinance identifies five presumed groups as socially disadvantaged. These include African-American, native American, asian-american, hispanic, and women. And it provides a process for an individual not in one of the presumed groups to be considered socially disadvantaged. The ordinance also outlines requirements for economically disadvantaged individuals. This is a business owner whose personal net worth does not exceed \$1.48 million. In addition to these criteria, a certified business must be small. Smbr, the small minority business resources department uses the U.S. Size standards to determine size. When we're looking at setting mbe/wbe goals on city of Austin solicitations first of all we're looking at solicitations that are over the city manager's spending authority. These are the solicitations that are reviewed for goals. Although goals are not set on solicitations under the city manager's spending authority we do have purchasing policies in place that do apply to mbe/wbe programs throughout every solicitation. And finally we listed some of the -- we listed the solicitations that are not reviewed for goals, that are exempt from the program for one way or the other. This includes sole source purchases, package and safety emergency purchases, inner local and intergovernmental agreements, city of Austin sale of personal and real property, local transaction where the city of Austin is a debtor, lease and franchise agreements,

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agreements to use city of Austin real property, and gifts to the city of Austin for material, equipment, supplies or services. I will note that while these are exempt from the program we do have our third-party agreement in place that does apply the program at times to some of these exemptions as well. So continuing on with setting goals, when we're looking at if we're going to set a goal on the solicitation we look at certain criteria. First we make sure that there's at least more than one identified scope of work. This entails that there's the main scope of work on the contract but also a scope of work that can be subcontracted out as well. We then look to see that there's at least three or more mbe/wbes and/or wbes for the scope of work. And then we look to see if there's sufficient availability within each ethnic group so that we can look at -- we can consider applying ethnic-specific goals. Smbr sets two types of goals on contracts, what we call our annual participation goals or our project-specific goals. I'm going to walk a little bit into each one to show you how those are set. First the annual participation goals are set out in city code. And they are based on disparity study data. This is based on availability of mbes and wbes in the city's marketplace and it's expressed by percentages for each minority and women group, by industry type, and includes construction, professional services, nonprofessional services, and commodities. These goals have outlined in our mbe/wbe ordinance and these are the goals we have at this point based on our last disparity study. In addition to annual goals we also use project-specific goals. We use these goals when the scopes of work have been identified and we -- when we know the percentages for each of these scopes of work that we anticipate to materialize on the contract. If we know these factors, then a weighted formula is applied that includes the percentages and the mbe/wbe availability of each scope

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of work for the solicitation. And I included this formula here for you so you can get an idea of what we're looking at. So to give you an example, if we were looking at hauling, hispanic goal for hauling -- these aren't real numbers but let's say we had nine certified firms that were hispanic for hauling, we anticipated hauling to be 35% of the contract and we have a total of 80 firms certified or not for hauling. This is the equation we would look at and we'd come out with a goal of .04%. I don't expect you to read this in detail. This is just an example of what we're looking at in our internal system when we're setting goals. So when I said that we first look at the scopes of work and the percentages, this is our data base that pulls those scopes of work and the percentages, assigns percentages for each of them. It takes that information and then calculates it into our project-specific goals. So I know you cannot read this but this is looking at each scope of work and the certified firms for each scope and puts it into that equation I showed you on the previous slide. In this scenario, we'd have a hispanic goal of 3.4%, African-American goal of 2.37%, an Asian native American goal of .36% and a mbe goal of 2.23%. Once that is complete we run what we call an availability list. This is a list of all of the firms that are on this solicitation for those scopes of work, including their contact information so that prime contractors are consult -- or consultants can contact those firms. Is compliant with our program, there are two ways that a firm can be compliant, they either meet the goals or demonstrate they performed good faith efforts for my mbe or WBE goal that was not met. To do this they submit a compliance plan to the procurement agent that is turned over to our department for review. When we're looking at counting participation on a solicitation the firm must

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be certified as an mbe/wbe by the city of Austin. They have to be certified for the commodity codes they're listed for on the compliance plan, so if the prime contractor is using them for hauling they have to be certified for hauling. The mbe/wbe prime firms may county their own participation towards the goal, and every level of subcontractor participation may abcounted towards the goal. Finally we do certify duly certified firms, which are both mbe/wbe firms. So an ethic minority women could be certified as both a mbe and WBE. Her participation on a contract could be counted to one or the other goal but not both. So if a firm does not meet the goals and we are evaluating good faith efforts, good faith efforts are outlined in our code as well and these are the steps that would need to be taken. First they'd have to notify all certified firms on the availability list by two separate and verifiable methods. This includes fax, email, mail or phone, at least seven days prior to submission. They must follow up with any interested mbe/wbes, must negotiate in good faith with mbe/wbes, need to consider selecting portions of work that willness opportunities for mbe/wbes, they must publish in a local publication, this



includes newspaper, trade association publications or social electronic media. They must seek the services of trade associations or other minority and women community organizations and they must contact smbr for assistance. The ordinance does allow for two additional good-faith effort steps. We look to see if the firm assisted mbe/wbe firms with bonding lines of credit and insurance, and obtaining necessary equipment, supplies, materials, or related services. When we're reviewing the information that the prime submitted to us, we also do a reverse review where smbr lists all the subcontractors listed on the availability

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list and checks with them to see if they were contacted by the firm as well. Some clarifications on good-faith efforts. Self-performance of a prime contractor or prime consultant does not relieve that bidder or proposer of the responsibility to demonstrate good-faith efforts. Bidders and proposers should not disqualify a mbe/wbe firm without sound reason. Bid shopping is prohibited and smbr may consider the performance of any other bidder -- of other bidder proposers in meeting the goals. So once a contract is awarded looking towards what we consider for a post-award contract monitoring. Once -- so we do monitor contracts to ensure that the compliance plan goals are being met and the mbe/wbes listed on the compliance plan are being used. We ensure that they are being used for the scopes of work listed on the compliance plan for the amount the scope that or less than anticipated. We review requests for changes to ensure compliance with the mbe/wbe procurement ordinances. So if something changes on the contract and a prime would need to remove or substitute a firm for some reason or add a firm there's a list of reasons why they can do that within our ordinance and we ensure that that list is being adhered to. We review and process contract closeout, ensuring that there is participation and payment of mbe/wbes. We also review and process monthly subcontract expenditure reports, and we assist with any contract issues that might arise in the life of the contract that impact mbe/wbes. So some of the successes of the mbe/wbe program, and I put the total amount that's been expended in fiscal year 2017 for mbe and WBE participation. If you look at percentages, the fy2017 mbe/wbe expenditure comes out to 26.4% and WBE is 5.3% for

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overall expenditures in the city of Austin. The numbers include putting in the denominator of the equation, looking at everything the city spends. It's not just where we set goals on contracts, it's that we include contracts under the city manager's spending authority that were not considered by smbr as well as contracts that weren't solicited through one of our public manners, one of the contracts that are exempt from the solicitation process. And while we look at the solicitations that meet goals at council

award, in 2017 93% of our solicitations were compliant by meeting the goals versus providing good faith efforts and that number was 92% in 2016 and 88% in 2015. With that I will turn it over to Rolando. >> Thank you, Veronica. So I want to transition us over from the mbe/wbe program into the procurement types that we do for construction services. Supporting capital delivery for the city of Austin. Again, these are just solely for the contracts that are coming out of my office that are responsible for cip delivery, capital improvements projects delivery. So we're looking for professional service procurement, architectural engineering, surveying, landscape architect, comprehensive planning like the work being conducted by codenext and commissioning services. >> Mayor Adler: Would you identify yourself and your department. >> Yes, sir. Rolando Fernandez with the capital contracting office, officer. And then we also do construction services. We do the most common methodology, which is lowest response -- responsible responsive bid and then we also have alternative delivery methods. If you were to look at your council agenda for Thursday you would see one of each type where we're doing recommendation for a low bid award and we're also doing -- asking permission to use alternative method methodology. These are what we use for

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Austin water, Austin energy, public works, transportation department, the aviation department, watershed, and important to note that all of these methodologies are compliant with the mbe/wbe program. What that means is that they all go through as mbr to look at camp mabrying the goals and meeting the goals and following up through the contract -- through the life of that contract to ensure that we were compliant with the mbe/wbe program. So now I want to kind of get into the weeds in terms of how we select somebody and then how we make contract changes and keeping in mind the mbe/wbe program. This next slide kind of shows you the relationship between the city, the owner and the professional services provider, which is the architect or the engineer. Their subconsultants. And then you have as we move down the life of that project where we solicit the services of the construction company. They will have suppliers and also subcontractors to help them deliver the work. Again, just a highlighting this and because it's our most common methodology to provide the services needed for cip delivery. Now I want to focus on the design aspect of it. So again, we select an architect/engineer and they bring on board subconsultants compliant through the mbe/wbe program. So let me talk a little bit about how we select these services. We do two different things. He with do specific scope procurement where we do the scope of work, we're going to design a library. We're looking for the best firm to do that work for us. Or we have discipline specific services like we know we're going to be doing a lot of civil engineering work in the next few years. So we need several firms to help do that work for us. So we'll solicit what we

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call the rotation list where we're asking council to recommend up to five or six, seven consultants for this future work. So when the department needs those services we already have them under contract and we're able to deliver those services a lot more timely. The state statute is pretty clear in terms of how we select these consultants. It is a qualification based selection process. We are looking for the most qualified experienced consultant for that work. I will say as we develop that criteria for selection, the first item that we look at is the consultant being compliant with the mbe/wbe program. So did they meet the goals? And if not, did they demonstrate good faith efforts. If they did both things then they'll move forward in the evaluation process. If they do not, then they are no longer considered a firm that would be evaluated. They are out of the process. We work with smbr to state capitol the goals for those specific -- to establish the goals for those specific services and smbr is part of the process as we move along through the selection process. So they are there providing the history of the firms that submitted that we're going to be -- that we will be evaluating, so smbr is a partner in this effort from the very beginning to the very end of the contract. So now we have the recommendation, we'll go to council for awarding that recommendation. Council says yes, proceed with the contract, we will negotiate the contract. The contract will be executed. Six months down the road, right, we may need to make changes to that scope of work, that contract, so we may be coming in front of council for approval of an amendment to that C. Some of those reasons could be that we're adding some new work that wasn't part of the original scope of work or we need to change the contract time. More common, though, is

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those -- some amendments are more intentional. By that I mean we select the firm and we are going to ask them to do preliminary design work. We go to council for work and we say council, can you authorize this million dollars for this contract. We will come back to you when we have a better idea for the budget for design and then construction oversight -- construction phase services. So we'll come back to council in the form of an amendment to that contract, but it was an intentional amendment. We were being specific in terms of -- and transparent in terms of this is what we know right now. When we have a better idea of what we need later on we'll come back to you for that additional authorization. Is that is an amendment to the contract when we do those. When we do supplemental amendments, there is a review and approval process that smbr is engaged in and that comes in when an mbe or WBE firm will be impacted by that change. Let me give a couple of examples of how that may be. For example, we may have a firm that for whatever reason their capacity is full, right? They can no longer perform in this contract because they're so busy. However we can't wait for them to join a team and get working with us so we may go to smbr and say firm a cannot work right now, they're busy doing other projects, they communicated to us that they can't get on this project right now. Can we find a similar firm? And what I mean by similar, a firm that is also an mbe/wbe or WBE firm. So that might be a change for that. Or we may have solicited a contract and forget to include a firm that we need for a specific part

of the contract. So then we'll require the prime consultant to go out there and find -- working with smbr and us a firm that they can use for that scope of service that's a minority-owned firm. So that will be another example of a request for change process. So all these changes are reviewed by smbr. They also are reviewed by the managing department and

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our office. And what we're looking for there is that the scope of change is aligned with the contract scope that that funds are available to cover to support that change. And that the contract requirements are met. We have additional step, it's a high level review, that we call the change control committee, and what this committee does is it's a committee comprised of executives across the city with ownership on that project. And what it provides is when that contract change meets a certain threshold, for example, 10% of the original cost for that contract, then that committee will review. And you'll see that when we come to council for approval of that recommendation for the supplemental amendment. For instance, staff recommends this amendment to council and it's been amended and approved by the control committee. I'm trying to paint a picture that says that smbr is really involved. We have a thorough process that looks at the changes in scope and they're reviewed to ensure that there's compliance with the contract. So that's just for the design services. So we finish the preliminary design services, we finish the design services, and now we're ready to move on from the design to the construction phase. This is where we go out and we do the bid selection process to get a contractor to help us bid whatever we're designing. And here we are just looking for the lowest responsible bidder. We're looking at the lowest price. And once we determine who that lowest price is, we're going to look for their compliance with several requirements. One of those is ensure that they met the mbe/wbe requirements, either by meeting the goals or demonstrating good faith efforts. We also will be looking at their experience level, do they have the adequate tools, the key personnel to do that work that we're looking to do. But we all -- we start at who is the lowest bidder. As I noted previously, that contractor can come in with

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suppliers and subcontractors to help them do the work. We'll go to council with the recommended lowest responsive -- responsible bidder. Council will award that contract, will negotiate that contract, we'll execute that contract. Six months, seven months down the road we may have to do a change order. If you recall when you approve a request for council action we'll be asking for some contingency to support that project to keep the project moving along. When we finish that contingency there may be a need for additional contingency. We'll come back to council in the form of a change order. Change

orders happen for many reasons. There's an increase or decrease in the estimated quantities of existing work or there's additional or new changes in the scope of work or contract time. And so if I -- I'm going to give you an example. One change order can be where we experience some severe rainfall. For numerous days. And that rainfall damaged the building site. And so there was no work during the couple of weeks during that rainfall and so we may have to extend the contract so that's a change order. We originally scheduled for maybe 50 linear feet of sidewalk and now we realize that we need 70, right? It's just an extended amount of quantities, but it's a change to the original contract from 50 to 70 so that's a change order. Like we do for the supplemental amendment process, we also have a really clear process in terms of how we do change orders and the role that smbr plays in that change order. Again when there's a change impacting the firms that are minority/women owned, there will be a request for change, the compliance is submitted by the project manager, it will be reviewed and considered by smbr for approval. If smbr approves it, then we go ahead and make that contract change. We also look at every contract change in our office. We make sure the change is

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in alignment with the contract scope, that there are sufficient monies to cover that scope and that all contract requirements are met. That change control committee that we have for the supplemental amendments process we also have in place for the -- for contract changes. So again, just recapping what we have in place, we have a thorough process that reviews supplemental amendments for professional services contracts. The same process exists for change orders for construction contracts. Smbr is a partner at the very beginning through the middle of the process and at the very end. So with that we're open for any questions, comments, discussion. >> Mayor Adler: Tell me how this relates to the contract we had last week relative to the codenext work. So in that instance over the course of the contract apparently, the scope changed and there wasn't as much contracting done in the categories where there were minority participation or firms. Should there have been at that point a revision of the goals when that happened? Because it didn't appear that there were. >> So on that particular contract it was a professional services contract. We set the -- we used the annual goal, which are the goals stated in the ordinance. We did that because at the time that contract was let, which was five years ago, we certainly sure exactly the amounts of each scope of work at that time. So without that knowledge it was our best bet to put the annual goal on there. If we were to change the goal -- we historically have never changed a goal from annual goal to a project specific goal midway through the contract. The goals are placed into the contract with the prime contractors so if we were to consider something along those lines it would be a contract change and we would be concerned if we started changing goals mid contract,

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it might cause concerns for our prime contractors and consultants as well as our subs, but not knowing upfront what the goals are going to be if it's anticipated that it might change. In other words, they know what they're getting into, they know the goal they're being held accountable for, but if they move forward and we're changing the goals mid stream, it's hard for them to plan accordingly. That would be our concern. >> Mayor Adler: But in essence you've done that, though, right, because over the course of the contract, the scope of the contracts change? >> We don't usually change goals over the course of the contract. We usually set the goals at the beginning and then -- >> Mayor Adler: That part I got, but the scope of the work to be performed under the contract apparently changed. There wasn't as much community engagement. Was there ever a discussion about not doing as much community engagement or did that just happen or did that happen in conjunction with conversations with the city? >> Sure. There was not as much community engagement that arose and there were several discussions about that leading up to that, but there was that component, there was also the component that the contract amendments gave additional funding for the main scope, which was the rewrite of the -- which is the rewrite of the code, and that is taken into the denominator of that equation, which lowers the goals as well. >> Mayor Adler: Got that part. So if there was over the course of our system the moment arises where either some of the work isn't being done that was going to be done or there's now new funding in other areas so that the denominator increases in size, just by virtue of those decisions that are made, the goals would change. >> Correct, the participation would change, correct. >> Mayor Adler: The participation would change. And the question is since we know that that's happening and we can see that when we're making the changes in scope, should we either formally or informally note that the participation goals now will be different because of this contract change so that we can align

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what the expectations are of the community, of the participants, consistent with the changes that we're making in the contracts? >> Absolutely, we've heard that concern. I think we are noting it within our departments. We do note it when we bring forward amendments to council, but we will certainly be open to ways to note that change when those changes happen. >> Mayor Adler: So if we go back and look at the amendment changes to the codenext contracts, so this is changing the scope or changing the funding, there would have been something in backup that would have told us the participation goals used to be this, it was done on an annual basis, we weren't really sure, but now that we've done this, it's clear that they have now changed. And they're this. If I went back now would I find that document in backup? >> What you would find with every amendment that you consider we put what the initial goals were on the solicitation, what the participation will be on that amendment and what the current participation is to date. So on every single council item we're putting that information there. We can certainly give a better description of where there's that change, if it deviates from what the original goal was, that's certainly something we can be doing. >> I didn't know enough to look at the backup when the contracts change. But that means that even though you set it as an annual goal, when you actually got into the contract and were changing it, you gave us notice that the actual goal was now different

than the original annual goal. And if we go back now to those contract changes, what you're saying is they would find that there. >> Yes, it should be on every single amendment that you look at. >> But there's no true mod in a indication to the original goals that were set at the solicitation stage of that contract. >> Mayor Adler: It doesn't change it, but it says given this change that this is now the current participation level. >> And I also want to highlight the fact that this

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was a unique contract for us. It was a planning code. We don't do many of these. The majority of the work that you see from us is, you know, professional services like engineer or architect where they're moving down the path of designing that one project for us, right? And so we set the goals for that project and there are the mbe/wbe goals, the annual goals rather than project specific, and we might make an amendment, but that amendment is just a little side level of work that in my opinion provides another opportunity for mbe/wbe participation, but the main design work continues and so there's still opportunities for them to reach those goals. When we set those goals originally we didn't know exactly what you wanted to do project specific goals. >> Mayor Adler: I understand. Jimmy? >> Flannigan: I'm trying to wrap my head around the goals and ratio that's used and how it relates to the disparity study. And so I want to set that out and then my question really is when you look at the universe of vendors that we currently have, do you find that there is relative uniformity in terms of the ratio of mbe/wbe or are there outliers, are there some industries where there are a lot of mobbies relative to the total pool and then other industries where there are few mbe/wbes to the total pool? And I may have a follow-up question. >> So the disparity study outlines -- is the basis for what is our annual goals. Those annual goals are aspirational goals. This is what we would like our program to go towards. When we're looking at project specific goals, those are looking at actual goals based on the exact

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type of scope we're going to procure. So with the annual goals taking into every single commodity, mbe/wbe, and when they perform, project specific we're going to look at exactly what we want on that contract, so there is great variation. So for example, I used hauling in my example. That's an example where we have a lot of availability. There are other scopes of work. Hvac comes to mind where we don't have a lot of available. If we have a project and 40% of it hauling that's going to have a higher goal. If we have a project and 40% is hvac that's going to result in a lower goal. The reason why it's recommended why we choose project specific goals is that it is a more accurate goal for that particular project. >> >> Flannigan: And I'm not disagreeing with the process, I'm trying to understand what the gap is and how that relates to what I'm feeling in the community about to see a slide that says for 93 or 95% is

inconsistent with how I feel community is talking about this. So I'm trying to understand the numerator and the denominator here, but also are we building in a systemic issue by measuring our goals by who happens to be a vendor today? I think that's kind of where I'm at. And I understand that the economic development department and small business resources they do some programs around getting folks to sign up as vendors and be more subcontractors and there's a recruitment during that education and training part on the business side. But I'm trying to think about how -- this is more of a rhetorical question. I'm trying to think of how we consider -- we'll just take your example. So if hauling as an example is overrepresented, compared to the mean, are those really the greatest

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contracts in terms of economic disparities in our community. So some contracts are better than others. And make sure that we're being thoughtful about how we ensure equal access to the contracting opportunities that we have at the city. Again, this is rhetorical. And I feel like -- I don't feel like there's any push back from staff on this either. It's more of an open thought process for me about how we're using existing lists of vendors as its basis for our goals when maybe the list is wrong. And maybe we as a council should be considering our investment on the small business resource side and how we do a better job filling that list so that the math, which has a very rational, understandable, consistent basis to use, but really the problem is the systemic inequities is in the list, not necessarily in the math. That's where my head is at right now. >> And speaking to that, that gap that you mentioned is because of what you're alluding to, the annual goals are what stated in the ordinance are project specific goals. When you look at your council agenda usually what you're seeing is a project specific goal, and it varies, but often it's lower than what the annual goals are. So when we are trying to see how we're performing, we're holding ourselves accountable to the annual goals, but they're not really the goals that we're setting on a contract by contract basis. One of the things we're working with our purchasing department, our purchasing office is responsible for the reports, the mbe/wbe participation. One of the things that we've talked to them or are working with them on is looking at a way to come up with an aggregate weighted project specific goal so we can see apples to apples how are we doing. The aspirational goal is important because it is saying that we as a city want to aspire to this, but if we can show in true colors the goals that we're setting and where our participation comes out, that gives you a better idea

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of how we're performing. >> Flannigan: So is the aspirational goal also based on the database of vendors that we currently have? >> The it does include the database of vendors, but it's broader. It's based on



the disparity study so that takes on the not only the vendors we have, but goes broader to the marketplace using sources like Dunn and Bradstreet, other vendors. It's a broader vendor pool. >> Flannigan: Thank you. >> Mayor Adler: Ms. Kitchen and then Ms. Houston. >> Kitchen: I wanted to follow-up a little bit on that. I think I'm understanding, our annual goals are not really being met from what I've seen from the data that's available. So did I hear you correctly that our annual goals, our aspirational goals and we're comparing that to what we actually achieve, but what we chief is project specific. So there's quite a bit of gap in some of these like if I'm looking at the right numbers our non-professional goal is like 29.1% and we've achieved 5.53%. So it's a pretty big gap in some of these areas. So my question is have we done any kind of analysis to understand why. In other words, do we know why in these particular areas we're not meeting those goals? >> So when we're looking at certain commodity areas, and this goes back to the point I made that what I'd like to do is look at a report that shows where we've set goals on contracts versus what the participation looks like. So when you're looking at the percentages in the reports that takes into account contracts that we did set goals on, but also contracts where we did not set goals. So it's not truly been an apples to apples comparison. Particularly in commodities

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and non-professional services, many times those types of contracts tend to not lend themselves to goals because there's not subcontracting opportunities. The commodity purchase is an outreach purchase of a cup or a pitcher, there's not an opportunity to set the component of that out. The same goes for non-professional services does have more opportunity, but a lot of times we also do see that they don't meet the goals. Yes, we want to do that analysis, but I think the first step is how can we look at contracts to goals in comparison to where our expenditures are and see what our numbers look like. >> Kitchen: It seems like from my perspective the way we're setting the aspirational goal makes sense to me because it appears what we're doing is looking at a broader market and looking at what we would want the goal for our community to be. But we're not getting there. So we need to understand why we're not getting there. So it makes no sense for me to set a goal and then not try -- I'm not saying we're not trying to reach it, but it seems like our systems are not aligned to try to reach it. So if we set an aspirational goal but in another process we set our project goals and they're not aligned with what our aspirational goal, if I'm hearing that correctly, so when we set our project specific goals we're not doing that with an Edwards our aspirational goal goal, correct? >> Correct. When we set our project specific goal we're looking solely at the certified vendors for the work on that contract. >> Kitchen: So we're doing the math on our goals with two different sets of data if I'm understanding correctly. I'm kind of talking out loud so I can understand it. We're setting our aspirational goal goals with a broader market, but we're

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not -- it seems to me that one of the things to consider and I'm sure there's a lot more complexity to it than that, but one of the things to consider is either we're going to set goals based on our aspiration for our broader market in our community or not. So it seems to me that using the same set of data makes sense, but that's one question I would have about the program. The other thing is that -- this may go back to the analysis you were talking about earlier in understanding the why is even with our -- even with our -- and so here's a question. Even with the project specific goals, we don't appear to be meeting those, if I'm understanding correctly, and we've got scenarios such as what we've talked about earlier where the scope changes. So my question would be is that the only reason we wouldn't be meeting project specific goals or have we done an analysis to understand what is causing these difficulties in meeting project specific goals? >> So at this point I can't say if we're meeting project specific goals or not on the aggregate level because we don't have a mechanism to report that. So that's what I was speaking to of we do look contract by contract at every contract closeout. We look to see if they met their goals and if not, why not. But we don't have a report that holds all of our project specific goals collectively over all of our contracts and says what that aggregate project specific goal would be. >> Kitchen: Okay. >> If a firm does not meet their project specific goals there's many reasons why it could be, we've seen where subs have lost their certification over the life of a contract. We've seen where a sub has asked to be removed from the contract, which happened on the opticos contract, we had two certified firms that asked to be removed. We've had situations where there was maybe a disagreement on the bid amount. It's rare, but that has happened and usually we intervene in that discussion before somebody's removed.

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But there's a number of reasons why they might not meet their goals in addition to the amount of the scope or the scope changing. And then I did want to make the point in looking at project specific goals, which is our aspirational goals, I would certainly understand where it's out of alignment. It is a best industry practice and it is certainly recommended legally that we have that aspirational goal based on this study, but when we're looking at setting goals and more of what we're working with with our vendor pool. >> Kitchen: Yeah, I understand that, but it -- it sets us up for failure. >> I understand. >> Kitchen: And it also means that we have no way of telling whether we're making any progress. So towards an aspirational goal. So I think I'd like to kind of think through that. I think that is creating some difficulties. And then I have another more specific question, but that has to do with -- to see if I understood this correctly. It has to do with the good faith effort, which is on page -- >> It's on 16. >> Kitchen: Yeah, 16. So does that mean that a good faith effort counts as a good faith effort if you notify all the certified firms seven days prior till submitting the bid? >> Uh-huh. >> Kitchen: So only one week? We're only giving one week? So I have some questions about if that contributes to difficulties in contracting with minority and women owned businesses, it seems to me -- I guess it depends on the

type of contract, but if you're giving a company -- actually, you're actually notifying them, one week before it's due, I can think of lots of reasons why

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that wouldn't be enough notice for someone to be able to participate and they could easily say I don't have enough time in seven days to tell you whether or not I could participate or not. I'm just operating off of -- I don't know -- you know, this is just my gut, but I don't know if that's accurate or not because I don't know all the circumstances under which this occurs. But it would just be a question that I would have about the -- about the process. >> And I should have mentioned that this is when the prime is notifying the firms on the availability list. When we solicit as a city that innovation goes out to all the primes that we have registered for that code and our vendor database, but it also goes out to all the subs listed on the commodity code. So our firms are getting a notice that this is am coulding, it's just the direct request for a bid from a certified firm. >> Kitchen: It's still not very much time to determine who they're going to participate with or whether they even get to participate. >> What I was going to suggest on the form that we submit to our firms when we're evaluating good faith efforts we can also add a question asking for feedback on that at the time -- it would be an ordinance change. >> Kitchen: I'm just curious about that. You give it to whom now? >> When we're evaluating good faith efforts smbr reaches out to all the firms on the availability list and we have a form that we ask them -- ask them to fill out to see if the prime contacted them, if they did, if they participated a bid, and if not why, so we have that as a question there. >> Kitchen: And what are you seeing with that data right now? >> Honestly we get a low response rate, which is frustrating, but there have been times where we have seen a sub has said they were not notified and we have deemed the prime not compliant because of that. We have had subs that have said they have bid on a project and didn't receive a response from the prime and we have also deemed them non-compliant in that regard as well. So we are getting some

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feedback, but we would like to see more feedback. >> Kitchen: I have one last question and then I'll let it go, I'm sorry. What about -- I know or I'm assuming that there's been processes in the past to review -- to review these or public processes in the past. So can you just tell us a little bit about the last time that was done? >> The last time that actually good faith efforts was reviewed was about six or seven years ago. And that -- at that time there was a minimum level of good faith efforts and then additional steps. What we did at that time is we basically took the additional steps and made them all minimum. So I believe it was the first four that were the minimum and the next three were additional, but it's been awhile so I don't recall absolutely. The other thing we did is we changed the notification for all firms

from one method to two methods. One of the responses we got is this firm always faxes me and I don't see it come in. We're trying to encourage and increase the opportunity for a sub to be notified with that change. >> Mayor Adler: Thank you. Ms. Houston? Mount thank you. Councilmember kitchen talked about a broader market so I have a question on page 15 regarding why don't you also accept state certification? You would have a much larger pool of applicants than just city certified. >> So that's been an historical policy decision that was set in the ordinance. Because we have the personal net worth requirement, the state does not have a personal net worth requirement, and that was a change made to our ordinance years ago to include that economic disadvantage. So for that reason we can't accept the hub certification. >> Ms. Houston from the state? >> From the state. >> There are some people

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that are state certified that would apply but you don't accept them or you won't certify that they're minority owned or women owned businesses because they're from the state. And then on slide 19, help me remember if in the most recent audit did they address the -- how well you guys monitored the contracts? >> They did review how we're monitoring the contracts. I will have to go back and look at any concerns. I don't specifically remember concerns about how we're monitoring, more so about the reporting function, but I can certainly go back in. >> I can answer that question. You're referring to the recent audit done on the cip delivery process. And that was one of the five findings. And the concern there was the way the procedure is written out, it's not being followed by certain project managers. So we are working right now on looking at our process, working with the public works department on how do we change that so it makes it efficient and timely for the project manager to go through that process without and still including smbr on that review if it requires a change on one of the subcontractors or subconsultants, depending on the type of contract that it is. >> Houston: >> Okay. So you are working on that. And I was looking at Thursday's agenda and you were -- on participation there's one. One had WBE participation. And so I'm sure they're either the exclusions that you all talked about earlier that come under the city manager's authority, but it would be helpful to know which exception they're

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under because it just looks like we're not trying under purchasing. It goes from 31 to 41 and there is one 37 that has 3.6% women participation. So when people look at this it doesn't seem like we're trying very hard in the purchasing department to try to meet any of the goals, either the aspirational goal or anything else. And I'm sure there's a reason why, but it doesn't tell us that and it may be somewhere in the backup, but people don't usually look that far, they look right here and they see once again we have roofing companies, we have landscaping companies and yet there's nothing there. >> I appreciate that

feedback, councilmember. We can certainly look at what we can put into the posting language to clarify that. >> >> Houston: And then my last -- I have a lot of problems with the inability out for a minute if you talked about why we're only looking at subprimes versus prime, minority-owned, women-owned businesses. Did you talk about that while I was gone. >> No, we did not. >> Did you want to share with us why we're only focusing on in our department the subprimes? >> So our program is an mbe/wbe program that looks at subcontracting opportunities. It is based on the applying a program that could withstand a legal concerns. It's considered a best industry practice to do so, so that's been the historical approach of our program and that's why it's established that way. >> Houston: Okay. So the concern that the community has, that we've talked about before and that I think councilmember Flannigan referenced, is that the goals that we're setting are not being met. I'm looking at a total mbe/wbe being competitive with total payments 2016 to 2017 and of the goals that

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were established, goals were not met in three of the categories, commodity, non-professional and professional. That's for minorities. And for women it's under construction, non-professional and professional. The only thing that the women did -- exceeded the goal was in commodities, and the only thing that the minority folks exceeded the goal was construction. So we're still woefully, as you know, underperforming even in the goals that we've set and the way we tried to establish either the -- what did you call them? Aspirational goals rather than a realistic goal. So I'm not sure what the department can do to either get a broader representation or look at not the aspirational, but bump it up, we have to do better than this. And if we keep going for the aspirational goal and not even reaching them, anywhere close to them, then the community says something's wrong. And I don't think you all want that to look like that. I know that you all are hard working and understand the issues, but the people who perform these services, they're looking for jobs. And when we have the friends and family list that's professional rotation list, nobody can seem to get on it. Nobody knows how to get on that list so that they can be in that rotation if they're a minority or woman owned business. So we have to do something different. And I wish I could help you, but this is not my expertise. And so I have to depend on you all to figure out what is it that we can do to do a better job on reaching our goals as far as women owned and minority-owned businesses in not only capital contracting, but purchasing. And I don't know whether that's talking to people like Austin energy and saying we've got to do a better job, guys. What can we do to help you do a better job of scoping

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the projects so that we can then be able to have some responses. And if we need to help -- because the minority owned contractors are willing to work to try to get the people, if we're not getting those kind of firms in during the commodity codes that you need, then what can we do to help? I mean, I'm willing to do what I can do to help, but I need to know what that is. So I don't want anybody to break the law. I'm a proponent of law enforcement. [Laughter]. I don't want to break the law. But we need your help. And this is an ongoing problem. This just isn't -- this didn't just start. This has been going on for years. So if we're not doing any better, so we've got to do a better job. That's my soapbox for the day. And I'm not going to say anything that I may get in trouble for. [Laughter]. >> Mayor Adler: I want to follow up on that just a second and it's your earlier point that Jimmy made and I think Ann as well. We have a policy and a plan that we seem to be executing really well. Because we have the numbers, we have the -- and that we're shooting for and we're hitting the project goals 90-plus percent of the time. But yet we're hitting them 90-plus percent of the time and we're not getting to the annual goals, the disparity-related goals that we want to get to. So it almost makes it -- if we're successfully doing exactly what we're intending to do to a plus 90 percent level but we're not getting to where a displacement indication would get us to, it almost seems like we're doing something wrong, we're not at the right question yet. And the question Jimmy was asking makes sense to me.

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If I'm working with two different denominators and I'm setting my project goals in a way that would get me closer to aspirational, but working with two different denominators, I'm never going to be able to get there because my project goals are artificially high because my denominator is not large enough. I'm not getting to enough of the people. And I don't know if that is one of the measurement issues or because a denominator is significantly different with the aspirational goal than it is with the project goal, but there just seems to be, in going back to Ms. Houston's deal, to take a look not at what we're doing, but why is it that doing everything that we're doing perfectly, not getting us to the aspirational place? What are the barriers, whether they're structural. Jimmy was saying should we be spending more of our resources getting more companies to identify more companies in the community or building up communities that can participate in the community? Do we have to build that infrastructure? Should we be spending our money and resources there? I don't know what it is either, but it seems as if we're doing everything really well. But even if done perfectly it doesn't seem like it's going to get us where it is we want to get to. >> I just wanted to mention that James Scarborough, our purchasing officer, he's been here a couple of years now, and one of the clean Jerusalem projects that he has initiated is looking at our vendor connection website where vendors sign up to be -- do work with the city. Part of that cleanup is verifying that those vendors in the list still should be in the list because that bottom number in your calculation is total number

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of vendors. And I don't know that that list has been cleaned up in 20 years. So as we get that cleaned up mathematically, I do think that will affect some of our numbers, but we have to do that work too. And I know that on the purchasing items, all of Rolando's items are subject to the mbe/wbe ordinance, but-- as are James' but he's doing a lot of additional work to look at scopes on the regular purchasing items to see if they can be broken out into smaller chunks of work to identify whether we can have some participation on those, but we have a lot of sole source items that are it maintenance and those kind of things and they're just flat not subject to the mbe/wbe ordinance. I do note when I do agenda reviews that we've got a prime that is mbe/wbe, but those don't gear towards our program because it's not geared towards prime for a number of reasons. But we are doing some work to split the purchasing items up into smaller chunks and looking to see if the scope is inordinately compact. >> And I think Mr. Scarborough has done a really good job in the two years or so since he's been here trying to help departments understand if this is a value that the city believes in. >> Mayor Adler: Anybody else have anything else? >> Kitchen: Last quick question. Small business definition, is that 50? Or is it different? >> It varies by industry, small business usually has it listed out for each industry. >> Kitchen: If you don't mind, maybe you could share that with me. >> Mayor Adler: All right. It's 4:30. We are done. Thank you very much for this presentation. This meeting is adjourned.

[9:29:46 PM]

>> Flannigan:headlight. I'm going to call to order the judicial committee. We have a quorum present, in fact we have the full committee present. It is 3:03 P.M. November 6, 2017. I do want to begin the meeting today with a moment of silence. There have been some very disturbing tragedies in our nation recently, even in our state, in our community, and in my office. My constituent services director passed away over the weekend. We're wearing purple ribbons on our badges all week. We'll be having a memorial for her on Sunday, more details coming, but I want to have a moment of silence for all the tragedies here and across the state. Thank you. We'll now take up the first agenda item. Do we have any speakers who would like to speak in citizens communication? Anybody want to speak? No? All right. We'll jump right to item number 2, we're already ten minutes ahead. I love it. We'll have a briefing on the municipal court and it will help preface our conversation about how we move forward. We have a speaker? Oh, someone changed their mind. I shouldn't have said we were ahead. That's my fault. >> Sorry about that. I couldn't find the committee on the screen. Yeah, thank you, chair, members, my name is Elly, I'm a staff attorney at the Texas [indiscernible] Project. I wanted to speak a little

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bit. We have been representing people caught up in the municipal court system for the past three years, and through that representation we've seen that there are a few judges that we think don't have the right demeanor and who have violated both the Texas state law and the U.S. Constitution when they're jailing people who can't afford to pay their tickets. And we are currently collecting data and client motions and information, we're happy to share that information once we're done compiling it and hope you would consider those factors once we have that compiled. But under article 45.046 of the Texas code of criminal procedure, municipal judges are required to inquire into ability to pay and community service without undue hardship before allowed to jail somebody for unpaid traffic tickets. We've seen there are a few judges who not only will ask these questions but silence people who will try to tell their situation and we have examples of that and we have some data and, like I said, we just hope that you would consider that and we'd like to share it. Thank you. >> Casar: Thanks and coming for speaking today. I recognize some of the information you all might be putting together may just be things that occurred in the courtroom that are temperament wise and of course we're happy to take information from anybody on a case can -- important evidence can contain information but is some of the data you're putting together available in the public record? I reason I ask you that question is I imagine that our staff might be compiling information available in the public record as well, and would just be interested in figuring out how we best coordinate the work being done by people in the community and people on the city staff to make sure they

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aren't doubling up work or making sure we're not getting competing data sets. Are y'all putting together stuff that is already available in the public word? >> A lot of it is stuff we've got from public incentivizing, we'd love to coordinate with your staff. Some of it is public information in the sense it's motions, which are public, so there's declarations from our clients, but, yeah, some of it is just information we've gotten through open records requests about which judges are jailing people the most and things like that. >> Casar: If you wouldn't mind I think it might be helpful to the committee, we might discuss this more when we get into the process section, I think we're going to try to figure out the most standard way of evaluating folks, and if you could let us -- would be kind enough to let us know what your process is, then we can compare that to the process the staff might be undertaking and make a decision from there. >> We would like to do that, thank you. >> Casar: Thank you. >> Vice chair Casar. >> Flannigan: Thank you. Please make sure you give your name to the clerk so we have that for the record and my chief of staff, Marty, can be a point of contact for you to get that information for the committee. >> Thank you. >> Flannigan: Thank you. >> Appreciate that. >> Flannigan: Thank you. Any other speakers that didn't get to sign up? Okay. Now item number 2, we have a briefing on the court. If you would like to come up and give us that briefing. >> Good afternoon, my name is Mary Jane and I am the court clerk for the Austin municipal court. I'm here this afternoon to give you a brief overview of municipal court operations and a proposal for the reappointment process. I think that we're -- there we go. Both Austin municipal court and downtown Austin community court are judicial branch of the city of Austin



government. We have jurisdiction over class C misdemeanor of state law and city ordinance and also certain civil

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violations. We have four locations, three of them are municipal court, one is our downtown location, we have a substation north and one in the south and then our downtown community court is also located downtown. We have about 175 and a half employees and we process approximately 330,000 new cases per year. To outline court operations with council's strategic outcomes there are four major areas that I think that we fit into. One is government that works, and that is we do that by ensuring that we have knowledgeable and qualified staff to make sure that we're providing the most positive experience to individuals who come into contact with our court. It is important that they're knowledgeable and highly qualified to ensure that defendants' due process rights aren't violated and outcomes are good even though results may be less than desirable. We also provide impartial and timely resolutions to matters before the court. We're incredibly fast in trials, we have full-time judges on the bench everyday, walk-in dockets so typically when individuals come in it's a 1-top resolution where they can take care of everything on the same day unless they are contesting their violation. Safety and health. Court operations basically -- the overarching goal of court is to provide a fair and impartial format for individuals to answer charges that have been filed against them.

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We are tasked with enforcing court orders to ensure that individuals are held accountable for their actions. However, we also provide resources and tools to help them do that. Downtown community court engages in intensive case management practices which are geared towards providing resources to individuals to address substance abuse, mental and health -- mental and physical health disabilities, to ensure those people are becoming permanently stabilized and into permanent housing and becoming productive members of society. Mobility. Court over the last couple years has been engaging in community outreach, trying to tailor court services outside the court environment because we do realize that coming to court is not always easy. It's hard to get to downtown. In addition there's a large level of fear with that environment that many people are resistant to go into. So this past year we did one amnesty and we went into local libraries throughout the city. We are looking at -- already implemented several off-site youth services classes and are looking at expanding our services at the substations so that individuals can have trial services at those locations rather than only downtown. Economic opportunity and affordability. We support this initiative by offering statutorily required alternative sentencing. We of course want to make sure that we hold people accountable for their actions, but we

are responsible for making sure that we have processes in place to ensure they can do that arbitration such as community service or deferred disposition to help keep convictions off records. Again, dacc does a good job with restorative justice to ensure people are getting the resources they need to get back on track in their lives.

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So the affordability comes into it, that weekend that not everyone can afford to meet the requirements of the court orders, therefore, there's options for them to ensure that they can do that without being negatively impacted. All right. So the rest of this presentation will be on the proposed process for the evaluation of the Austin municipal court judges. And this does include judge Michael coffee, who is downtown community court judge. The responsibilities of the judges, they do a lot. It's not just traffic court. Duties at court include adjudicating all class C misdemeanors, handling all appearance dockets, which include bench trials and trials by jury. We have walk-in docket, as I mentioned earlier. Four days a week, where people with come in to see a judge without having to have an appointment. The judges perform indigence determinations, review pretrial motions, assist detectives, attorneys and ploughs curious as matters arise and are responsible for maintaining their electronic cues assigned to them to maintain cases and documents that have to be signed. Our judges serve as magistrates for Travis county. They work the central booking facility 24 hours a day, seven days a week, 365 days a year and most other jurisdictions these duties are performed by a district or county judges. Part of their duties there are to inform defendant that are in custody of their constitutional rights. They review probable cause affidavits and search warrants for all range of higher charges, everything from dwis to capital murder. They set bail amounts and bond conditions on all levels of criminal charges. Again, it doesn't matter if

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it's speeding or murder charge. They review requests for release on personal bond and they issue emergency protective orders in domestic violence cases. Our judges are some of the most qualified judges in the state. They have many years of experience, of being licensed as Texas attorneys, and most of the constituents run [indiscernible] To ask for advice. State and local requirements to be a municipal judge. Austin city charter requires all of our judges to be licensed attorney in good standing. They have to have two or more years experience in the practice of law, and they must reside within the Austin city limits for two years prior to their appointments. In addition, the local government code requires judges to be residents of Texas and U.S. Citizens. Our current bench. We have eight full-time judges, and these do include our overnight central booking magistrates. We have one presiding judge and one community court judge. We also have 14 substitute judges, which are part-time and work as needed to fill in for

shifts when judges are on vacation or ill. And a while that might sound like a lot it still sometimes can be a challenge to fill in last-minute vacancies. So who hires the judge? According Austin city charter article 6-2 Austin city council has the sole authority to appoint the judges. Appointment terms are every four years, and the council cannot remove judges midterm. Judges may only be removed for cause or disability as defined in the state constitution.

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Evaluation, under the Austin city charter the presiding judge of the municipal court is tasked with evaluating the judiciary twice a year, each four-year term. Generally this is done after the first two years. Then more thoroughly at the end of term. These evaluations are presented to council to assist with the reappointment process, and it has to be an executive session to comport with code of judicial conduct. It's important to note that there is no statutory mandated method of performing alienses at the city or state level. We've done quite a bit of research on this, and every agency does it just a little bit differently. Which brings us to the past evaluation methods and talking with judges who have been here for many years. It doesn't appear that this has ever been done the same way twice. It has generally involved stakeholder surveys that are sent to certain groups who work closely with the judges. There's also a recruitment and interview process for potential judges when vacancies become available. Evaluations from the presiding judge and -- evaluations are from the presiding judge, an evaluation of the presiding judge must be held in executive session. And the judicial committee is the one who recommends a slate of judges to the full council. So we are proposing a two-step process. The first step in that would be determine the retention of the current judges. After doing that, if there are any vacancies or any vacancies come up, then the council should go through a process where an inclusive recruitment would be conducted, stakeholder panel and councilmembers would conduct interviews, and then the judicial committee would

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make recommendations for the appointments to the full council. Actions that we have completed to date. About two years ago midterm surveys were conducted by the presiding judge. This year I believe it was about maybe July we did end of term surveys. This was a recommendation from New Mexico judicial performance commission. We sent surveys to stakeholder includes including detectives, court clerks, jail officials, prosecutors, youth services, supervisors and managers that work closely with the judges. All of the judges had the opportunity to see both their midterm and their end of term surveys. And the presiding judge and downtown community court judge were also included in these surveys. Like all the other judges. This year, the judges also had the opportunity to participate in a self-survey, and as

far as we can tell that's never been done before. The presiding judge also has a compilation of other related court documents to provide to the council to help inform their decisions. Statistics on jail remands, as requested by council ordinance relating to the fairness for indigent defendants can be provided as requested. So our suggested course of action is that I will provide the judicial committee packets including the surveys, self-evaluations, letters of intent and any other pertinent documentation for each municipal court judge. The judicial committee may receive evaluations and/or recommendations from the presiding judge in executive session.

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Judicial committee will evaluate the presiding judge and downtown community court judge in a manner similar to the council's evaluation for all other council appointees. The judicial committee would then determine who will be retained and presents this to the full council via an appointment ordinance, and if the council determines that it is appropriate to fill vacancies or add new judges that would be performed in a separate recruiting and hiring process. Time consideration. So the current term ends -- >> Flannigan: One question. >> Casar: I have one question on that last slide. So the presiding judge and the dat judge would we be -- are you suggesting here that you're suggesting a course of action is for their process to be on both a separate time line and using separate documents as the other judges? Could you just explain what's different and what's the same on how you propose -- and I understand it's just your suggested course of action, but can you help me understand the difference? >> I'm suggesting the same time line. I think it has to be the same time line, but a more formal process, such as what you do with other council appointees, where the individuals have an opportunity to outline their goals and objective and align the strategic outcomes and the council can set goals and objective if they choose to do that. And it's also an opportunity for those individuals to have a face-to-face communication with you to discuss what expectations are during the course of their next term. >> Casar: Okay. That's helpful. So we would have additional -- essentially additional work that we would do with these two appointees given that they're higher level set by -- instead of filling out the paperwork like we do with other appointees. >> Yes, that is the recommendation. >> Casar: Because they also operate as judges would we have the same information related to their work as

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judges as we do with the other candidates? >> We do have the same information, yes. Regular full-time judges, sometimes perform different duties than, say, the presiding judge because she is more in an administrative function so you're not going to see her overseeing as many trials or jail remands or anything like that because she's more on the administrative side. >> Casar: I don't think we'll ding her for

that. I'm just interested to know how we manage their administrative duties and then also the fact that they both also hear cases. So it sounds like what you're suggesting is that we just go a little bit more in depth with each of them but that we would have information related to both? >> Yes, sir. >> Casar: Thank you. >> Flannigan: Councilmember pool. >> Pool: Then as far as the time line goes, according to this we would be evaluating the presiding judge and the dat judge and the presiding judge and I suppose the dat judge who does the evaluations for the judges under them. Is that right? We're not going to be evaluating them, although we do have some say on whether they get a reappointment? >> I don't believe that that is what has happened in the past, but that is the current recommendation. >> Pool: Gotcha. >> [Off mic] >> Flannigan: You want to get on the microphone, please? >> So I spoke with judge Mckee and I also talked with several of the judges who have been here for quite some time, and she said that past judicial committees would ask her opinion or would ask for evaluations and then would do whatever they felt was appropriate. >> Flannigan: Thank you, judge. >> I guess the point that I was trying to distinguish, this panel and the council are not doing the evaluations necessarily of

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all the other judges, only of the presiding judge and the dat judge, the two presiding judges. >> Flannigan: I think actually we're going to have to debate whether or not -- I think it's an open question for us to decide. >> I agree. >> Flannigan: Please continue. >> Pool: Thanks. >> All right. Time lines, again, the current term ends on December 31 of this year. If no action is taken, all sitting judges automatically are renewed for 91 days, which will take us out to April 21 of 2018. If no action is taken by April 21 of 2018 all judges are reappointed until the end of their next four-year term. >> Casar: That final bullet point about April 1 is that also set by state law and local government code? >> Yes, local government code section 29.005. >> Casar: Applies to both, okay, thank you. >> Before I go on to the next slide, are there any other questions about the reappointment process recommendation? All right. So no municipal court presentation would be complete without a discussion on our building. And although I'm smiling, this is very, very serious. As you can see, our second floor, councilmember is the right picture, our second floor hallway serves as a waiting area for defendants, jurors, and witnesses, as well as prosecutor work space and attorney client consultation room. Which is -- that's two courtrooms there and the hallway is not a very big space and it's not uncommon to see 30-50 people crammed in there overhearing information that they are not privy to. Picture on the left is our nice safe stairwell leading to our conference and training room used almost all day, everyday. We're not joking about the handrail. It's steep and slippery and at a weird angle so those steps are pretty tricky and

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of course our basement room, no other city department has one quite like it, we're hanging pipes on to the ceiling because we can't drill into the asbestos-filled walls or floors. And we've got the physical plant with the screw-in fuses, not commonly used in construction after the early 1960s. And then over to the left, again, is our training room, and you can see the unusual declarations from years of waller creek overflowing and flooding our building and we have been told and promised that the broken tiles do not contain ambient asbestos and that the frequent headaches and science and cold issues are not caused by mold. One more thing to add to this. This is going to on as we speak. Every floor in our building right now, every bathroom is flooded, including our side and A.P.D. Side with what appears to be sewer water. It's coming up in the clerk's area, in the carpet. Running down the walls. That's what's going on today. We haven't had a high level of efficacy groups supporting our building, and our goal is to get into a new building so my purpose here today in talking about this is to really ask you for help. We really need some people who are going to help us move this to the next level and get it off center. It's -- I can't stress you to enough the seriousness of it. It's not funny, and it's not cute, and it's not just that it's an ugly building. It's seriously an unsafe building for not only our staff but for the citizens who have no choice but to come into contact with it. Thank you. >> Pool: I think there's also some concerns about -- you mentioned a separation of the witnesses and the people who are in court -- >> Correct. >> Pool: They also may be at

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risk. >> Absolutely. >> Pool: Similar to what we understand is up at the Travis county courthouse, where there isn't sufficient separation from defendants and their accusers. I would like to ask the chair to put on an agenda item conversation with our real estate office and our facilities folks. I had -- after I did a tour of your building about a year ago and saw how bad it is, I had a conversation with the folks who were doing facilities, and this was supposed to be added on to the list of the larger overarching facilities work that the city is doing. I don't know if it's still connected up with the police department relocation, but the court itself -- and that's one reason why I wanted to be on this committee, was to advocate for and press this issue. It really has -- is at a critical point, and it's just not right and it's just not fair for everybody. Anybody who is in that building to have to come to work under those conditions. So we can take that issue up maybe at a future -- at our next meeting or get a briefing on that. >> Flannigan: Thank you, councilmember. It's definitely my intention this committee will not take a narrow view of our role and the expansive view on our role to provide justice and how we provide justice is also included in the building in which we provide it so we will definitely be addressing those issues. Councilmember Garza, do you have something? >> Garza: I just had a question about that. We were informed specifically under a certain resolution that initiated this process and did that include discussion of the building? >> Flannigan: So the way that the ordinance is written it's fairly broad and then it has -- so it's written to say we can review the court and then make recommendations to the full council on a number of things, but it's written to be broad. So we can make all manner of recommendations. Recommendations related to the court.

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>> Garza: Okay. I guess I just hope -- >> Flannigan: Yeah. And -- >> Garza: While I don't want to diminish the importance of this discussion, it's extremely important, what's very important to me and why I wanted to be on this is addressing our judicial appointments because while these are, you know, some serious issues with the building, for me what's really serious is people serving jail time because they can't pay fines because they can't afford it and the conduct of our judges. So I really hope that that is the main focus of our -- of this committee. >> Flannigan: And I want to assure you that it is, that our -- because if -- if for no other reason, in addition to your reasons, we have a deadline. And a deadline after which we lose control over the appointment of judges. So clearly that is our number 1 job on this committee. And then as we feel that we've gotten a handle on that, we can start to add items to the list. >> Garza: Then I would ask if this is added as an agenda item that goes, like, one of our very last meetings. I don't know that we've discussed that but I don't want us to stray from the very important conversation of judicial appointments and then this is a very different topic. I can see where it's under the broad scope of what we've been charged with, but it is a very different topic. >> Flannigan: I will make sure that any straying from the appointment of -- and process and appointment of judges will be a thoughtful one that we all have an opportunity to deliberate. Any other questions for our court clerk? All right. Thank you. So our next agenda item, item 3, is discussing action on how we will move forward and item 4 is also the meeting schedule, they're fairly aligned. I've handed out kind of a straw person proposal, two actual options on how we want to move forward should all be in front of you. I -- forgive me, though,

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that the very first bullet point, our next judicial committee meeting is already scheduled for November 13, not November 10 as laid out here, and I left dates off of the following month specifically so that our staffs could figure out the actual day of that month we wanted to hold. The question for me is whether or not we want to handle the presiding judge separately and first or if we want to do all the judges at the same time. That's essentially the difference between options one and two. However, separate -- different from the clerk's proposal is I felt it better to evaluate the judges and opening up an application process so that all current and applying folks could be evaluated at the same time, so that we're not making a determination and locking in and saying, well, there's just one more spot left before we've seen who applies. So both of my proposals say that we will -- we'll take November and doing the work so that staff can come back to us in January with some actual documentation and a process for moving forward, but ultimately that we're developing a matrix for how we're scoring candidates and that we would apply that matrix both to our existing judges and to folks that are applying to be judges and to

doing that all in one. That is just the straw proposal that I put out. Any thoughts? >> Casar: Sure. So thank you for bringing forward a strawman proposal. I know that's always a risky and I never want to be the first to put it out so I really appreciate it because I think it helps me gather my thoughts. Though my question -- my inclination is that we will have so much more of a track

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record on existing judges than on applicants and that there may have to be a different matrix of evaluation for people who have a long track record with the city that we can see what their -- you know, we can -- we're getting surveys back from stakeholders about how they've done, we could see what -- how they set bond amounts and -- for -- you know, across their years of service, whereas new people we wouldn't be able to evaluate them on those things if they haven't been a municipal court judge so I'd be interested in hearing your thoughts in response to that because while it is useful to be able to compare applicants with existing judges, I just don't know if we can use the same criteria. What are your thoughts? >> Flannigan: Where I struggled with that is we didn't give the current judges, when they began, what they were going to be evaluated on at the end. So if I create a different set of criteria for current judges, criteria they didn't know they were going to be evaluated on, I'm not sure that's a good way to measure their behaviors into the future. But I struggled with that. I struggle with that. And ultimately because of these two proposals, I fell down on the side of trying to find a way to score everyone at the same time so that it's clear moving forward how we're going to proceed, and not just in this tenure but four years from now, four years after that, that we're establishing some kind of consistent process the city can move forward. But it's definitely an open question, like, if -- >> Casar: Right. >> Flannigan: If that's too difficult to, do then maybe we can divide the question. I also didn't want to get into a place where we had a certain set of criteria, looked at all the judges, they met all the criteria, we appointed them, and then we didn't open up any call for applications. I also didn't want to do that. >> Casar: My struggle is since these are four-year terms, not one-year, it's

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hard to -- you know, if look at a certain set of criteria based on how someone has done and if we don't think that they are the best -- let's say we have -- >> Flannigan: Sure. >> Casar: Let's say that someone showed up to work two times in the last 365 days. This doesn't apply to anyone, right? If we can't evaluate them based on that criteria and then we say, hey, starting now we need you to show up to work, I just would rather be able to replace the person who didn't show up to work except for two days for >> Flannigan:36 -- 365 days. >> Flannigan: Sure. >> Casar: I would be inclined to set up fair backwards looking alienses and then whether or not we -- and how we handle new applicants would be -- of course



would have to be different in that case. Then the last thing I would say is that if we do move forward and March with recommendations idea we'd have to move forward pretty swiftly because the full council sometimes does ask for a postponement or two, as you've noticed, I know sometimes to your chagrin in particular it's true, and I would hate to be running hard against that April 1 deadline. Those are my two reactions. >> Flannigan: Sure. You'll see the two message board moments in this outline are intended to take the progress that we've made, put it up on the message board, have the clerk talk to the rest of the council and make sure that any concerns or issues they had so we can eliminate as much of that as possible, but, unfortunately, we do have a very fast time line. If you all feel like we can move faster, I am on board with that. I'm not sure we could move faster and I'd want to talk to staff about the work they think they have to do surrounding this decision. Councilmember pool. >> Pool: I was wondering if we could talk a little about timing and everything and whether it would be useful to have the input from the presiding judge on the work that the judges have done and then look at the matrix and it may be that -- that

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that shows us who we might like to retain and who we might not like to retain and that means we wouldn't have to -- take considerable amount of time, and I don't know what my calendar looks like and the three of yours and everybody else to get this done. I guess before the end of January, even. >> Flannigan: Yeah. >> Pool: I would like to try to limit the number of people we would be interviewing and evaluating if that's at all possible. >> Flannigan: I agree with that. When we contemplated the idea of interviewing and doing an open application, it seemed a little overwhelming. And really to your point, why I've got the two options here is I could make an argument both for doing the presiding and downtown judge separate, up front, because they could help inform the rest of the process, and then separately I want to -- I want it to be an open process done all at once from a community values perspective and so I don't know that I can do those effectively quickly. And that was where I was just back and forth. So that's why I put out both as an idea. >> Pool: So where in here would -- I think under executive session roles, if it's personnel issue, are we able to have those conversations with the presiding judge on the evaluations of the sitting existing judges first? And kind of get a handle on what that looks like? >> Flannigan: Yeah. So we've got -- we're even posted today to do executive, but I don't think we'll do it. But we can do executive session when we're talking about the evaluation of individual judges. >> Pool: Right. >> Flannigan: But not on the process or the group. And that's the line that we have to walk. >> Pool: Right. And then we could also take the evaluation of the presiding judge and the dat judge. >> Flannigan: Yes. >> Pool: Kind of simultaneously or shortly thereafter? >> Flannigan: Yeah. We can -- any personnel evaluations can be done in executive session, either the presidings or the

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associates. Councilmember Garza. >> Garza: I have a question, if one were to summarize the two options, is the first one more of a go off of the evaluations available to us now? More of a status quo kind of option? Versus option two is a more in the weeds, creating our own evaluation of all of the judges? Is that a fair -- >> Flannigan: No. I would say the only difference between option one and two is how we treat the presiding judge. And we might consider the downtown judge as a presiding judge if we wanted to. So the only difference is if we feel that we would benefit from the presiding judge being a partner in the conclusion of the process, that we might want to lock that down. You can see December council meeting bring appointment of presiding judge to council, we might want to lock that down early. That way that person knows they're the presiding judge and will be a partner in the process moving forward. That's the difference between option one and two, everything else is the same in terms of us constructing a holistic process for the evaluation or appointment of judges, both now and hopefully into the future. >> Garza: Okay. I guess I just -- initially I liked option two better, but I don't want that to send the message that I don't want the presiding judge to be a partner, but I'm trying to find. . . >> Flannigan: That's why I put out both because I was also equally torn. It ultimately just comes down to if we think as a committee and to the extent that we're representing the council, if we think we can make a decision on the presiding judge without going through all of the other steps outlined or if we want to go through all of those steps outlined before and concurrently with the rest of the judge decisions -- recommendations, we should say. That's the crux of the question, and like I said, I can argue either way.

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>> Casar: I'm sorry. Help me understand this. If -- even if we have not brought forward the appointment of the presiding judge to the council, what is it that prevents us from having the presiding judge give us her opinions that she stated, although we haven't appointed her? Or the presiding judge, maybe you can help me best understand -- or chair can -- I'm not inclined to one or the other. I personally, you know, trust the presiding judge will give us her honest opinion regardless, and so I just want to understand what choices we're making. >> Flannigan: So I'm not thinking about this, about the people who currently hold those positions, but broadly as a process that we may be setting up for future 10-1 councils to reproduce whether or not it makes sense for the existing presiding judge to be commenting on evaluations for a court she may not be leading. >> Casar: Okay. >> Flannigan: Or doesn't know whether or not she'll be leading. >> Pool: Right. >> Flannigan: Again, that's why I put out the two proposals because I am also torn because I can see the pros and cons both ways. Ms. Garza. >> Garza: Thank you for putting this together but I feel like I'm leaning towards two but I see components of one that I'd like -- that I think can be part of two. >> Flannigan: Lay it out. >> Garza: So I think we can -- I think that we can use whatever is available to us, the more information the better, but that doesn't -- but I still like that we're making all appointments towards the end. >> Flannigan: So you'd be comfortable with working with the existing judge, existing presiding judge to go through this process,

and then including her own evaluation, and then making all the decisions at the same time at the end?  
>> Garza: Yes. >> Flannigan: How does everybody else -- I'm fine with that, too. Actually, this is the crux of the -- where I wanted to

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find census for everybody. >> Garza: I guess I see it less as working with the existing presiding judge and using the information that available. And it sounds like that's the information that she's providing, but, yeah, I think -- >> Flannigan: But withhold -- >> Garza: The more information the better, but it doesn't mean that, you know -- yeah the more information the better. I'd like to see whatever evaluations are available, I'm confused on what's required by the charter and what is currently available to us. And then I want us it also have the ability to create some metrics of our own. >> Flannigan: Yeah. >> Garza: To look at everybody. >> Flannigan: So I think that's fine. So we can -- that's ultimately option two, ultimately option two is what we're describing, because there's nothing in what I've laid out that preprecludes us from getting all of the information from the current judge as we go through the process. And that way we can, be in this intervening week, be prepared to lock down enough information so that staff can put together whatever information and matrixes and proposals get the book of information from the clerk on existing reviews and surveys and all of that data so that by the time we get to January we are making those final decisions that open up applications, et cetera. So it's really option two, I think. I'm sorry. >> Casar: I would say that I'm comfortable with going with two for now, and maybe in the future, when a future council has more time, they may want to stagger those. I think we're pressed on is, I think option two makes sense to me. The only two changes that I would consider would be, one, setting a deadline for ourselves of setting -- of us actually making recommendations to council in February so that council has it posted in March so

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that council knows that they have the month of March to get it done. So that if there's a postponement or somebody is sick that cares about this, that we don't accidentally run over our April 1 deadline. So I want want us in -- I would want us in our February meeting to make our recommendation so council has a month and has no excuse to not get it done. >> Flannigan: I like that. >> Casar: Then my second one would be I really think us trying to interview a whole host of new people, also not knowing how many new positions are open, could just be really challenging. >> Pool: Yes. >> Casar: So I would be okay with having people start send in applications or start getting whatever process we need to get going, but I'm just not sure whether I'd be ready to interviewing people for job positions where the council has not yet confirmed how many job openings there are, what the gaps are. >> Flannigan: And my intent is that

January be the time where we figure out how many openings there are, how many do we need, how many -- is the number full-time, part-time, the right number of full-time and part-time? And I think what I'm hearing is that there is a desire to take the existing judges and evaluate them to get assessments of how many new judges we want to consider. >> Casar: But I think the question is let's say that this committee recommends not reappointing one judge. We would not know until March if council chose to not reappoint that one judge or the council could very well decide, no, we are going to reappoint that one judge. At which point we don't know whether there's an opening there or not. Does that make incidence. >> Flannigan: Councilmember pool. >> Pool: Yeah. I think we need to know as early as possible if there are any openings, and then give our part-time judges the opportunity to interview if it's a full-time slot also, because there's that kind of flow. But the one thing that I wanted just to confirm, if we're looking at option two, going back to the first

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red-lined out using evaluation materials provided, conduct evaluation of presiding judge, sounds like we wanted to do that, and that is part of the information that we need. And that's included in one, but I'd like to see that piece -- that's included in two, and then the evaluations of all -- are you saying it's not in there because it's down here? >> Flannigan: The difference between one and two is the evaluation -- the formal evaluation moment of the presiding judge happens when we do the rest of them as opposed to earlier. >> Pool: That's fine. Except that we do still need to have using all the evaluations,/material provided, which are information from her on the other -- on the judges that she oversees. >> Flannigan: Yeah. I think that's absolutely part of this process. >> Pool: Okay. >> Flannigan: The red-line should be considered the whole clause, not just two separate clauses, just to be technical about it. >> Pool: What I might suggest is we be a little bit -- kind of go with the flow and see how quickly we can do this, and we might -- I like having a deadline that councilmember Casar is saying, but it might actually be earlier if we can get good work done in December and January. >> Flannigan: So how about we -- on this Thursday, in theory, the full council is approving the council meeting schedule for 2018. Once that's approved then we can lay that out and plug specifically which council meetings we want to do the things we want to do, take into account some risk of postponement, but then at least we'll know the actual number of meetings and what the likelihood of that is, given this hard deadline. And then next week when we meet again as a judicial committee we'll have that data to maybe narrow this down to some specific dates. Does that sound good? >> Pool: And then this also gives some predictability and certainty for our judges who are out there looking at us and wondering what kind of a time line are we on? And I want to make sure that they are not -- that they're able to follow what we're trying to do as well. >> Flannigan: Yeah.

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Any other comments? Councilmember Garza. >> Garza: I just did want to make that point clear for -- I'm sure there's judges watching right now. >> Flannigan: They're out there. >> Garza: So we are -- one outcome of today is they will be -- they will get the -- through April appointment, right? >> Flannigan: Yeah. >> Garza: Okay. >> Flannigan: I think that's pretty clear. >> Pool: April 1. Not through app. >> Flannigan: So by the end of March we'll have the full council will have made its decision and we want to make sure we've prefilled our process to get there. >> Casar: Can I get clarity from what folks think about the difference between what is laid out here and what I suggested, which is whether or not we would be interviewing new applicants during this time period coming up? >> Pool: That's fluid. >> Flannigan: So I think it's a good discussion for next week, once we've got a meeting calendar. And the difference is, I think, ultimately those -- the last three bullet points before April, February, conduct evaluations of the current, and it says March, conduct interviews of applicants. So we could have a more specific debate on do we want to have the opportunity to make a recommendation to council at that point, should we then -- I think there's an open question about if we get through this conduct evaluations process and, as a committee, we think there's a couple of vacancies now, because we're going to make a recommendation in a certain way, we should figure out does that require a check-in with the full council? Should -- and how do we do that? How do we do that in a way that's appropriate to the public process? And then if there are vacancies, how do we handle an application process that doesn't create 40 interviews? So thankfully those decisions we can make I think -- you know, there's definitely a go with the flow here okay, but next week we'll have more dates, I think we can narrow our

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focus down. Councilmember pool. >> Pool: I wanted to ask our staff, this spreadsheets that put together that shows the varies ways the hiring and selection process was conducted the last four years, '15, '13, '12 and '09. Was there a point you knew you had openings? I don't want to have a call for applications if there aren't any openings. At what point did you have an idea or know that you had vacancies? Are you able to -- okay. Maybe it's our human resources staff. Thank you. >> I believe in answer to your question is going to require additional research, but I can tell you just looking at the -- and I'm son Sonya from human resources. But I can tell you that in the first process, in 2009, it looks like they did a survey and then they went -- they had letters of interest, and -- let's see. The first bullet under nuances, hrd requested letters of interest from each judge regarding their desire to be reappointed, and then there was a -- not on this one. Let me just see. Okay. Second bullet there, hr administrated a performance survey tool approved by the council judicial committee to evaluate the judge -- current judges and the entities that are identified below. And after that, the council judicial committee met to determine which judges would be recommended for appointment. So I believe after the survey tool was administered there was probably a point at which you could identify whether or not you were going to reappoint because afterwards it looks like they recommended to full council the reappointment and only one judge at that point was not reappointed. >> Pool: So that gave the sitting judges the opportunity to indicate an interest in continuing or

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not continuing? >> Yes. >> Pool: So that was kind of a starting point. If that works, which sounds like that's a professional approach, that would be something I'd like to suggest that we also -- that would be a good option to use to survey interest in continuing. >> Flannigan: I think that will be a critical part of the process. Once we get into this January meeting where we're figuring out how we're going to measure judges, there may be judges that say, I don't want to be measured in that way and decide not to continue their service. Or they may be up for retirement or this may be the moment they say, 10-1, I'm out of here. [ Laughter ] Anybody else? Casar. >> Casar: So you're saying at the January meeting is when we would finalize the matrix that we are using? >> Flannigan: Yeah. >> Casar: Okay. That would be helpful. I just think it would be helpful for -- >> Pool: As soon as possible. >> Casar: It would be helpful for me to -- if we're having the conversation, I know we're trying to go with the flow a little bit, but I would just want to know more or less when it is that we're going to start deciding. >> Flannigan: Next week we will stop flowing and we will be specific. [ Laughter ] >> Casar: That's what -- >> Flannigan: Once we get our meeting calendar approved for full council I think it will be appropriate to fill in dates for this list because then we'll know how things will fit. We opted not to expect a December judicial committee meeting in part because of December but also in part we wanted to give staff an opportunity to take what we do next week and not have to do it through a holiday, you know, and go too quickly. But then January we lock it down. That's why you see January message board, share it, so whatever the result of that is we take that on to the message board and make sure there aren't any councilmembers that are having a specific issue. >> Casar: Because I think it would be helpful for us to -- for community members, stakeholders, to know when we're going to be finalizing that matrix so that if they have any bright ideas they can send them to us and so that they can see a draft of

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what we're considering so that if some of our own ideas aren't so bright people can also tell us whether or not something that we're using to evaluate folks is appropriate or inappropriate for X or Y reason. >> Flannigan: Excellent idea. I think we should make sure we discuss that next week in how we want to engage community stakeholders, not just port stakeholders that they laid out, but there may be community stakeholders who want to be involved in providing feedback on that process. And then taking that feedback in before January, finalizing our committee's process in January, taking that to the message board, another round of input and by the time we get to February we're good to go. Does that make sense for everybody? Of course we're going to have this conversation again next week. >> Casar: I have one very last question for staff. Could I ask briefly how -- how complicated is it for us to -- I see that you have some information that you've compiled, that you'll ob compiling for us on each judge, but can

you help me understand, since we set bail and bond amounts at the central booking facility, how much information we have about how equally those are being set for various things? Is that something that we -- >> That goes into -- >> Flannigan: Come up to the microphone, judge, please. >> Casar: If it gets Greg I need to talk to you on the let me issues, you can just say I'll tell but it later. >> The answer to that is it's complicated because each case, you know, the different factors that go into determining bond can vary greatly, so a dwi for one person may have a bond amount reflective of their criminal history, flight risk, past things that have occurred, and that might be higher or have more conditions than someone that has a different criminal history. So that would be very, very difficult to analyze. The other issue is judicial

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Independence, which, you know, the doctrine of judicial Independence. Judges are supposed to be able to make decisions separate and apart from influence by executive government or special interest groups or any other partisan groups. So it would be getting off into the weeds of possibly -- if judges know they're going to be evaluated on that, they might not take into consideration, did all the things that they should be doing when coming up with bond amounts and bond conditions. >> Casar: So help me understand this. Maybe you can just help -- and the reason I ask you here is because this is always helpful for everybody to sort of know what the rules are. And so when we are considering people for a new appointment or reappointment, what are the things that we generally can consider and cannot consider? Because I think it would be helpful for people to understand where the line is between us selecting appointments that the council wants to select but then what things we can't or shouldn't consider because it would interfere with doctrines like judicial Independence? >> The biggest can't or shouldn't consider is how judges rule on cases. And that -- you know, do they find people guilty? Do they find people not guilty? What are their specific reasons for ruling on cases and also setting bonds and likely approving pr bonds. Those are just -- they're very broad and complicated areas. I have a lot of research, if y'all would like it, on how other jurisdictions, the factors that they look at. I've been -- this is -- since it has never been done the same way that we could tell, I've been looking at this for some months, the aba has a paper that lists the factors that they suggest you look at. Not all of them are applicable because some apply to civil judges and some apply to higher level judges.

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New Mexico appoints almost all of their judges, and they have a panel on judicial evaluations, and it had some information, again, on factors to consider. The survey, the end of term survey, was pretty much taken from those factors. I have some information from another Texas city, although I must say other

cities have contacted me because to ask how Austin does this because there's no -- there's nothing, you know, across the board. And I have a couple other -- you know, things from jurisdictions where they have, although no Texas cities. I have a Kansas City where they have specifically outlined what they look at. So if that would be helpful, I can get that to all of you. >> Casar: I think all of that would be helpful but I really want to hone in on this question even if it is uncomfortable around -- so I understand that we shouldn't be telling folks we only have -- you know, we only are appointing people who are ruling not guilty and guilty close to 50% of the time each. I mean, that's just not -- that would obviously be skewing the way that people rule based on their job, right? Because they'd be, oh, I did three guilty this week so next week I better try to find three not guilty. I think that part is obvious. How is it we can take into account people's -- I guess maybe I can think about this and you can help me better understand at next meeting how it is that we can understand -- still take into account how people are acting in the courtroom outside of something so subjective. Right? Because I don't want to rule on somebody's crankiness versus not crankiness but also don't want to rule on somebody's guilty versus not guilty ruling, right? It's obviously somewhere in between. >> One of the elements-both the midterm and end of term survey, which are anonymous, so people get to write down,

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you know, with a veil what they want to say, there are comments on who is diligent, who is respectful and who is not. And the kind of odd thing, you know, in those two years there's been a lot of turnover in court, they're pretty consistent. And people have been able to rate them on their temperament and on their fairness and how they treat people. And these are -- these stakeholders include people that see them in the courtroom day in and day out. And I think that that would probably give you the best picture of judicial temperament, which is I think what you're getting at, is how they treat -- how judges treat people. >> Casar: But isn't there somewhere in between? What if somebody did no pr bonds ever and somebody was only giving pr bonds? Our judges were doing some pr bonds and there was a judge doing -- let's say -- I doubt this is the case but somebody was doing none? >> Some of those things have come out in surveys. There's also complaints. We receive complaints. As presiding judge I do not have the authority to hire, fire, or discipline the judges, but as complaints about things like that come in, I do let them know as an FYI. If there's a concern that somebody is not following the law, I can give them that information. Now, if they choose to correct their course or not, that's up to them. But we have saved four years worth of feedback from the community in the form of complaints. And I think there are some groups, some advocates who are interested in giving you information, which that, again, is community feedback and could be very valuable in making assessment. >> Flannigan: Councilmember

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Garza. >> Garza: Maybe we're going to get into the weeds -- is this on? Hello? Hello? Therefore, we go. Maybe we're going to get into the weeds of the evaluations, but I'm confused on -- it sounds like you were asking for what criteria do we use and what we can and can't use. And then the term "Surveys survey" has been used before and I'm trying to understand the difference between survey and evaluation. As what's required to -- I guess of the presiding judge and that it was the evaluation -- evaluate the performance of each judge on criteria other than a decision made in a judicial proceeding so that gets to what you were asking for and for -- forward the evaluation to the council. So you've done evaluations of the judges twice per year. Is that right? >> The first -- the midterm I just did as a survey. Never done a midterm survey before. And I thought that that would be the best way for the judges to kind of get community feedback, and if there's issues they could discuss it with me. That was something that we've never had before. I did not do formal evaluations because there wasn't really -- again, there wasn't criteria set out. This time around, we've had the surveys. The judges have done a self-evaluation, and I have evaluations that followed up. It's the same criteria that they're self-evaluating on that I've done that based upon what I have been told, what I have learned from surveys, what I have received from complaints, and the -- kind of the broader information. And the issue with that is that judges cannot publicly publicly -- endorse or criticize anyone, especially another member of the bar. So I can't discuss that openly. I can do it in executive session if that's something you're interested in. And that's up to you. If you're interested in my

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opinion, great. If you're not, that's up to you. >> Garza: I'm just most interested in what's required from the charter. And so I guess I hope -- and if that information that is given to us in executive session includes a performance evaluation that includes criteria twice a year for each judge. >> Flannigan: So I think my hope is that by the time we get to January that we'll be able to set out that criteria for the presiding judge to use in their two-year evaluations as well. And then reappointment and then two years so that we're setting out at least the first draft for the future of how this process should go. And then when people call you from other cities you can have something to give them, say this is how you do it the right way. Hopefully that's where we end up. Yeah. I think, councilmember Casar, I have similar questions to yours, and I think there are some ways to get there that -- that are good ways to get there. I'm working on it. >> Casar: Okay. >> Flannigan: And I'll let you know. I have some ideas. Something I do. Any other further discussion on this? All right. So the last -- >> I do have one question. >> Flannigan: Come on up. >> The answer may be that you'll tell me next week, but I just want to make sure I'm on the same page. When would you like the packets with the surveys and all the other documents regarding the judges delivered to you guys? >> Flannigan: I think as soon as you have them, yeah, if you can deliver them to our offices as soon as you have them ready to go. Councilmember Casar. >> Casar: I might have a bunch of my questions answered as soon as I get them. >> Flannigan: Yeah. It would be good for us to have them to review before -- >> Before Monday. >> Flannigan: Before next Monday, before our next Monday, if you can pull that together. So take as an asap.

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>> Casar: So next meeting we are going to try to answer the scheduling questions. >> Flannigan: Yes. >>

Casar: We've laid out. >> Flannigan: With specificity. >> Casar: I will try to finish reflecting on the presiding judge earlier or later question, but I really appreciate you laying this out this way. >>

Flannigan: Great. So the last item on the agenda is just discussion of future items. We did that a little bit earlier. I don't know that we need to go into much more detail on this. The only other thing that I would add is I think there's also a role for us to just put in the back of our minds as we have already formed a charter review commission to see if there's something around that definition that this committee should consider making a recommendation to council that then effectively becomes a recommendation of the task force. So it's not something to discuss or to distract from our evaluations process, but I think that's something for us to consider. You know, I think we could all come up with a couple of ideas that might be a good idea. Any further discussion? Do I have a motion to adjourn? All right. Well, I'm taking one. [ Laughter ] All right. With no further discussion, we are adjourned. Thank you.